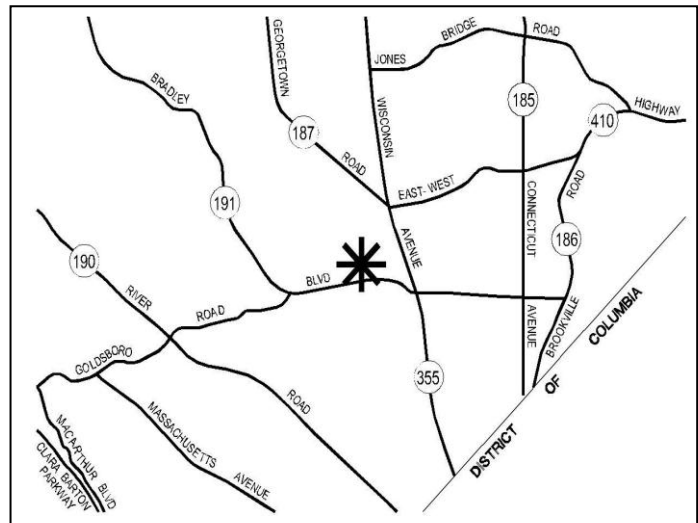


Preliminary Plan 120120220 & Site Plan 820120140, 7001 Arlington Road

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Description

Applicant: AERC 7001 Arlington Road, LLC
Prop. Address: 7001 Arlington Road, Bethesda
Zone: PD-44
Master Plan: Bethesda CBD Sector Plan
Filing Date: April 26, 2012



Summary

The applicant, AERC 7001 Arlington Road, LLC, seeks approval of a preliminary plan and site plan located at 7001 Arlington Road in Bethesda. The proposal requires the consolidation of three parcels into one lot. The proposal includes 140 multi-family dwelling units, including 15% MPDUs as well as 7,000 square feet of retail space along the Arlington Road property frontage.

A United States Postal Service facility was located on the property in the past, but due to the continuing consolidation policies of the Postal Service, a facility in this location was no longer feasible. The property was approved for rezoning to the PD-44 zone by the County Council in November 2008 and the applicant filed DPA 11-4 in August of 2011, which was ultimately approved by the Council in January 2012. These applications comply with the binding elements included in DPA 11-4 and meet all required preliminary and site plan findings.

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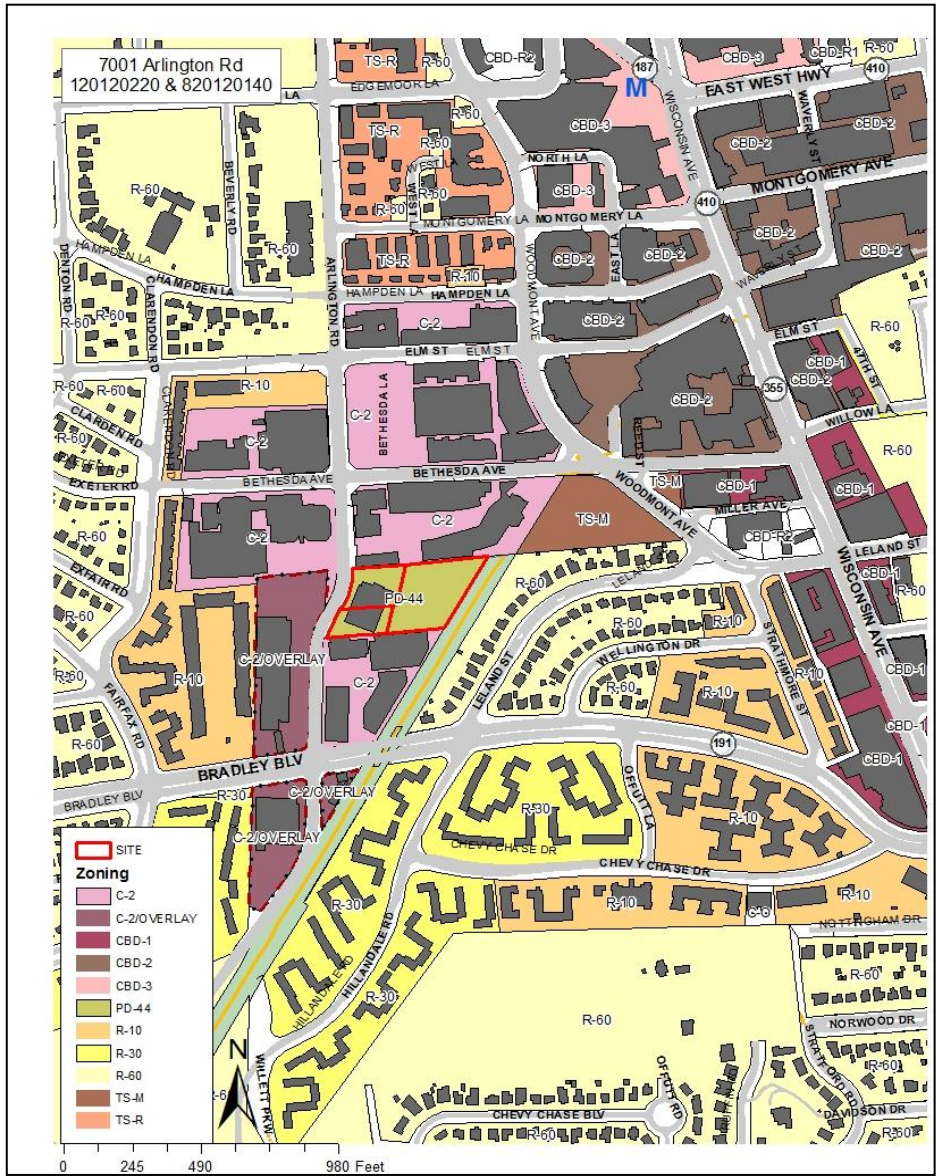
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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject property is located at 7001 Arlington Road in Bethesda, in the block between Bethesda Avenue and Bradley Boulevard. The property currently consists of three recorded parcels and is home to a United States Postal Service facility. Local Map Amendment G-861 rezoned the Property from C-4 to PD-44 (Planned Development) in 2008.



Zoning Map

The predominant land use in the surrounding area is commercial, containing a mix of uses. The subject property abuts commercial properties in the C-2 Zone such as a tire store and an auto dealership to the north, and an office and retail complex with multiple buildings and parking garage to the south. Further north are additional retail and mixed use developments along Bethesda Avenue and Elm Street. To the west of the site, across Arlington Road, is the Bradley Shopping Center, which is zoned C-2 and contains a variety of retail establishments including a hardware store, a variety store, a drug store and a delicatessen. To the east, the subject property abuts the Capital Crescent Trail, a 90-foot wide public right-of-way containing a paved walking and biking trail. In the vicinity of the subject site, the Trail consists of a 10-foot wide asphalt path and a three-foot wide stone-edge path, as well as a landscaped seating area with benches and a water fountain that serves as a trailhead for the Bethesda Central Business District (CBD). On the east side of the Trail is a community of one-family detached homes known as the Sacks neighborhood, which is classified under the R-60 Zone. The boundary of the Bethesda CBD is approximately 600 feet east of the site, and the Bethesda Metro Station is approximately 1,800 feet northeast of the site.

Site Analysis

The subject property consists of three recorded parcels totaling approximately 2.7 acres. The site is irregular in shape, with about 277 feet of street frontage on Arlington Road, and extends 487 feet along its northern property line and 423 feet along its southern property line to the eastern property boundary that borders Capital Crescent Trail right-of-way. The majority of the site is impervious, and is currently developed with a United States Postal Service (USPS) facility, which includes a large surface parking lot and one entrance driveway along Arlington Road near the northern property line. The elevation rises about ten feet from the southwest corner of the site to the northeast corner. Vegetation is limited to a small lawn area with ornamental trees on the west side of the building, and several areas on the north and east sides of the parking lot with scrub vegetation. The site has no forest, streams, wetlands or specimen and significant trees.



Aerial Photo with site boundary outlined in red

PROJECT DESCRIPTION

Previous Approvals

The initial application, G-861, was filed in November 2006. After multiple hearings and substantial public testimony, including a remand procedure, the Council ultimately approved the PD-44 Zone on the property in November 2008 for 105 dwelling units and 30,000 square feet of commercial space. The 30,000 square feet of commercial space on the site was comprised entirely of USPS uses, however, due to the continuing consolidation policies of USPS, having a post office facility integrated into the mixed use development on the subject property was no longer feasible. For this reason and due to economic and housing market changes, the applicant filed DPA 11-4 in August of 2011. The DPA reduced the amount of commercial space on the site from 30,000 square feet to 7,000 square feet to accommodate ground floor retail and increased the number of dwelling units from 105 to 145. The DPA also increased MPDUs from 12.5 percent to 15 percent, reduced parking from 287 to 215 spaces, and removed an entire level of below-grade parking. On January 24, 2012, the County Council approved Development Plan Amendment 11-4 (Resolution No. 17-330) [Appendix A] with the following binding elements:

1. The building will have a maximum height of 59.9', as measured from the building height measuring point in the centerline of Arlington Road, whose elevation is 306.64', as shown on the development plan.
2. The development will have a maximum density of 1.66 FAR.
3. The maximum number of multi-family dwelling units to be contained in the building shall not exceed 145.
4. The building shall include 15.2% moderately priced dwelling units (if 145 units are approved for construction).
5. The development will provide a minimum of 50% green area on the site.
6. As part of the site plan process for the 7001 Arlington Road project, the signalization proposed in the development plan must be approved by DPWT, including lane geometry and the provision of necessary rights of way or easement assurances on the west side of Arlington Road. Prior to application for the building permit for construction of the building the final design for the signal must be approved, prior to issuance of the building permit the signal must be permitted and bonded, and prior to the issuance of occupancy permits the signal must be operational.
7. The residential building walls, exclusive of roof overhangs, cornices, balconies, patios, terraces, underground parking garages, garage stair access ways, and similar appurtenances, will have a minimum 60 foot setback from the eastern property line.
8. Access from the subject site to the Capital Crescent Trail will be provided for residents of the project via walkways from the building to the Capital Crescent Trail access point.
9. Any fencing along the eastern property line will not be solid in order to allow views from the Capital Crescent Trail to the subject site.

Proposal

The applicant proposes to combine the three recorded parcels that make up the site into one lot. On that lot, in conformance with the binding elements, the applicant now proposes a five-story, mixed use development consisting of multifamily residential and street-lining retail in a single building along Arlington Road. For the residential component, the applicant proposes to construct 140 multifamily dwelling units, including 21 MPDUs. Since the applicant is not constructing 145 dwelling units, 15.2% of the units do not have to be MPDUs as stated in the binding elements, however, 15% must be provided. As such, the proposed 21 MPDUs will comprise 15% of the total 140 units. The maximum building height along Arlington Road will be 59.9 feet. For the retail component, the front facade of the building along Arlington Road will contain 7,000 square feet of retail space with direct pedestrian access from the street. The remainder of the ground level consists of a parking structure containing 211 spaces located behind the retail floor area. The parking garage extends all the way to the eastern property line. Due to the grade of the site, the retail along Arlington is at-grade, while the parking structure transitions to below-grade behind the retail storefronts. The applicant proposes to exceed the parking requirement of 190 spaces by providing 211 spaces. With the parking below grade at the rear of the building, four floors are visible from the Capital Crescent Trail. The four visible floors of the building will be set back 67.3 feet from the trail, which allows for a terrace landscaped level for residents of the building.

Vehicular access to the parking garage is located along the southern property line via a proposed new driveway. Doors to a residential lobby are located off this driveway, and the applicant has designed

the driveway for a wider section in front of the residential lobby with different paving materials to allow for a drop-off/pick-up area for residents. The two required loading spaces are provided along the northern side of the property via a driveway utilizing the existing curb cut on the property. This driveway will be for loading activities only.

The plan shows a streetscape area ranging from 23 feet to 28 feet in front of the building along Arlington Road. The first pedestrian access point to the residential units is from the sidewalk along Arlington Road to the residential lobby along the southern façade of the building. The second pedestrian access point to the dwelling units is from the Capital Crescent Trail via a walkway leading to rear building entrances. This connection to the trail on-site is private and intended for use by the residents of the building. In addition to the trail connection, there is a five-foot wide walkway network located at the rear of the building on the terrace level. These walkways extend from rear of the building to the north and south sides of the building so residents can get to Arlington Road from the rear terrace level. The proposed vehicular access points and sidewalk and walkway system for pedestrians will provide adequate traffic and pedestrian circulation on-site.

Off-site, within the Arlington Road right-of-way, a traffic signal is warranted at the intersection of the proposed new driveway and Arlington Road. The applicant submitted a preliminary signal plan to Montgomery County Department of Transportation (“MCDOT”), which has been conceptually approved.

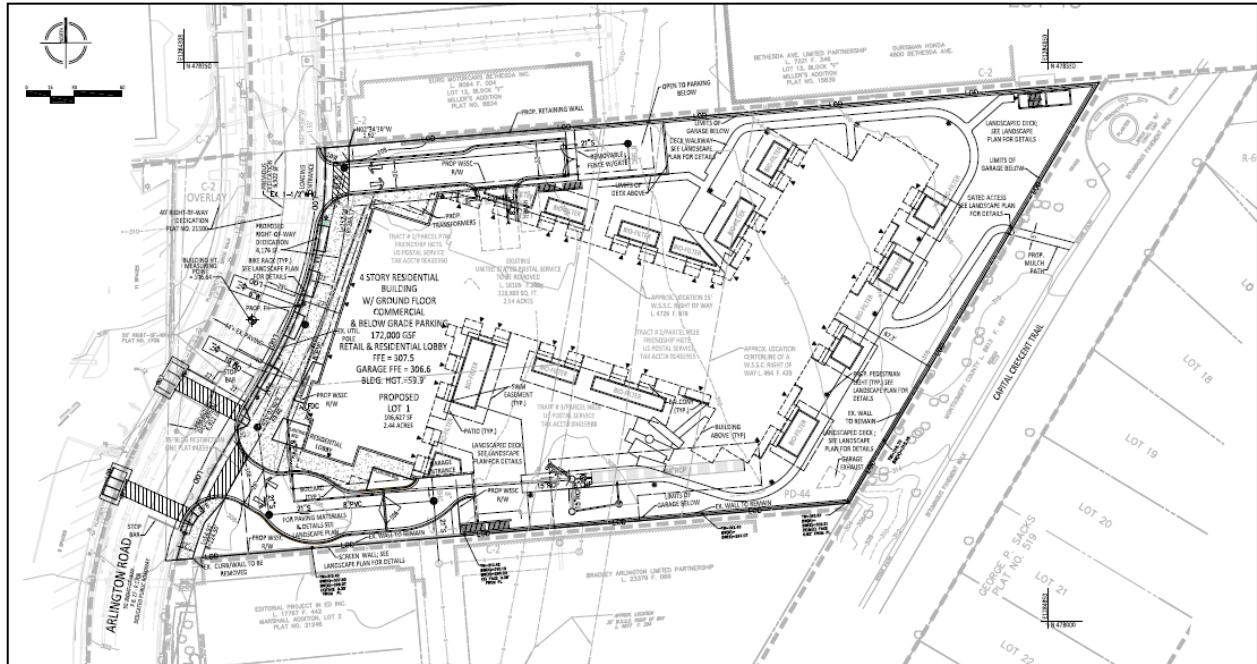
The plan provides 50% green space, when calculated over the gross tract area of 117,725 square feet. There is 56% green space when calculated over the net tract area of 106,627 square feet. The green space includes all sidewalk, open space, and landscaped areas on the lot. The development meets all the recreation requirements on-site. The recreation facilities provided include four picnic/sitting areas, an open play area, horseshoes, a pedestrian system, indoor community space, and an indoor fitness facility.

The layout shown on the preliminary and site plan drawings substantially follows the layout which was shown on the Development Plan approved with DPA 11-4. The proposal conforms to all the binding elements of DPA 11-4 as further evaluated in the site plan findings.

COMMUNITY OUTREACH

The applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on either application as of the date of this report.

SECTION 2: PRELIMINARY PLAN REVIEW



Preliminary Plan

FINDINGS

Master Plan Conformance

1. *The preliminary plan (and site plan) are in substantial compliance with the recommendations in the applicable master or sector plan.*

The preliminary and site plans remain relatively unchanged from the development plan and, therefore, continue to meet the intent of the Bethesda CBD Sector Plan for the following reasons:

- The proposal provides street-oriented commercial uses that help maintain the Arlington Road District as a community retail and service business area.
- The proposal provides a transition from the one-family neighborhood on the east to the commercial area of Arlington Road because it provides residential units that are four stories in height and setback an adequate distance to provide a green buffer in combination with the Capital Crescent Trail between Arlington Road and the single family neighborhood to the east.
- The proposal adds housing to the CBD with a building design that fits into the existing community and adds MPDUs along with market rate units.

The Development Plan Amendment increased the number of proposed dwelling units above the specific number cited in the Sector Plan. This increase was permitted because it did not affect the size, the height, or the form of the previously approved building in the original development plan and therefore the proposal was found to continue to be appropriate for the neighborhood. The proposal is receiving a density bonus for providing additional MPDUs, which is encouraged in the Sector Plan.

The Sector Plan recommends general objectives and principles in Section 3.2 which include the following:

Reinforce Bethesda's sense of community by encouraging attractive environments that refer to Bethesda's cultural heritage and emphasize the more recent design themes of Bethesda as a "garden" and a "cultural district." Encourage use of local building materials, such as the "Bethesda stone".

The plan includes 50% green area and an enhanced buffer on terraces created by the roof of the garage, between the building and the Capital Crescent Trail. Local building materials such as brick and capstone will be incorporated into the project.

Allow a diversity of architectural styles that achieve good building proportions, reduce the sense of bulk, and maintain human scale. Clearly identify the building entrance in the façade design and locate it at street level.

On the eastern portion of the site, the building will be set back from the Capital Crescent Trail to maintain an adequate buffer between the site and less dense development on the east. On the western portion of the site, the proposal includes clearly identified building entrances at street level for future retail storefronts as well as a visible entrance from the street to the residential lobby at the corner of the building. The layout of the building allows for a break in the general massing on a linear site and offers integral green spaces between the building wings. The proposed architectural concept includes various materials such as brick, hardi plank, and glass to break up the building facades and blend well with architectural styles in the surrounding area.

Emphasize the pedestrian environment along streets. Design buildings to provide visual interest and human scale at the street level, adjacent to sidewalks. Architectural facades should incorporate interesting details, store front display windows, and front entrances to enliven and activate the sidewalks.

The pedestrian environment along Arlington Road will be improved if the proposal is approved and constructed. The proposed street wall will include retail facing the street with the primary entrances to the retail directly from the sidewalk. A variety of architectural details are incorporated in the design of the building, such as a large proportion of glass fenestration along Arlington Road, aluminum windows with metal paneling, cement composite panels, balconies, pre-finished aluminum, capstone, and brick.

The streetscape varies from 23 to 28 feet from curb to building with street trees, lighting, pavers and street furniture, all in conformance with the Bethesda Streetscape Guidelines.

In addition to the general objectives and principles in Section 3.2, the following guidelines apply for

Arlington Road and Bethesda Avenue:

Expand pedestrian connections between parcels to promote walking and reduce the number of vehicular shopping trips.

The sidewalk currently connects the subject site to adjacent sites. The new sidewalk to be constructed in accordance with the Bethesda streetscape standards will continue to provide a north-south connection. The applicant also proposes to construct a new pedestrian crosswalk that will connect the subject site as well as other mid-block buildings to the Bradley Shopping Center across the street. This crosswalk will be constructed in conjunction with the new traffic signal being provided by the applicant. Future residents' direct access to the Capital Crescent Trail will also link the development to the Woodmont Triangle area as well as neighboring communities to the south.

Limit heights, if the post office site is redeveloped for housing, to four stories, stepping down to three stories along the east side of the site to ensure compatibility with the Sacks single-family neighborhood. Provide vehicular access to Arlington Road from the south-west corner of the site and provide pedestrian and bicycle access to the Capital Crescent Trail on the east.

The proposal satisfies the intent of this guideline. The development plan that was approved found that the four story height set back 60 feet from the capital crescent trail on the east was enough for a successful final design that would address compatibility with the Sacks neighborhood. Vehicular access to Arlington Road will be accommodated in the southwest corner of the site. Pedestrian and bicycle access to the trail is provided for residents of the site via a walkway from the rear of the building.

The Plan recommends developing Arlington Road between Montgomery Lane and Bradley Boulevard as a Main Street. This segment forms the central spine of the shopping district, linking it with the TS-R District to the north and the residential areas to the south.

This proposal contributes to the creation of a Main Street by providing street oriented retail at a neighborhood scale along with an improved streetscape. This retail will create an active edge that must be present for a main street atmosphere to thrive.

2. Adequate public facilities are available to serve the site.

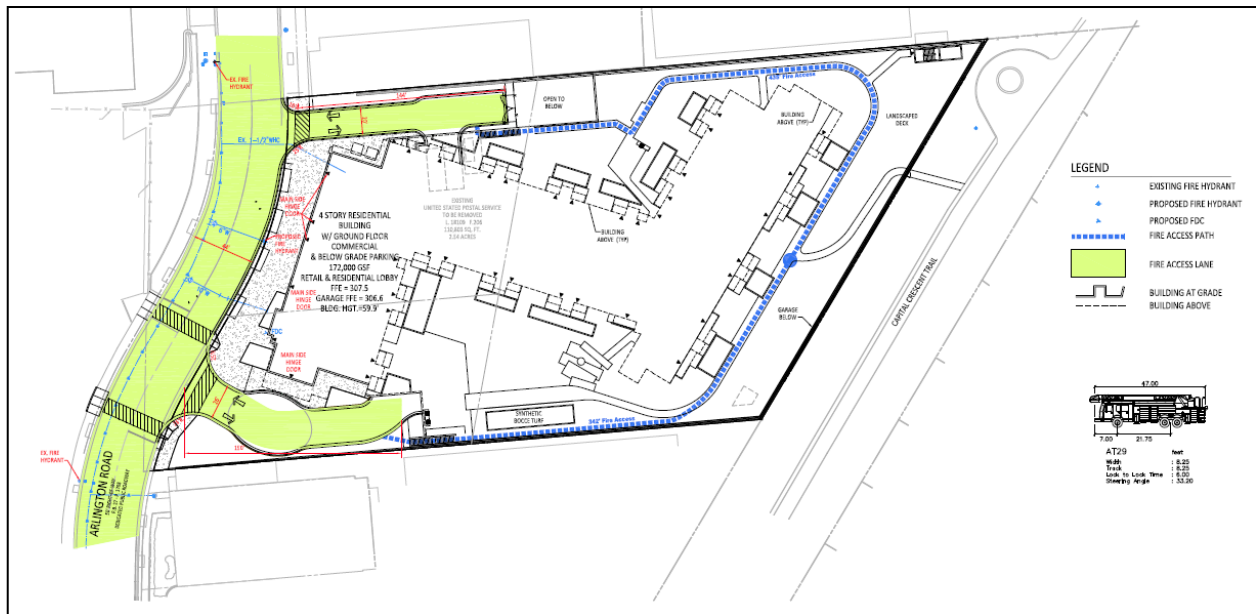
Roads and Transportation Facilities - The roadway network has been evaluated by Staff, staff of the Montgomery County Department of Transportation (MCDOT) and the Montgomery County Department of Fire and Rescue Services (MCFRS). All agencies support the access and road improvement shown on the preliminary plan and site plan, because the roads will meet the applicable standards when the traffic signalization is installed.

Consistent with recommendations in the Bethesda CBD Sector Plan, the applicant is proposing to install a mid-block pedestrian/traffic signal on Arlington Road at the northern Bradley Boulevard Shopping Center driveway/proposed southern site access driveway, which will accommodate safe pedestrian crossing across Arlington Road as well as safe in/out access from the development and the shopping

center. The traffic signal at this location will thus promote access, traffic circulation, and pedestrian safety goals recommended in the Sector Plan.

As noted above, the residential and commercial/retail traffic associated with the development is proposed to utilize the signalized southern driveway for ingress and egress. The concept plan for the proposed traffic signal for the southern site access driveway, a binding element associated with the zoning approval for the development, is currently under review by the Montgomery County Department of Transportation (DOT) staff. (Note: The binding element requires this traffic signal to be approved by DOT prior to any application for a building permit for the development. It also requires the traffic signal to be operational prior to issuance of a Certificate of Use and Occupancy for the development.) The applicant, in addition, is proposing a limited access site driveway to the northwest corner of the site, which must be used exclusively for loading and unloading activities associated with uses proposed on the site.

Transit services in the area include RideOn bus Route 36 that run between Bethesda Metro Station and areas in Potomac off Bradley Boulevard and River Road. Bus stops related to this route are located approximately 350 feet south of the site.



Fire access exhibit

Trip Generation- The peak-hour trip generation estimate for the proposed development based on trip generation rates included in the LATR/PAMR Guidelines is provided in Table 1.

As shown in Table 1, the proposed development is estimated to generate 49 peak-hour trips during weekday morning peak period and 62 peak-hour trips during the weekday evening peak period. In comparison, the post office on the site was observed in May 2011 to generate 93 peak-hour trips during weekday morning peak period and 81 peak-hour trips during the weekday evening peak period. The proposed development thus will represent a reduction in 44 peak-hour trips during weekday morning peak period and 19 peak-hour trips during the weekday evening peak period compared to existing

development.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 7001 ARLINGTON ROAD DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Retail – 7,000 SF	2	3	5	9	9	18
Multi-family dwelling units – 145 units	9	35	44	29	15	44
Total Trips	11	38	49	38	24	62
<i>Existing Trips – 18,600 SF USPS Post Office</i>	<i>53</i>	<i>40</i>	<i>93</i>	<i>38</i>	<i>43</i>	<i>81</i>
Net reduction in peak-hour trips	-42	-2	-44	0	-19	-19

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. June 28, 2012.

Local Area Transportation Review (LATR) - A traffic study (dated June 28, 2012) was submitted by the consultant for the applicant for the subject application per the LATR/PAMR Guidelines since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the respective policy area congestion standards (1,800 CLV for the Bethesda CBD Policy Area). Based on the above analysis presented in the traffic study, the subject application satisfies the LATR requirements of the APF test.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED 7001 ARLINGTON ROAD DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Arlington Rd/Bethesda Ave	936	956	1,008	989	1,001	987
Arlington Rd/Bradley Blvd	877	1,062	1,107	1,367	1,098	1,361
Arlington Rd/Bradley Blvd Shopping Center Dr/Site Access Dr (South)	421	591	466	591	525	648

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Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. June 28, 2012.

Note: Bethesda CBD Policy Area Congestion Standard: 1,800 CLV

Policy Area Mobility Review (PAMR) - To satisfy the PAMR requirements of the APF test, a development located within the Bethesda CBD Policy Area is required to mitigate 25% of “new” peak-hour trips generated by the development. The proposed development will not result in any net “new” trips, and therefore is not subject to the PAMR requirements of the APF test.

Other Public Facilities - Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer connections that have been reviewed by WSSC. The application has been reviewed by the Montgomery County Fire and Rescue Service and they have determined that the property has appropriate access for fire and rescue vehicles. Electrical and telecommunications services are also available to serve the Property. Washington Suburban Sanitary Commission recommends approval of the plan finding that local lines exist, and they are of adequate size to serve the proposed development. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Growth Policy. The site is located within the school service areas of the Bethesda Chevy Chase Cluster (B-CC) which includes Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. The FY 2013 Subdivision Staging Policy school test finds that the elementary and middle school capacity to be adequate in the B-CC cluster. At the high school level a school facility payment is required for subdivision approval in FY 2013.

3. The preliminary plan meets all applicable requirements for protection of environmentally sensitive areas.

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) - A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420071000 was originally approved for the site on November 13, 2007. However the NRI/FSD ultimately expired in 2009. A new NRI/FSD # 420120280 was approved for the site on October 10, 2011.

The NRI/FSD identifies the property as 2.54 acres in size and shows that the site is not associated with any forest areas. The location is within an urban setting and aside from minor lawn panels and landscape beds the site is mostly covered by surface parking and the vacant post office building. However, the eastern boundary of the site is immediately adjacent to a substantial linear stand of trees within the Capital Crescent Trail Park property. Many of the trees located on the Parkland (between the trail itself and the subject property) are within a 12-18” diameter size-class. A few significant trees up to 28” diameter also occur within this same area adjacent to the subject property. Larger specimen sized trees 30” diameter and greater (meeting the criteria of vegetation potentially subject to a variance) also occur within the Parkland but are located on the opposite side of the trail and are a considerable distance from the proposed development.

The site is located within the Willett Branch subwatershed of the Little Falls Branch watershed; a Use I-P watershed. The property is not associated with special protection areas, erodible soils, steep slopes, wetlands, streams or associated buffers, and is therefore generally not subject to the environmental guidelines (excluding the overlap with the forest conservation review and also storm water

management/water quality concerns of which the Department of Permitting Services (DPS) is the lead agency).

Final Forest Conservation Plan - The property is subject to the Chapter 22A Montgomery County Forest Conservation Law and a Final Forest Conservation Plan has been submitted for approval (stamped received on October 1, 2012). The proposed development which is located within a PD zone, triggers the special provision of forest conservation law section 22A-12(f)(2)(D) requiring that the afforestation requirements be met onsite.

The net tract area for the forest conservation plan (which includes the subject property boundary and the offsite LOD) is 2.61 acres in size and does not include any forest. However, there is an afforestation requirement of 0.39 acres which will be met onsite by canopy credit for landscape plantings. The development plan amendment for this project was reviewed under zoning application no. G-861. The plan reviewed at that time was very similar to the plan proposed today, showing a garage footprint over the entire site. The approval of the previously reviewed plan included meeting the afforestation credits onsite via roof top plantings. To Staffs' collective recollection and (the consultants as well), no other project to date has received credit for rooftop plantings. However, given the previous approval of the proposed layout and the fact that the forest conservation law requires that the afforestation credits are met onsite there was no reasonable alternative. The applicant has provided a number of case studies where rooftop tree plantings have been successfully implemented. Based on further research by Staff, a number of recommended conditions have been included (such as increased soil volume) to help ensure the forest conservation requirements are appropriately satisfied. The applicant has confirmed that additional soil volume recommended by Staff can be accommodated.

Tree Save – The site contains a number of minor trees which are proposed for removal. The street trees fronting the property on Arlington Road (which range from 7 to 17" diameter) are also proposed for removal. The tree removal within the road ROW will be coordinated with the Department of Transportation and/or the Maryland Department of Natural Resources as applicable. The trees within the Capital Crescent Trail Park property will potentially receive severe impacts due to the sediment control measures currently proposed.

The site has a retaining wall that runs along most of its boundary with the adjacent parkland. The wall does provide an effective root barrier which would normally allow the work to occur one side of the wall and not cause any damage to trees on the opposite side. However the current proposal includes trenching for the installation of a sediment control fence behind the wall (immediately adjacent to the bases of numerous Park trees that are growing near the top of the wall). Staff has continuously expressed concerns for the trenching and requested that alternative sediment control practices be explored. The engineering consultant reported that the sediment control could not be installed on the work side of the wall due to conflict with shoring that would also be required and that a trenched device is needed behind the wall to satisfy DPS's concerns. Ultimately, Staff recommended that a modified detail to install sediment control at the top of the wall or the face of the wall be explored (subject to approval by DPS). The engineering consultant believed that such a detail could be approved but has not yet prepared the detail for DPS review and approval.

Parks staff does not support the trenching near the trees but does acknowledge that some removals and tree pruning would be required even if the trenching for sediment control is not performed. Parks has issued a number of conditions on how the tree work would be performed and is requesting a payment amount (to be determined) for each inch of tree diameter that is removed from the parkland to accommodate the proposed development. (The applicant had initially proposed replanting the disturbed Park areas however Parks preference is to utilize their expertise as well as their plant stock for the planting work on the parkland).

Ultimately, if an alternative detail is not approved by DPS and traditional trenching for sediment control is required at the bases of the Park trees, than the tree removals within the parkland and associated replacement costs to the applicant will increase significantly.

4. The preliminary plan meets all applicable requirements of the county Forest Conservation Law.

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. Unless the variance is granted, the law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Since the project boundary affects one tree that is $\geq 30''$ DBH, a variance is required. The applicant submitted a variance request on July 31, 2012 for the impact to, but retention of one tree as a result of the proposed project (see Attachment B for variance request). Therefore one tree that is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law is proposed to be affected. The proposed project impacts less than 1% of the CRZ of the subject tree. No specialized tree preservation measures are needed in association with the impacts proposed to the subject tree, as outlined in the applicant's forest conservation variance request. Staff does not support the proposed use of root pruning within the fringe of the subject trees CRZ, not because of impact to the variance tree but due to the severe impacts which would be caused to other trees in the vicinity which are not subject to the variance.

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. In addition to the required findings outlined numerically below, staff has determined that denial of the variance provision would result in an unwarranted hardship for the following reason:

The site is surrounded by a retaining wall along portions of the property. The wall overlaps a minor portion of the CRZ of one subject tree. The wall itself is proposed to remain however must be included in the LOD to allow for stabilization of the wall, thereby protecting it from the deep excavation that will occur in close proximity to the wall. Not allowing that wall to be within the LOD would therefore be a hardship resulting in potential instability of the wall or a considerable reduction in the scope of the previously approved design concept.

Staff has reviewed this application and based on the existing circumstances and conditions on the property, staff agrees that there is an unwarranted hardship.

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

The minor impact to the subject trees CRZ is necessary to address stability of an existing retaining wall. Instability of the wall would result in further impacts /disturbance of the subject tree and surrounding properties in general. Therefore, the variance request would be granted to any applicant in a similar situation.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

The requested variance is based on proposed development allowed under the existing zoning and the proposed parking. In this case Staff has determined that impacts to the tree will be very minimal, where no mitigation is required.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

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.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

The project will not violate State water quality standards or cause measurable degradation in water quality because the impacted tree is not proposed for removal.

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 applicants' request was forwarded to the County Arborist on August 8, 2012. The County Arborist issued a response to the variance request on August 17, 2012 and recommended the variance be approved with the condition that mitigation is provided. (Attachment B). Additionally, the County Arborist provided general recommendations on calculating mitigation plantings and providing tree preservation measures.

Generally, staff recommends that replacement plantings for variance purposes occur at a ratio of approximately 1" DBH for every 4" DBH removed, using onsite tree plantings that are a minimum of 3" caliper. However, staff generally does not recommend mitigation for trees impacted but retained. Since the subject tree can be appropriately retained, no mitigation planting is recommended.

As a result of the above findings, staff recommends the Board approve the applicant's request for a variance from Forest Conservation Law to impact (but retain) one subject trees associated with the project (no removal of the subject tree is proposed). The variance approval is assumed into the Planning

Board's approval of the Forest Conservation Plan.

Staff is recommending approval of Final Forest Conservation Plan with conditions listed in the recommendations and conditions section below. The variance approval is assumed into the Planning Board's approval of the Preliminary Forest Conservation Plan.

Noise - The June 1983, Staff Guidelines for Consideration of Transportation Noise Impacts in Land Use Planning and Development states that 65 dBA is generally applied in the urban ring, freeway and major highway corridor areas, where ambient levels are such that application of a stricter guideline would be infeasible or inequitable.

MNCPPC transportation staff estimated that the average daily traffic (ADT) along south Arlington Road will be approximately 16,300 vehicles per day. Areas within 300 feet of an arterial road with an ADT of 5,000- 20,000 vehicles may require attenuation. A noise analysis to identify and mitigate potential noise impacts is needed.

Likely any affected units which may be identified can be attenuated from excessive noise by the design and appropriate installation of the building shell and windows. Some of the proposed outdoor space areas are potentially within noise impact zones. The building itself will deflect/absorb most of the noise that could potentially impact the outdoor passive recreation areas. A number of preliminary plan conditions are recommended by staff to ensure that noise levels are appropriately mitigated.

5. The stormwater management concept has been approved and is appropriate for the site.

The proposed stormwater management concept approved on April 18, 2012, meets the required stormwater management goals by the use of environmentally sensitive design (ESD) measures to the maximum extent practicable. Treatment is provided by a combination of micro-biofilters and the use of volume based proprietary structural filter.

The stormwater facilities on the site will be maintained by the developer. For routine inspections and maintenance, DEP will be allowed to access stormwater facilities on the terrace level via a vehicular lift provided by the applicant to remain on the property at all times. The Montgomery County Department of Permitting Services has accepted this form of access as has, DEP via emails included in Attachment B.

6. The preliminary plan complies with Chapter 50, the Subdivision Regulations.

The application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The preliminary plan reflects the general layout and road network that was reviewed by the Planning Board and the District Council as part of the Development Plan Amendment approved in January of this year. The proposed lot will have frontage on a public street. The size, width, shape and orientation of the lots are appropriate for the location of the subdivision. The proposed lot size is appropriate, for it accommodates a single building with a mix of uses. The width of the lot is suitable given the two points of access that are necessary to accommodate the required on-site loading and residential parking garage. The shape is appropriate, for the consolidation creates a more rectangular lot which is appropriate for the orientation of the property.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

The Preliminary Plan meets all requirements established in the Subdivision Regulations and it is in substantial conformance with the recommendations of the Master Plan. Staff recommends approval of Preliminary Plan 120120220 and associated final forest conservation plan, subject to the following conditions:

1. Total development is limited to a maximum of 140 residential dwelling units and 7,000 square feet of commercial uses. A minimum of 15% of the total number of dwelling units must be Moderately Priced Dwelling Units.
2. The Certified Final Forest Conservation Plan must include the following:
 - a) Increase the soil depth over the entire rooftop planting beds so that a minimum soil depth of 3' will be provided.
 - b) Provide appropriate details, exhibits and notes on the FFCP to clearly show the soil volumes/depth associated with plantings. Include provisions for irrigation and maintenance as applicable.
 - c) Include a tree save plan component which addresses the foreseeable impacts to Park trees along the Capital Crescent Trail. The tree save plan shall also address the conditions enumerated by the Park arborist.
 - d) Revised forest conservation data table.
 - e) Clarification of the legend, notes and graphics to more clearly/accurately show the credited portions of planted tree canopy.
3. The sediment and erosion control plan and stormwater management plan must be submitted with the revised Final Forest Conservation Plan to ensure consistency with the Limits of Disturbances (LOD's) and the associated tree preservation measures.
4. Prior to approval of the certified site plan, the details for and location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity must be approved by staff.
5. Prior to approval of the certified site plan, the Applicant must submit a noise analysis prepared by an engineer specializing in acoustics that addresses details and locations of noise mitigation techniques to appropriately attenuate noise levels for the affected dwelling units.
6. The Applicant must provide M-NCPPC staff with a certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to certified site plan. The builder commits to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
7. After construction is complete, and prior to use and occupancy, the builder must provide M-NCPPC staff a certification from an engineer specialized in acoustics confirming that interior noise levels do not exceed 45 dBA Ldn.
8. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a) 80 feet from the opposite right-of-way line along the Subject Property frontage for Arlington Road.

9. The proposed traffic signal for the Arlington Road/Southern Site Access Driveway/Northern Bradley Boulevard Shopping Center intersection must be operational prior to the issuance of the residential Certificate of Use and Occupancy for the development.
10. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated April 18, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 25, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter (except for No. 17 as modified herein), which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

(17) Prior to submission of the TMAg, the Applicant must review potential locations on the application site for a bike sharing docking station (or similar provision required by the bike sharing system) to enable this form of transportation to be used by residents, employees and visitors at the Project. If the Applicant elects to provide a bike sharing docking station on the application site, the location of this docking station will be selected by the Applicant with approval of the TMD, based upon the requirements of the bike sharing system and in a highly-visible, convenient, and well-lit location on the Project. If zoning regulations or other provisions adopted prior to issuance of the building so provide, the Project shall be required to pay the capital cost of such station and five years of operating expenses in return for offsetting parking reductions or other benefits.

12. The Applicant must enter into a Traffic Mitigation Agreement (“TMAg”) with the Planning Board and DOT to participate in the Bethesda Transportation Management District (TMD) and must execute the TMAg prior to the release of any residential building permit for development on the site. The TMAg must include those trip mitigation measures recommended by MCDOT, except as modified herein.
13. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
14. Prior to recordation of any plat, Site Plan No. 820120140 must be certified by MNCPPC Staff.
15. The record plat must show necessary easements.
16. Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.
17. No clearing, grading or recording of plats prior to certified site plan approval.
18. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

Other limitations for site development may also be included in the conditions of the Planning Board's approval.

19. 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.

SECTION 3: SITE PLAN REVIEW

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.*

The site plan conforms to all non-illustrative elements and binding elements of DPA 11-4 approved by the County Council on January 24, 2012, with the Resolution No. 17-330 [Appendix A]. The binding elements, as set forth below, limited the density of this site and established parameters for unit affordability, screening, unit type, and lot use/lot size.

- 1) The building will have a maximum height of 59.9', as measured from the building height measuring point in the centerline of Arlington Road, whose elevation is 306.64', as shown on the development plan.

The maximum height proposed in the site plan is 59.9 feet.

- 2) The development will have a maximum density of 1.66 FAR.

The applicant proposes to develop the site at a density of 1.42 FAR.

- 3) The maximum number of multi-family dwelling units to be contained in the building shall not exceed 145.

A maximum of 140 dwelling units is proposed for approval on the site plan.

- 4) The building shall include 15.2% moderately priced dwelling units (if 145 units are approved for construction).

Since a maximum of 140 units are proposed for construction, the applicant is providing 15% of the units (or 21 units) as MPDUs.

- 5) The development will provide a minimum of 50% green area on the site.

A minimum 50.8% green area is provided as part of the proposed development in the site plan.

- 6) As part of the site plan process for the 7001 Arlington Road project, the signalization proposed in the development plan must be approved by DPWT, including lane geometry and the provision of necessary rights of way or easement assurances on the west side of Arlington Road. Prior to application for the building permit for construction of the building the final design for the signal must be approved, prior to issuance of the building permit the signal must be permitted and bonded, and prior to the issuance of occupancy permits the signal must be operational.

MCDOT has approved the signalization concept plan for the intersection of Arlington Road and the new driveway to the parking garage per their letter dated September 25, 2012.

- 7) The residential building walls, exclusive of roof overhangs, cornices, balconies, patios, terraces, underground parking garages, garage stair access ways, and similar appurtenances, will have a minimum 60 foot setback from the eastern property line.

The applicant proposes to exceed the required 60 foot setback from the Capital Crescent Trail by providing a 67.3 foot setback.

- 8) Access from the subject site to the Capital Crescent Trail will be provided for residents of the project via walkways from the building to the Capital Crescent Trail access point.

As shown on the site plan, the applicant is providing a walkway from the building to the Capital Crescent Trail.

- 9) Any fencing along the eastern property line will not be solid in order to allow views from the Capital Crescent Trail to the subject site.

Screening the rear of the proposed lot with is currently proposed via construction of a 60-inch high fence with a metal picket design that will not be solid to allow for views.

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 meets all of the requirements of the Planned Development (PD) Zone and satisfies the design, housing, amenity, circulation, and other purposes of the PD Zone. The project will provide a range of dwelling types consistent with the purpose of the zone. The development provides for a unified form of development at an overall density and mixture of unit types that is generally consistent with the recommendations in the Bethesda CBD Sector Plan. The proposed development also includes measures that are designed to enhance natural stormwater filtration and recharge. The design and layout of the proposed development provides appropriate vehicular linkages, provides for the safety, convenience and amenity of residents, and assures compatibility with the surrounding land uses.

The site is zoned PD-44 consistent with DPA 11-4 approved by the County Council and specifically recommended in the Bethesda CBD Sector Plan. The PD-44 Zone allows the

proposed retail and residential uses. The density allowed in the PD-44 Zone is 44 dwelling units per acre, which is equivalent to a maximum base density of 118 units on the entire site. However, consistent with the Subsection 59-C-7.14(c) of the Zoning Ordinance, the applicant is entitled to a bonus density of 22% because it will provide 15% MPDUs onsite. As a result, the maximum density for the site is 145 dwelling units, which is consistent with the maximum allowed per the binding elements, however this project proposes a maximum of 140 dwellings units. As demonstrated in the Data Table below, the project meets all of the applicable requirements of the PD-44 Zone.

Data Table for the PD-44, Optional Method of Development

Development Standard	Zoning Ordinance Permitted/ Required	Binding Elements per DPA 11-4	Proposed for Approval & Binding on the Applicant
Gross Tract Area (GTA)	n/a	n/a	117,725 sf
Density			
Residential FAR Max. Residential Density (du/acres) 59-C-7.14(a)	44 du/ac (if 12.5% MPDUs provided) 53.68 du/ac (if 15% MPDUs provided) ¹	1.66 FAR n/a	1.42 FAR 51.85 du/ac (including 22% density bonus)
MPDUs (%)	12.5% minimum	15.2% (if 145 units are approved)	15% (if 140 units are approved)
Max. Number of Dwelling Units - Market Rate - MPDUs	145 (including 22% density bonus for 15% MPDUs)	145 maximum	140 (119) (21)
Housing Mix (59-C-7.13) Min. one-family detached Min. one-family attached/townhouses Multi-family	Permitted, but not required Permitted, but not required 50% ²	100%	100%
Min. Setbacks			
Main Building (ft)			
Adjoining one-family detached zoned land (59-C-7.15)	n/a	60 ft	67.3 ft
From public street	n/a	n/a	0
Front yard	n/a	n/a	0
Rear yard (opposite front door)	n/a	n/a	67.3

Side yard	n/a	n/a	0
Max. Building Height (feet)			
	n/a	59.9 feet	59.9 feet
Min. Green Area			
(% of GTA) (59-C-7.16)	50%	50%	50.8% (59,802 sf)
Land Dedicated to Public Use			
(59-C-7.17) (acres) - MCDOT Public Roads	n/a	n/a	4,176 sf
Parking Spaces (59-E)³			
Residential	155	n/a	169
Retail	35		42

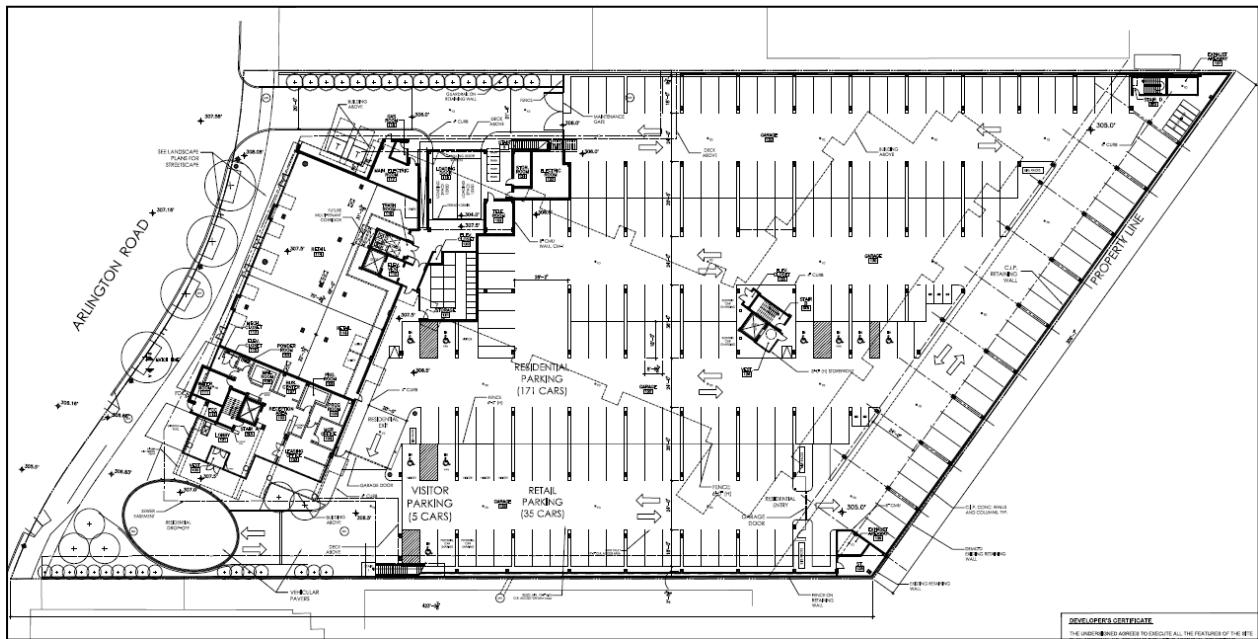
¹Per Sec. 59-C-7.14(c), the maximum density may be increased to accommodate the construction of MPDUs and workforce housing units.

²Per Sec. 59-C-7.131, if the minimum percentage would yield a total of 150 multiple-family dwelling units or less, this requirement does not apply and no such units are required.

³The site is located within the Parking Lot District and, therefore, the applicant is not required to provide on-site parking in accordance with the Zoning Ordinance standards. For this application, the applicant has elected to provide all parking on-site.

1. *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



Garage Level Floor Plan

The locations of the proposed mixed use building and parking garage structure are adequate, safe, and efficient. The plan proposes 7,000 square feet of retail uses and 140 multifamily dwelling units. The location of the retail is appropriately oriented to the street and the dwelling units are adequately oriented towards the Capital Crescent Trail with a substantial setback and appropriately placed above the street oriented retail space. The general Z-shape of the building creates two landscaped courtyard areas for residents of the building and helps provide a buffer between the units and the parking garages located to the north and south of the site.

The parking garage will be built to the rear property line with access located off of Arlington Road along the south side of the building and setback from the street to avoid pedestrian conflicts. Along the north side of the building a second driveway is proposed for loading activities. A loading area in this location will reduce impacts to vehicular traffic flow in the garage and the residential building entrance.

b) Open Spaces

The open spaces provided are adequate, safe, and efficient. The PD zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the gross tract area for PD-44. The site plan depicts a green area satisfying this requirement consisting of the second-story terrace, the streetscape and sidewalk proposed along Arlington Road, and the buffer area along the Capital Crescent Trail.

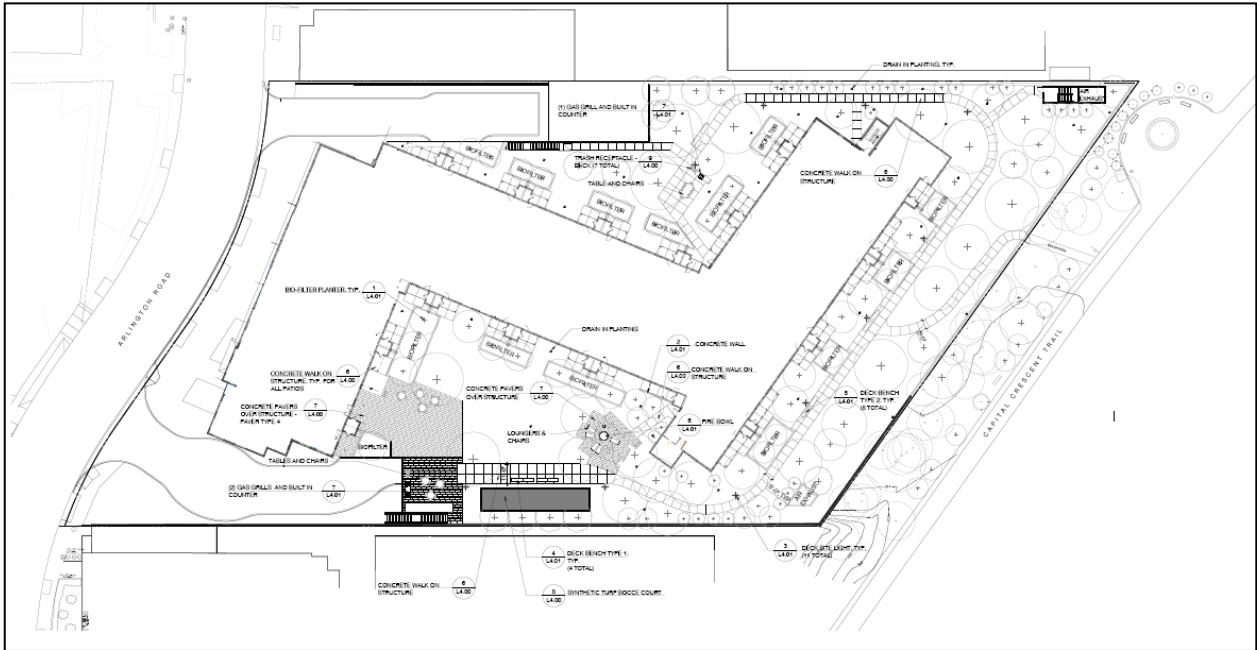


Illustrative rendering of the open spaces and amenity areas

c) Landscaping and Lighting

The landscape plan which places an emphasis on native species is adequate, safe, and efficient. The landscape plan achieves several objectives. It meets the PD-44 zone forest conservation requirements for an optional method project. It also provides an adequate buffer and screening from the Capital Crescent Trail and adjacent one-family detached community to the east of the proposed development. Additionally, the landscaping provides canopy coverage and shade for the picnic areas, the edge of the open play area, and the streetscape in front of the building. A variety of plant materials are incorporated into the landscape plan to add interest and delineate the various spaces, including ornamental trees, herbaceous plants, and deciduous shrubs. The streetscape will be constructed in accordance with the Bethesda streetscape standards using the Zelkova tree species.

As proposed, the lighting consists of four pole mounted light fixtures along the Arlington Road street frontage with a maximum height of 16 feet. Onsite, the applicant proposes 3 deck site lights and 11 deck pole lights. The deck lights extend approximately one foot off the ground and the deck pole light height was not specified by the applicant. Therefore, staff recommends that these pole lights be no greater than 12 feet in height (as measured above grade), which is more residential in character and reduces visibility from adjacent properties and thus increases compatibility with the neighborhood. The lighting proposed will create enough visibility to provide safety but not so much as to cause glare on adjacent properties. As conditioned, the lighting recommended by Staff is adequate, safe and efficient.



Landscape Plan

d) Recreation Facilities

The recreation facilities are safe, adequate, and efficient. The recreation facilities provided include four picnic/sitting areas, an open play area (level II), horseshoes, a pedestrian system, indoor community space, and an indoor fitness facility. As demonstrated in the tables below, this development meets all the recreation requirements on-site through these facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. The facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible recreation opportunities for residents of all ages in the development. Furthermore, the site’s close proximity to the Capital Crescent Trail will provide additional opportunities for recreation.

Demand		D1	D2	D3	D4	D5
Housing Type	Number of Units	Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
HIGH RISE	140	4.9	5.6	5.6	107.5	64.4

On-Site Supply		D1	D2	D3	D4	D5
Recreation Facility	Quantity Provided	Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
Picnic/Sitting	4	4.0	4.0	6.0	20.0	8.0
Open Play Area II	1	3.0	4.0	4.0	10.0	1.0
Horseshoes	1	0.0	2.0	2.0	4.0	3.0
Pedestrian System	1	0.5	1.1	1.1	48.4	29.0
Indoor Community Space	1	0.5	0.8	1.7	32.3	25.8

Indoor Fitness Facility	1	0.0	0.6	0.6	21.5	9.7
total:		8.0	12.5	15.4	136.1	76.4

Adequacy of Facilities		D1	D2	D3	D4	D5
a.	Gross Total Supply	8.0	12.5	15.4	136.1	76.4
b.	35% of Total Supply	2.8	4.4	5.4	47.6	26.7
c.	Max Off-Site Supply	0	0	0	0	0
d.	Total Supply	8.00	12.5	15.4	136.1	76.4
e.	90% Demand	4.4	5.0	5.0	96.8	58.0
f.	Adequate?	yes	yes	yes	yes	yes

e) Pedestrian and Vehicular Circulation Systems

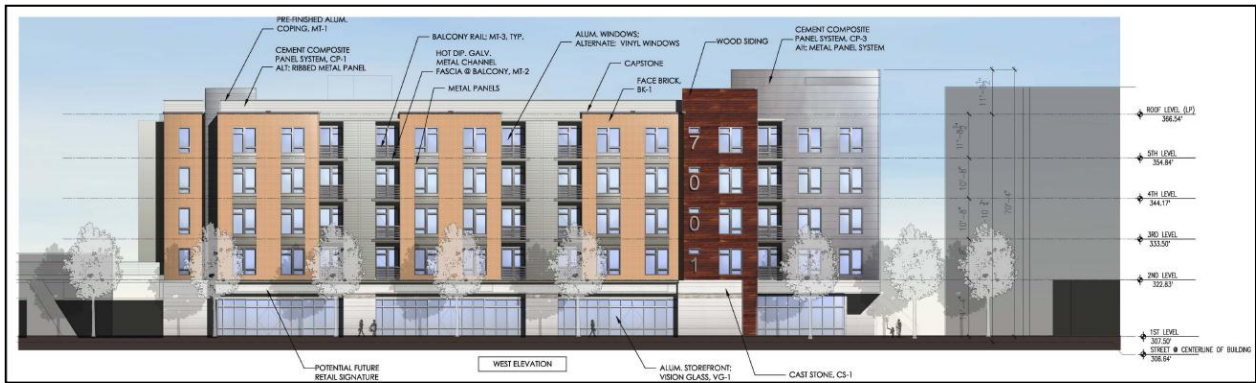
The pedestrian and vehicular circulation systems are safe, adequate, and efficient. Access to the site will be from Arlington Road at two locations; one using the existing curb cut on the north side of the property for loading operations and the other a new driveway on the south side of the site. The newly constructed access point will accommodate traffic entering the garage for residential parking as well as retail parking. This access point will be aligned with the Bradley Shopping Center Driveway on the west side of Arlington Road and will require a signal at Arlington Road to accommodate traffic in this location. With the signal, the vehicular circulation efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation in the area.

The project exceeds the parking requirement of 190 spaces by providing 211 spaces. The applicant believes this number of parking spaces is necessary to adequately serve the uses on the site. While staff believes the minimum requirement should suffice, the applicant has elected to provide 211 spaces so that all uses in the building can be accommodated with a small amount of surplus parking. The applicant has provided autoturn studies to ensure that all necessary vehicular movements can be made in the garage as shown on the site plan.

The pedestrian circulation system adequately and efficiently integrates this site into the surrounding area. The streetscape along the property frontage ranges from 23 to 28 feet with a minimum of 6 feet clear sidewalk for pedestrians. From Arlington Road, pedestrian connections for future residents are provided via a 10 foot wide sidewalk area located along the southern façade of the building where there is a residential lobby and from Arlington Road on the northern side of the building there is a narrower 4 to 5 foot wide sidewalk connecting to a secondary entrance. An additional connection along the eastern façade of the building is provided to give residents of the building access to the Capital Crescent Trail which facilitates excellent access to the surrounding area. The Site Plan efficiently accommodates pedestrians entering and leaving the site.



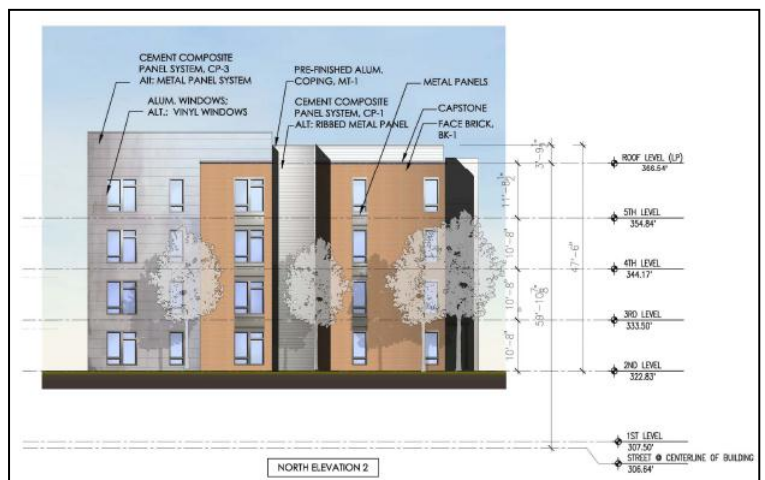
East building elevation (view from Capital Crescent Trail)



West building elevation (view from Arlington Road)



South building elevation (one façade shown-residential lobby entrance)



North building elevation (one façade shown)

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

The proposed development will be compatible with the surrounding area. The combination of multifamily residential and retail is recommended in the Sector Plan for this site. Further, as noted in the Plan, multifamily residential at this location will provide a proper transition between the one-family residential homes of the Sacks neighborhood and the surrounding commercial uses along Arlington Road. The location of the retail space is suitable because it will still serve as a buffer because all commercial activity on site will be consolidated on Arlington Road, the furthest portion of the site from the Sacks neighborhood. Only the residential activity should be visible from the Sacks neighborhood.

The visual appearance of the subject site will be greatly improved. The density and resulting activity levels will be compatible with the mix of urban land uses in the surrounding area. The site design will also make the building and density compatible with the trail and nearby homes. With a 67.5-foot setback for the residential stories, the proposed building will be a compatible addition to this section of the Trail. The site design will provide sunlight between two large, existing structures that sit on opposite sides of the subject property adjoining the trail and will provide a green buffer with space for extensive plantings. The building height will be similar to adjacent and nearby buildings, and the rear setback will prevent the building from looming over trail uses. With the proposed traffic light, the proposed development will not be incompatible due to adverse traffic impacts, but rather will bring improvements to traffic flow along Arlington Road near the subject property.

As discussed above, the proposed development will be compatible with existing development in the surrounding area. The specific setback and building height provisions are discussed below. Section §59-C-7.15(b) reads as follows:

(b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:

(1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and

(2) No building can be constructed to a height greater than its distance from such adjoining land.

Section 59-C-7.15(b) does not apply to the subject site because by its terms, it is intended “to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district” (emphasis added). The subject property is in close proximity to the Bethesda CBD, as it sits within 600 feet of the CBD boundary. The language of Section 59-C-7.15(b) applies to all potential

applications of the PD Zone anywhere in the County. Viewed in the context of the County as a whole, a site that is a few hundred feet from a CBD can readily be considered “in close proximity”. This language is intended to distinguish areas that are close to a CBD, where residents should expect commercial uses nearby, from areas with no CBD in sight, where residents may expect a higher degree of privacy and quietness in a residential setting. Accordingly, Section 59-C-7.15(b) does not apply to the subject site.

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.*

This site is subject to the County Forest Conservation Law. An NRI/FSD # 420120280 was approved for the site on October 10, 2011, and a Final Forest Conservation Plan has been submitted for approval (stamped received on October 1, 2012). The variance request to impact one tree that is ≥ 30 " DBH was recommended for approval by the County Arborist. The proposed storm water management concept approved on April 18, 2012, meets the required stormwater management goals by the use of environmentally sensitive design (ESD) measures to the maximum extent practicable. Treatment is provided by a combination of micro-biofilters and the use of volume based proprietary structural filter. The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation with the conditions of approval, and Chapter 19 regarding water resource protection.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820120140 and the associated final forest conservation plan, 7001 Arlington Road, for 140 multi-family dwelling units including 15% MPDUS on 2.70 acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on July 30, 2012 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Development Plan Conformance
The proposed development must comply with the binding elements of the development plan amendment 11-4.
2. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for Preliminary Plan No. 120120220, or as amended.

Environment

3. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated April 18, 2012 unless amended and approved by the Montgomery County Department of Permitting Services.

Parks, Open Space, and Recreation

4. Recreation Facilities
 - a) Meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate on the certified site plan that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
 - b) Provide the following recreation facilities: four picnic/sitting areas, an open play area II, horseshoes, a pedestrian system, indoor community space, and an indoor fitness facility.
5. Parks
 - a) The Applicant is not permitted to use the Capital Crescent Trail to access its property for regular inspection and/or maintenance of stormwater or other facilities located on the Applicant's property.
 - b) A Park Construction Permit is required prior to commencement of any construction activity on M-NCPPC property.
 - c) The Applicant must construct all improvements related to the project including any utilities, retaining walls, fences, or footings, entirely on the Applicant's Property unless permission is granted to locate them on M-NCPPC property by the Park Construction Permit.
 - d) The access path from the site to the Capital Crescent Trail must enter the Trail at or near the Memorial Plaza area. The access path must be 3 feet wide or as specified in the Park Construction Permit. The exact location, design and specifications for construction of the access trail must be in keeping with the Capital Crescent Trail experience and setting, and must be reviewed and approved by M-NCPPC Parks Department staff. Any portion of the

access trail on park property must be constructed to park standards and specifications unless otherwise specified in the Park Construction Permit. The fence and gate construction proposed by the Applicant must be reviewed and approved by M-NCPPC Department of Parks staff.

- e) The Applicant and any future assignees shall be responsible for all improvements associated with the park permit including but not limited to maintenance, repair, and replacement of any facilities located on parkland, including the access trail and any other features allowed by the park permit.
- f) An M-NCPPC Parks Department Senior Urban Forester must be contacted to attend the pre-construction meeting.
- g) At the pre-construction meeting, tree removals and/or tree limb pruning must be identified based on determination by M-NCPPC Parks Department Senior Urban Forester that trees or limbs are dead, have an excessive lean or are close enough to the property line to be impacted by the trenching.
- h) If tree removals are determined necessary at the pre-construction meeting, M-NCPPC Parks Department will require an inch for inch replacement fee based on tree diameter. Tree replacement must be met by Fee in Lieu at a dollar amount per inch caliper to be determined by the M-NCPPC Parks Department Urban Forester.
- i) Trees identified as removals by M-NCPPC Parks Department Senior Urban Forester must be removed by the applicant at no cost to the Parks Department.
- j) The Applicant must hire a certified arborist and Maryland Licensed Tree Expert to do the removals and pruning as well as root pruning.
- k) Tree removals must be executed from the Applicant's property only if equipment is used (i.e. aerial lift) or by climbers on foot with saws if working from the Park Property under the direction of M-NCPPC Parks Department Senior Urban Forester.
- l) The Applicant must remove all wood and debris from disturbed areas and stumps must be cut as flush to grade as feasible.
- m) A plan must be in place to keep users of the trail out of harm's way during the tree removal operations such as flaggers, signs, etc as closing the trail is not always an option.
- n) Where there is not an existing retaining wall, all root pruning must be executed on the Applicant's property and must take place under the direction of M-NCPPC Parks Department Senior Urban Forester.
- o) Tree protection fencing must be 4 foot welded wire at a minimum and must run the length of park property.
- p) Where there is an existing retaining wall, per DPS approval, sediment control will be placed on top of the wall and root pruning will not take place.
- q) Armored Trunk protection must be in place within 5 feet of the limits of disturbance.

Density & Housing

6. Moderately Priced Dwelling Units (MPDUs)

- r) The development must provide 15 percent of the total number of units as MPDUs on-site, consistent with the requirements of Chapter 25A.
- s) The MPDU agreement to build must be executed prior to the release of any residential building permits.
- t) All of the required MPDUs shall be provided on-site.

Site Plan

7. Landscaping

All green area between the top of the parking deck and the outdoor space must contain a minimum of 3 feet of soil depth to accommodate landscaping and for credit toward the trees counted toward the afforestation requirement

8. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All on-site down- light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on any perimeter fixtures located on the terrace level abutting adjacent properties.
- d) Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e) The height of on-site light poles above grade shall not exceed 12 feet including the mounting base.

9. Landscape Surety

Provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant phase of development. Surety to be posted prior to issuance of first building permit.
- b) Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c) Completion of plantings to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d) Provide a Site Plan Surety & Maintenance Agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

10. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b) On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of the final building occupancy permit.
- c) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to certification of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d) The development program must provide phasing for installation of on-site landscaping and

- lighting.
- e) Community-wide pedestrian pathways, including the path connection and gate from the private courtyard to the Capital Crescent Trail must be completed prior to issuance of the final building occupancy permit.
 - f) Recreation facilities within the building and in the courtyard area must be completed prior to issuance of the final building occupancy permit.
 - g) Landscaping associated with the courtyard and building shall be completed prior to issuance of the final building occupancy permit.
 - h) Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
 - i) The proposed traffic signal for the Arlington Road/Southern Site Access Driveway/Northern Bradley Boulevard Shopping Center intersection must be operational prior to the issuance of the residential Certificate of Use and Occupancy for the development.
 - j) Provide each section of the development with necessary roads.
 - k) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

11. Clearing and Grading

Clearing and grading must correspond with construction activities to minimize soil erosion and must not occur prior to certification of the Final Forest Conservation Plan, approval of Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.

12. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a) Include the certified forest conservation plan, stormwater management concept approval memorandum, development program, inspection schedule, and site plan resolution on the cover sheet.
- b) Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c) Clearly indicate the type of fence to be constructed along the eastern property line that abuts the Capital Crescent Trail. Any fence must not be solid in accordance with the applicable binding element.
- d) Ensure consistency off all details and layout between site plan and landscape plan.

APPENDICES

- A. Resolution 17-330 (DPA 11-4)
- B. Applicant’s Tree Variance Request and County Arborist Response Letter
- C. M-NCPPC interoffice memorandums
- D. Reviewing Agency approvals and correspondence
- E. Applicant’s response to MCDOT September 25, 2012 memorandum
- F. Applicant’s request for certain permit allowances

Resolution No.: 17-330
Introduced: January 24, 2012
Adopted: January 24, 2012

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: APPLICATION DPA 11-4, FOR DEVELOPMENT PLAN AMENDMENT of the development plan approved by the Council in LMA G-861 on November 18, 2008; Cindy M. Bar, Esquire, Attorney for the Applicant, Keating Project Development, Inc; OPINION AND RESOLUTION ON APPLICATION; Tax Account Nos. 07-00435988, 07-00435955 and 07-00435990.

OPINION

The application for Development Plan Amendment (DPA) No. 11-4 was filed by Keating Project Development, Inc., on September 2, 2011. It seeks to amend the previously approved development plan for the 7001 Arlington Road Post Office project in Bethesda by reducing the amount of commercial space on the site from 30,000 square feet to 7,000 square feet and increasing the number of dwelling units from 105 to 145. The amendment does not change the previously approved building volume and massing or its site layout (including building height and scale, setbacks, open space, and access points).

The reduction in commercial space is largely necessitated because the United States Postal Service (USPS), an originally proposed tenant, continues to consolidate facilities across the country and no longer wishes to keep this facility in Montgomery County. Despite the reduction in commercial space, the applicant still proposes to provide street-lining retail along Arlington Road to help further activate the roadway. However, removing the originally approved USPS workroom causes a 23,000 square-foot decrease in commercial space. Other notable changes to the plan include increasing MPDUs from 12.5 percent to 15 percent, reducing parking from 287 to 215 spaces, and removing an entire level of below-grade parking.

Technical Staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC) filed an undated report (Exhibit 21) recommending approval of the Development Plan Amendment without the need for a hearing by the Office of Zoning and Administrative Hearings (OZAH). An Addendum to the Staff Report evaluating school capacity issues was issued on December 21, 2011 (Exhibit 22). In the interest of brevity, the Staff report and its Addendum are incorporated herein by reference.

At its regularly scheduled meeting on December 15, 2011, the Planning Board voted unanimously to recommend approval of DPA-11-4, based on the reasoning in the Technical Staff report. In the absence of any opposition, the Planning Board also recommended that the matter be forwarded to the Council without a public hearing before the Hearing Examiner, as permitted by Zoning Ordinance §59-D-1.74(c)(3). *See* Planning Board letter of December 21, 2011 (Ex. 23).

The Planning Board found that the additional units and decreased commercial space will not have any substantive impact on the development objectives for the area. The Board stated (Exhibit 23, pp. 1-2):

The proposal is consistent with the goals and objectives of the Bethesda CBD Sector Plan. The amendment will not alter the compatibility of the project with surrounding development or compliance with the PD-44 Zone's purpose and standards. The DPA is consistent with the findings made by the District Council at the time of the 2008 development plan approval and still satisfies all applicable standards with the additional dwellings and reduced commercial space.

Technical Staff described the subject site in its report (Exhibit 21, p. 2):

The subject property consists of approximately 2.7 acres located at 7001 Arlington Road, Bethesda, between Bethesda Avenue and Bradley Boulevard. The site is roughly a parallelogram in shape, with about 277 feet of street frontage on Arlington Road, and approximate depths of 487 feet along its northern property line and 423 feet along its southern property line. The majority of the site is impervious, and is currently developed with a United States Postal Service (USPS) facility, which includes a large surface parking lot and one entrance driveway along Arlington Road. The elevation rises about ten feet from the southwest corner of the site to the northeast corner. Vegetation is limited to a small lawn area with ornamental trees on the west side of the building, and several areas on the north and east sides of the parking lot with scrub vegetation. The site has no forest, streams, wetlands or specimen and significant trees.

The surrounding area, as outlined by Staff, consists of an area roughly bounded by Hampden Lane to the North, Woodmont Avenue and the Sacks residential neighborhood to the east, Bradley Boulevard to the south, and Fairfax Road/Clarendon Road to the west. Technical Staff described the area as follows (Exhibit 21, pp. 2-3):

The surrounding area is predominantly commercial in nature, containing a mix of uses. To the north and south, the subject property abuts commercial properties in the C-2 Zone such as a tire store and an auto dealership to the north, and an office and retail complex with multiple buildings and parking garage to the south. Farther north are additional retail and mixed use developments along Bethesda Avenue and Elm Street.

To the east, the subject property abuts the Capital Crescent Trail, a 90-foot wide public right-of-way containing a paved walking and biking trail. In the vicinity of the subject site, the Trail consists of a 10-foot wide asphalt path and a three-foot wide stone-edge path, as well as a landscaped seating area with benches and a water fountain that serves as a trailhead for the Bethesda Central Business District (CBD). On the east side of the Trail is a community of one-family detached homes known as the Sacks neighborhood, which is classified under the R-60 Zone. Roughly 600 feet east of the subject site is the boundary of the Bethesda CBD, and the Bethesda Metro Station is approximately 1,800 feet from the site.

To the west of the site, across Arlington Road, is the Bradley Shopping Center, which is zoned C-2 and contains a variety of retail establishments including a hardware store, a variety store, a drug store and a delicatessen. Diagonally to the northwest is the Euro Motorcars car dealership, and beyond it to the north is additional retail. Farther west, along Clarendon Road, is a row of multifamily and other residential uses.

The initial application, known as G-861, was filed in November 2006. After multiple hearings and substantial public testimony, including a remand procedure, the Council ultimately approved the PD-44 Zone for the property on November 18, 2008, in Resolution 16-768 (Exhibit 17). The development plan approved at that time (Exhibit 5), called for 105 dwelling units and 30,000 square feet of commercial space. The 30,000 square feet of commercial space on the site was comprised entirely of USPS uses: a 7,000 square-foot retail store along Arlington Road and a 23,000 square-foot workroom.

The Applicant is now proposing the following changes to the approved 2008 plan:

- A reduction in commercial space from 30,000 square feet to 7,000 square feet, due to the removal of the 23,000 square-foot USPS workroom
- An increase in residential units from 105 to 145, using bonus density provisions of §59-C-7.14(c)
- An increase in MPDUs from 12.5 percent to 15.2 percent
- A reduction in parking spaces from 287 to 215
- A reduction in gross floor area of the project from 195,000 to 172,000 (again, due to the removal of the 23,000 square-foot USPS workroom)

These changes are reflected in the proposed amended development plan, DPA 11-4 (Exhibit 30). Technical Staff describes the changes as follows (Exhibit 21, pp. 4-5):

Incorporating the above changes, the applicant now proposes a five-story, mixed use development consisting of multifamily residential and street-lining retail in a single building along Arlington Road. The residential component will have a maximum of 145 multifamily dwelling units, including 15 percent MPDUs. The maximum building height along Arlington Road will be 59.9 feet. The front façade of the building faces the Arlington Road streetscape, which will be enhanced during site plan review to provide a wide, pedestrian-friendly urban sidewalk at the subject property. The ground floor will contain 7,000 square feet

of retail space at the front façade of the building, with a parking structure comprising the remaining ground level. Due to the grade of the site, the retail along Arlington is at-grade, while the parking structure transitions to below-grade behind the retail storefronts. Therefore, parking and loading activities are provided below-grade, behind the retail storefronts and under the residential units, so associated trips and activity levels will have minimal impacts to pedestrians along Arlington road, trail users, or nearby residents of the Sacks neighborhood. The exterior wall of the parking structure will extend nearly to the rear property line adjoining the Capital Crescent Trail but will be almost fully underground. The originally approved lower level of the parking structure will be removed. The visible floors of the building will be set back 60 feet from the Capital Crescent Trail, creating a significant area for landscaped open space bordering this heavily trafficked portion of the path.

The ground-level will serve as a platform for the four-story residential portion of the building. The residential portion of the building will cover a roughly Z-shaped area of the parking facility roof, with two short wings parallel to Arlington Road and the Capital Crescent Trail, and a longer wing connected on the diagonal. The rest of the parking facility roof will be covered by landscaped terraces to comply with the PD Zone requirement that 50 percent of the site be occupied by green area. The terraces will be common space for building residents and will be accessible from the first floor of the residential portion of the building. The main entrance to the residential building will be at ground level, at the southern corner of the building's Arlington Road façade.

The walls of the four residential stories are specified to be 60 feet from the rear property line, not including patios or terraces. The 60-foot rear buffer is comprised of amenities consisting of patios, walkways and landscaped terraces gradually sloping to the Capital Crescent Trail. The elevation from the trail to the base of the residential building is approximately eight feet above the Capital Crescent Trail. As shown during the 2008 hearings, the proposed building will have no shadow impact on the Capital Crescent Trail, even during the time of the longest shadow at the winter solstice. If the amendment to the development plan is approved, the landscaped rear yard of the 60-foot buffer will be carefully articulated during site plan review to be a visually appealing amenity for users of the Capital Crescent Trail.

To allow the proposed changes, two binding textual elements on the 2008 development plan must be changed. Binding Element No. 3, which limited the total residential unit count to 105, would now limit the total residential unit count to 145, and the MPDU percentage specified in Binding Element No. 4, which had been 12.5%, will be raised to 15.2% (if 145 units are approved for construction). Despite the changes, the proposed building will have the same volume and massing as approved in the 2008 development plan.

The District Council agrees with Technical Staff that the intent of the Bethesda CBD Sector Plan continues to be served by this new proposal, even with the increase in dwelling units and the decrease in commercial square footage (Exhibit 21, p. 8):

This proposal continues to meet the intent of the Plan by adding housing to the CBD in a way that fits into the existing community, provides a transition from the one-family neighborhood to the commercial area of Arlington Road, and provides street-oriented commercial that helps maintain the Arlington Road District as a community retail and service business area. The increase in dwelling units does not affect the size, the height, or the form of the approved building in the original development plan and therefore the proposal continues to fit the neighborhood. The increase in dwelling units will also contribute to the Sector Plan objective of providing a variety of housing types within the CBD. The increase in number of dwelling units will result in additional moderately priced dwelling units, which furthers the objectives of the Sector Plan.

Technical Staff also reviewed the purpose clause and regulations of the PD-44 Zone, and the District Council finds that the proposed DPA would be compliant therewith. Exhibit 21, pp. 7-15. In addition, the District Council agrees with Staff's conclusion that "the impact from 145 dwelling units should not adversely affect the Bethesda-Chevy Chase school cluster." Exhibit 22.

The District Council further finds that the proposed DPA would not alter the compatibility of the project with surrounding development or compliance with the purposes of the PD-44 Zone; that the proposed development plan amendment is consistent with the findings made by the District Council at the time of the 2008 development plan approval; and that the development plan, as amended, would still satisfy all applicable standards. Exhibit 21, p. 15.

Applicant filed its affidavits of mailing and posting on January 6, 2011. Exhibits 26(a) and (b). On January 12, 2012, the Applicant submitted a revised Development Plan Amendment to correct a typographical error, thereby completing the record. The revised DPA 11-4 was marked as Exhibit 30.

As previously noted, the Planning Board recommended that the matter be forwarded to the Council without a public hearing before the Hearing Examiner, unless public opposition developed. There has been no opposition to DPA 11-4, and no request has been made for a hearing. Therefore, under the provisions of Zoning Ordinance §59-D-1.74(c)(3), "the office of zoning and administrative hearings [OZAH] must forward the planning board's report and recommendation directly to the council," without a hearing by OZAH. In these kinds of cases, the District Council's action is based solely on the record prepared by Technical Staff and the Planning Board's transmittal letter.

The record is now complete, and the matter can be considered directly by the District Council without the need for a hearing or recommendation by the Hearing Examiner.

The District Council has reviewed DPA 11-4 and concluded that the DPA meets the requirements of the Zoning Ordinance, and its approval would be in the public interest. Based on this record, the District Council takes the following action.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution.

DPA 11-4, which requests an amendment to the Development Plan approved in LMA G-861, on November 18, 2008, in Resolution 16-768, by allowing a reduction in commercial space from 30,000 square feet to 7,000 square feet; an increase in residential units from 105 to 145; an increase in MPDUs from 12.5 percent to 15.2 percent; and a reduction in parking spaces from 287 to 215, **is hereby approved**, subject to the specifications and requirements of the Development Plan Amendment, Exhibit 30, **provided that** the Applicant submits to the Hearing Examiner for certification, a reproducible original and three copies of the Development Plan Amendment approved by the District Council, within 10 days of approval, in accordance with §59-D-1.64 of the Zoning Ordinance.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



July 27, 2012.

Mr. Mark Pfefferle
Acting Chief
Regulatory Coordination & Development Applications Management
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Forest Conservation Variance Request
7001 Arlington Road
NRI # 420120280
Preliminary Plan # 120120220
Site Plan # 820120140
VIKA # VM1365B

Dear Mr. Pfefferle:

On behalf of our client, AERC 7001 Arlington Road, LLC we are submitting this request for a Variance from the requirements of the Forest Conservation Law for the State of Maryland. The request is made under the variance provisions of Montgomery County Forest Conservation Ordinance to comply with the newly enacted Natural Resources, Title 5, Section 5-1607 of the Maryland Code which requires the Applicant to file for a variance to remove trees that are 30" DBH or greater, or trees that are 75% the diameter of the county champion for that species if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

The 7001 Arlington Road project is classified in the PD-44 zone and NRI 420120280 was approved October 10, 2011. This request is submitted in conjunction with the Final Forest Conservation Plan and concurrent Preliminary and Site Plan submissions for the project. The pending Preliminary and Site Plans include removal of the existing post office and associated parking and construction of a four story residential building with ground floor commercial and below grade parking. There is no existing forest, nor any significant or specimen trees on the site. Behind the property along the Capital Crescent Trail there are five significant and three specimen trees.

The critical root zone of one (1) specimen tree that will be impacted by the development is proposed to be saved. Table 1 below lists the tree as it is identified on the Final Forest Conservation Plan and provides its respective measurements. Please also see the attached exhibit which shows the impact to the critical root zone and proposed tree protection and root pruning in more detail.

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 * Germantown, Maryland 20874 * 301.916.4100 Fax 301.916.2262
McLean, VA * Germantown, MD * Washington, DC

www.vika.com

Table 1

Tree #	Species	Diameter	Condition	Disposition	CRZ Area (sf)	CRZ Impacts (sf)	CRZ Impacts (%)
4v	Acer saccharinum	53"	Good	Save	19,856	86	0.4%

Tree # 4v

53" Silver Maple (*Acer saccharinum*): This tree is located to the southwest of the site, on the far side of the Capital Crescent Trail, 76 feet away from the subject property. Condition-Good. Proposed CRZ Impact: minor at 0.4%. **Disposition: Tree is to be saved.**

The variance request must include narrative discussion on the following:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
4. Provide any other information appropriate to support the request.

We submit the following rationale in support of the request for a Forest Conservation variance:

1. The requested variance is necessary for the implementation of the proposed 7001 Arlington Road development, a project which has an approved NRI and is proceeding through the development approval process. The Site Plan was recently submitted and this variance request is included in the Final Forest Conservation Plan which is part of the current Site Plan submission.

Tree 4v, which is to be saved, is located 76' southwest of the site, on the opposite side of the Capital Crescent Trail from the subject property. There is an existing wall to remain that borders the subject property and runs the length of Tree 4v's critical root zone along which root pruning is proposed as shown on the attached exhibit. The disturbed area which is roughly 40' long and 3' wide or 86 sf represents 0.4 % of the trees critical root zone as shown in Table I above.

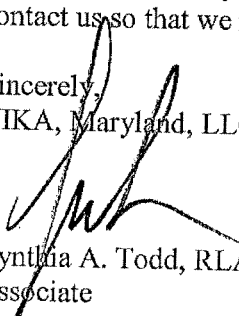
The conditions related to this request are neither unique nor special to this project and instead are unavoidable consequences of the development process.

2. The requested variance is based on plans being developed through the County planning process, and adheres to zone requirements of the Zoning Ordinance. As the Final Forest Conservation Plan shows, there is no existing forest on this urban site. Afforestation requirements for the site total 0.39 acres which will be met by on-site tree cover credit. If the variance were not granted, the landowner would not be able to fully implement development plans previously approved by the County and we believe the landowner's rights to develop would be unfairly restricted because of the proposed minor impact to this tree's critical root zone.

3. Concept Storm Water Management Plan 241694 was approved by MC DPS April 18, 2012. The current site does not have any existing water quality or quantity treatment. The existing site also has 85% impervious area. Based on the existing conditions being greater than 40% impervious, according to the MDE manual this site qualifies as "redevelopment" for stormwater management. The proposed storm water management design incorporates environmental site design (ESD) practices to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Storm water Management Design Manual. The proposed ESD facilities consist of multiple biofiltration facilities, installed throughout the site. However, these facilities alone were insufficient in achieving the required ESD volume for the entire site. To provide treatment for the remainder of the site, a concrete pre-cast Storm Filter Vault and CMP facility was proposed. As a result of both these measures, the full ESD treatment will be provided as if it was a new development. Therefore, the proposed impact to the critical root zone of Tree v4 will not adversely affect water quality.

Thank you for your consideration of this variance request. We believe that the supporting information provided with this letter justifies the variance to impact the critical root zone of one specimen tree. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,
VIKA, Maryland, LLC.



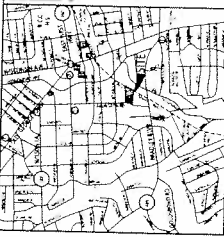
Cynthia A. Todd, RLA
Associate

FINAL FOREST CONSERVATION PLAN

7001 ARLINGTON ROAD

LIBER AR 1809-000 206

7TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
FAM ASSESSMENT MAP NO. 122
MSC-1808-2020-000



VICINITY MAP

NOTES:

1. THE SUBJECT PROPERTY IS LOCATED ON A 12.5 ACRES SUBDIVISION AS SHOWN ON A SITE PLAN, SETBACKS AND SETBACKS.
2. THE SUBJECT PROPERTY WAS RECORDED BY THE DC DEPARTMENT OF ENVIRONMENTAL & NATURAL RESOURCES ON SEPTEMBER 16, 2011.
3. THE SUBJECT PROPERTY IS LOCATED ON A 12.5 ACRES SUBDIVISION AS SHOWN ON A SITE PLAN, SETBACKS AND SETBACKS.
4. THERE ARE NO HAZARDOUS MATERIALS OR OTHER CONTAMINANTS KNOWN TO BE PRESENT ON THE PROPERTY.
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25. THERE ARE NO HAZARDOUS MATERIALS OR OTHER CONTAMINANTS KNOWN TO BE PRESENT ON THE PROPERTY.

NO.	DATE	REVISIONS
1	04/12/2021	ISSUED FOR PERMITS
2	04/12/2021	ISSUED FOR PERMITS
3	04/12/2021	ISSUED FOR PERMITS
4	04/12/2021	ISSUED FOR PERMITS
5	04/12/2021	ISSUED FOR PERMITS
6	04/12/2021	ISSUED FOR PERMITS
7	04/12/2021	ISSUED FOR PERMITS
8	04/12/2021	ISSUED FOR PERMITS
9	04/12/2021	ISSUED FOR PERMITS
10	04/12/2021	ISSUED FOR PERMITS
11	04/12/2021	ISSUED FOR PERMITS
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16	04/12/2021	ISSUED FOR PERMITS
17	04/12/2021	ISSUED FOR PERMITS
18	04/12/2021	ISSUED FOR PERMITS
19	04/12/2021	ISSUED FOR PERMITS
20	04/12/2021	ISSUED FOR PERMITS

PROFESSIONAL CERTIFICATION

STATE OF MARYLAND

CERTIFICATE NO. 123456

EXPIRES 12/31/2022

DATE: 04/12/2021

PROJECT NO. 2021-000

PROJECT NAME: 7001 ARLINGTON ROAD

CLIENT: [REDACTED]

ADDRESS: 12345 MAIN STREET, BALTIMORE, MD 21201

PHON: (410) 123-4567

CELL: (410) 123-4567

EMAIL: [REDACTED]

PROJECT NO. 2021-000

DATE: 04/12/2021

PROJECT NAME: 7001 ARLINGTON ROAD

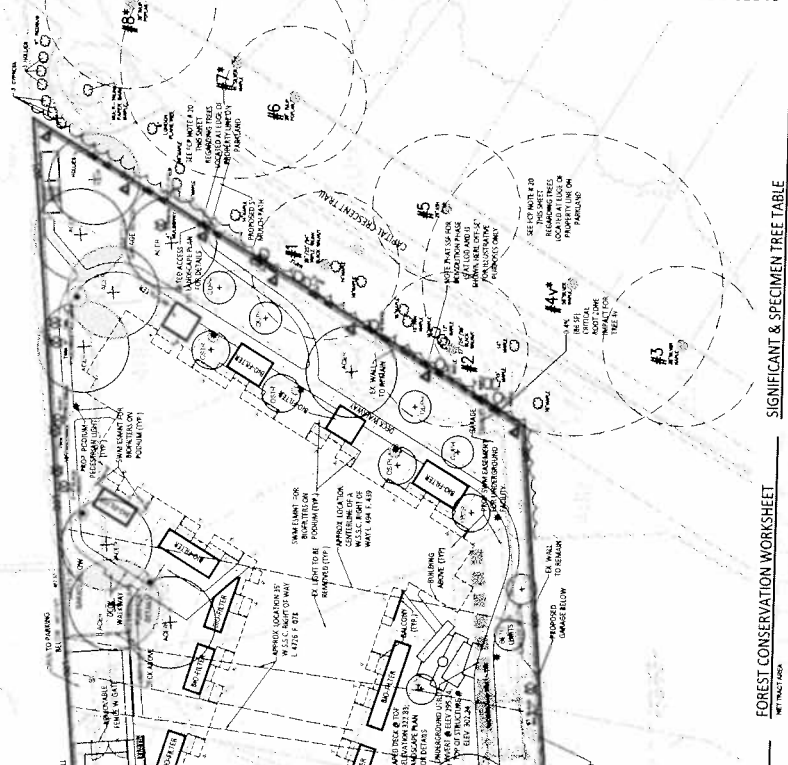
CLIENT: [REDACTED]

SIGNIFICANT & SPECIMEN TREE TABLE

NO.	TREE TAG #	TREE SPECIES	DBH (IN)	HEIGHT (FT)	CONDITION	REMARKS
1	#1	AMERICAN BEECH	18.0	35.0	EXCELLENT	SELECT FOR PRESERVATION
2	#2	AMERICAN BEECH	16.0	30.0	GOOD	SELECT FOR PRESERVATION
3	#3	AMERICAN BEECH	14.0	28.0	GOOD	SELECT FOR PRESERVATION
4	#4	AMERICAN BEECH	12.0	25.0	GOOD	SELECT FOR PRESERVATION
5	#5	AMERICAN BEECH	10.0	22.0	GOOD	SELECT FOR PRESERVATION
6	#6	AMERICAN BEECH	8.0	20.0	GOOD	SELECT FOR PRESERVATION
7	#7	AMERICAN BEECH	7.0	18.0	GOOD	SELECT FOR PRESERVATION
8	#8	AMERICAN BEECH	6.0	16.0	GOOD	SELECT FOR PRESERVATION
9	#9	AMERICAN BEECH	5.0	14.0	GOOD	SELECT FOR PRESERVATION
10	#10	AMERICAN BEECH	4.0	12.0	GOOD	SELECT FOR PRESERVATION

FOREST CONSERVATION DATA TABLE

ITEM	MEASUREMENT	UNIT
1	0.12	ACRES
2	0.08	ACRES
3	0.15	ACRES
4	0.10	ACRES
5	0.12	ACRES
6	0.08	ACRES
7	0.15	ACRES
8	0.10	ACRES
9	0.12	ACRES
10	0.08	ACRES
11	0.15	ACRES
12	0.10	ACRES
13	0.12	ACRES
14	0.08	ACRES
15	0.15	ACRES
16	0.10	ACRES
17	0.12	ACRES
18	0.08	ACRES
19	0.15	ACRES
20	0.10	ACRES

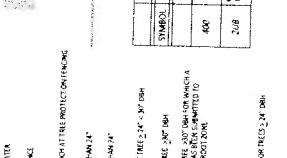


FOREST CONSERVATION WORKSHEET

1. FILL IN THE DATA FOR THE SIGNIFICANT AND SPECIMEN TREES.
2. FILL IN THE DATA FOR THE FOREST CONSERVATION DATA TABLE.
3. FILL IN THE DATA FOR THE SOILS LEGEND.
4. FILL IN THE DATA FOR THE FOREST CONSERVATION WORKSHEET.
5. FILL IN THE DATA FOR THE FOREST CONSERVATION WORKSHEET.
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20. FILL IN THE DATA FOR THE FOREST CONSERVATION WORKSHEET.

SOILS LEGEND

SYMBOL	SOIL	DESCRIPTION	PERCENTAGE	AREA (SQ. FT.)
1	AREA 1	TYPE 1	100%	10000
2	AREA 2	TYPE 2	100%	10000



LEGEND

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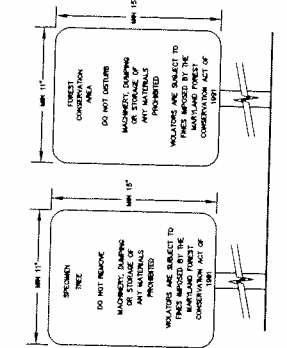


FINAL FOREST CONSERVATION NOTES

1. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.
2. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE APPLICABLE AGENCIES AND SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE APPLICABLE CODES AND ORDINANCES.
3. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.
4. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.
5. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.
6. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.
7. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.
8. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.
9. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.
10. ALL WORK SHALL BE ACCORDING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK, ALL CODES AND ORDINANCES APPLICABLE TO THE PROJECT LOCATION.

TREE COVER CREDIT TABLE

TREE COVER CREDIT			FOREST CONSERVATION CREDIT			FOREST RESTORATION CREDIT		
REF. SIZE	BIOMASS VALUE (TONNES)	CO2 VALUE (TONNES)	CO2 VALUE (TONNES)	CO2 VALUE (TONNES)	CO2 VALUE (TONNES)	CO2 VALUE (TONNES)	CO2 VALUE (TONNES)	CO2 VALUE (TONNES)
2" DBH	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15
4" DBH	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30
6" DBH	0.45	0.45	0.45	0.45	0.45	0.45	0.45	0.45
8" DBH	0.60	0.60	0.60	0.60	0.60	0.60	0.60	0.60
10" DBH	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75
12" DBH	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
14" DBH	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
16" DBH	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
18" DBH	1.35	1.35	1.35	1.35	1.35	1.35	1.35	1.35
20" DBH	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
22" DBH	1.65	1.65	1.65	1.65	1.65	1.65	1.65	1.65
24" DBH	1.80	1.80	1.80	1.80	1.80	1.80	1.80	1.80
26" DBH	1.95	1.95	1.95	1.95	1.95	1.95	1.95	1.95
28" DBH	2.10	2.10	2.10	2.10	2.10	2.10	2.10	2.10
30" DBH	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25



- #### NOTES:
1. PROTECTION SHALL BE INSTALLED WITHIN THE SPECIFIED TIMEFRAME.
 2. PROTECTION SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 3. PROTECTION SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF WORK.
 4. PROTECTION SHALL BE INSTALLED WITHIN THE SPECIFIED TIMEFRAME.

TREE PROTECTION CONSTRUCTION SIGNS

1. TREE PROTECTION CONSTRUCTION SIGN
2. TREE PROTECTION CONSTRUCTION SIGN
3. TREE PROTECTION CONSTRUCTION SIGN
4. TREE PROTECTION CONSTRUCTION SIGN



- #### NOTES:
1. SIGN SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 2. SIGN SHALL BE INSTALLED WITHIN THE SPECIFIED TIMEFRAME.
 3. SIGN SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF WORK.

WELDED WIRE TREE PROTECTION FENCE

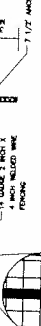
1. WELDED WIRE TREE PROTECTION FENCE
2. WELDED WIRE TREE PROTECTION FENCE
3. WELDED WIRE TREE PROTECTION FENCE
4. WELDED WIRE TREE PROTECTION FENCE



- #### NOTES:
1. FENCE SHALL BE INSTALLED WITHIN THE SPECIFIED TIMEFRAME.
 2. FENCE SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 3. FENCE SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF WORK.

AFForestation/RESTORATION MANAGEMENT PLAN

1. AFForestation/RESTORATION MANAGEMENT PLAN
2. AFForestation/RESTORATION MANAGEMENT PLAN
3. AFForestation/RESTORATION MANAGEMENT PLAN
4. AFForestation/RESTORATION MANAGEMENT PLAN



- #### NOTES:
1. PLAN SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 2. PLAN SHALL BE INSTALLED WITHIN THE SPECIFIED TIMEFRAME.
 3. PLAN SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF WORK.

FINAL FOREST CONSERVATION PLAN



- #### NOTES:
1. ROOT PRUNING SHALL BE PERFORMED WITHIN THE SPECIFIED TIMEFRAME.
 2. ROOT PRUNING SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 3. ROOT PRUNING SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF WORK.

ROOT PRUNING DETAIL

1. ROOT PRUNING DETAIL
2. ROOT PRUNING DETAIL
3. ROOT PRUNING DETAIL
4. ROOT PRUNING DETAIL



- #### NOTES:
1. EQUIPMENT SHALL BE INSTALLED WITHIN THE SPECIFIED TIMEFRAME.
 2. EQUIPMENT SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 3. EQUIPMENT SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF WORK.

PLANTING DETAIL FOR TREES ON STRUCTURE

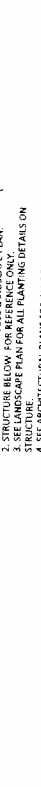
1. PLANTING DETAIL FOR TREES ON STRUCTURE
2. PLANTING DETAIL FOR TREES ON STRUCTURE
3. PLANTING DETAIL FOR TREES ON STRUCTURE
4. PLANTING DETAIL FOR TREES ON STRUCTURE



- #### NOTES:
1. TREE SHALL BE INSTALLED WITHIN THE SPECIFIED TIMEFRAME.
 2. TREE SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
 3. TREE SHALL BE REMOVED IMMEDIATELY UPON COMPLETION OF WORK.

NOTES & DETAILS

1. NOTES & DETAILS
2. NOTES & DETAILS
3. NOTES & DETAILS
4. NOTES & DETAILS



- #### NOTES:
1. NOTES & DETAILS
 2. NOTES & DETAILS
 3. NOTES & DETAILS
 4. NOTES & DETAILS

PROFESSIONAL CERTIFICATION

PROFESSIONAL CERTIFICATION

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE A QUALIFIED PROFESSIONAL ENGINEER AND ARCHITECT AS REQUIRED BY THE STATE OF CALIFORNIA AND WE ARE NOT PROVIDING ENGINEERING OR ARCHITECTURAL SERVICES TO ANY OTHER PARTY.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

PROFESSION: _____

PROJECT NO: _____

DATE: _____

SCALE: _____

DATE: _____

PROJECT NO: _____

DATE: _____

SCALE: _____

DATE: _____

PROJECT NO: _____

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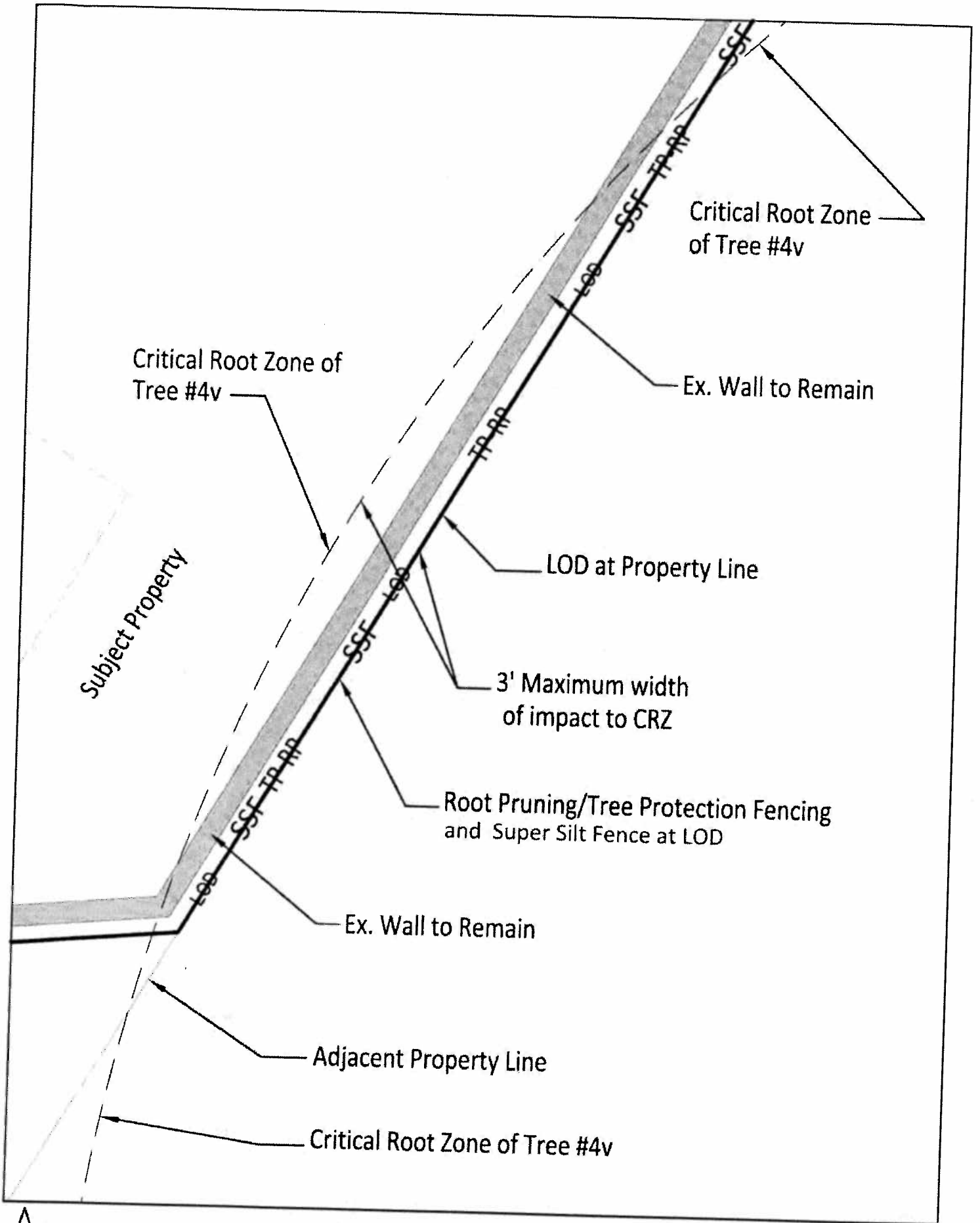
DATE: _____

PROJECT NO: _____

DATE: _____

SCALE: _____

DATE: _____



Scale: 1" = 5'

7001 Arlington Road Tree Variance Exhibit

July 26, 2012





DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

August 17, 2012

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

RE: 7001 Arlington Road - Revised, DAIC 820120220, NRI/FSD application accepted on 8/22/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, 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, I make the following findings as the result of my review:

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 criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, is not interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

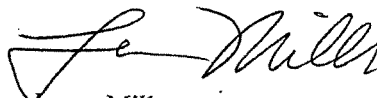
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, 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 criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet 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.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

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, Chief

MEMORANDUM

September 25, 2012

TO: Erin Grayson, Area 1, Planning Department
Robert Kronenberg, Supervisor, Area 1, Planning Department

FROM: Doug Powell, Park Planning & Stewardship Division, Department of Parks

RE: 7001 Arlington Road, Preliminary Plan #120120220 and Site Plan
#820120140

The above-referenced project is located between Arlington Road and the very popular Capital Crescent Trail which runs through County owned property along the rear of the subject property. In pleasant weather, user counts have shown as many as 500 users per hour on this portion of the trail. Also located on the Trail behind the property is a memorial plaza for Trail users. Department of Parks staff would therefore request the following Conditions of Approval:

1. Because of the often heavy Capital Crescent Trail use, the Applicant is not to use the Trail to access its property for regular inspection and/or maintenance of stormwater or other facilities located on the Applicant's property. Such regular access would be contrary to Parks policy and such access for private facility maintenance has not been previously granted. Applicant must access facilities located on its property, or constructed pursuant to development of its property, from Arlington Road or through the Applicant's property.
2. The proposed pedestrian access from the subject property to the Capital Crescent Trail should enter the Trail at or near the Memorial Plaza area. The access path to be 3' wide or as specified in the Park Construction Permit. The exact location, design and specifications for construction of the access trail must be in keeping with the Capital Crescent Trail experience and setting, and must be reviewed and approved by Department of Parks staff. Any portion of the access trail on park property to be constructed to park standards and specifications unless otherwise specified in the Park Construction Permit. The fence and gate construction proposed by the Applicant to also be reviewed and approved by M-NCPPC Department of Parks staff.
3. No planting of any kind or for any purpose to be done by Applicant on County owned land that includes the Capital Crescent Trail alignment.
4. Any existing encroachments onto parkland to be completely removed by Applicant and the parkland returned to a natural state, except as allowed otherwise by the Park Construction Permit.

5. Applicant must construct all improvements related to the project including any retaining walls and fences, including footings, fully on the Applicant's Property unless permission is granted to locate them on parkland by the Park Construction Permit.
6. Applicant to construct all utilities and stormwater facilities fully on the Applicant's Property unless permission is granted for location on parkland by the Park Construction Permit.
7. The Applicant and any future assignees shall be responsible for all maintenance, repair, and replacement of any facilities located on parkland, including the access trail and any other features allowed by the park permit.
8. A Park Construction Permit is required prior to beginning any allowed work on Park property.
9. The Applicant shall obtain a Park Construction Permit(s) prior to any work on parkland. At the time of Park Construction Permit review, the final design of all aspects of the project affecting parkland must be approved by Department of Parks staff.
10. Minor changes may be made to location and construction details of amenities and plantings to be located on parkland during the park permit process without the need to amend the Site Plan.

MEMORANDUM

August 24, 2012

TO: Erin Grayson

FROM: Cherian Eapen

SUBJECT: Preliminary Plan No. 120120220, Site Plan No. 820120140
(Previously DPA No. 11-4 and Rezoning Application No. G-861)
7001 Arlington Road (Bethesda Post Office site)
AERC 7001 Arlington Road, LLC ("Applicant")
Southeast quadrant of Arlington Road and Bethesda Avenue; west side of Capital
Crescent Trail
Bethesda CBD Policy Area

This memorandum presents the Adequate Public Facilities (APF) review for the subject preliminary and site plans to construct 145 high-rise dwelling units and 7,000 SF of ground-floor commercial/retail space at 7001 Arlington Road in Bethesda.

The site at 7001 Arlington Road is located between Arlington Road to the west, Capital Crescent Trail to the east, Bethesda Avenue to the north, and Bradley Boulevard (MD 191) to the south. The site is currently developed with the Bethesda Post Office, with access to Arlington Road via a single driveway to the northwest corner of the site. The Bradley Boulevard Shopping Center and EuroMotorCars Bethesda are located across from the site.

Consistent with recommendations in the *Bethesda CBD Sector Plan*, the Applicant is proposing to install a mid-block pedestrian/traffic signal on Arlington Road at the northern Bradley Boulevard Shopping Center driveway/proposed southern site access driveway, which will accommodate safe pedestrian crossing across Arlington Road as well as safe in/out access from the development and the shopping center. The traffic signal at this location will thus promote access, traffic circulation, and pedestrian safety goals recommended in the sector plan.

As noted above, the residential and commercial/retail traffic associated with the development is proposed to utilize the signalized southern driveway for ingress and egress. The concept plan for the proposed traffic signal for the southern site access driveway, a binding element associated with the zoning approval for the development, is currently under review by the Montgomery County Department of Transportation (DOT) staff. (*Note: The binding element requires this traffic signal to be approved by DOT prior to any application for a building permit for the development. It also requires the traffic signal to be operational prior to issuance of a Certificate of Use and Occupancy for the development.*) The Applicant, in addition, is proposing a limited access site driveway to the northwest corner of the site, which must be used exclusively for loading and unloading activities associated with uses proposed on the site.

Pedestrian access to the residential portion of the development is provided along the southern driveway that leads into the underground garage. Pedestrian access to retail uses on the site is provided along

Arlington Road. Additionally, along the eastern property boundary, the Applicant is providing a private pedestrian path connection between the development and the Capital Crescent Trail.

Transit services in the area include RideOn bus Route 36 that run between Bethesda Metro Station and areas in Potomac off Bradley Boulevard and River Road. Bus stops related to this route are located approximately 350 feet south of the site.

RECOMMENDATIONS

The following transportation planning related conditions are recommended to be part of the Planning Board's approval for the subject applications for it to satisfy the APF requirements:

1. The Applicant must limit development on the site to 145 high-rise residential units and 7,000 SF of commercial/retail space.
2. The Applicant must dedicate the following right-of-way along property frontage consistent with the 1994 Approved and Adopted *Bethesda CBD Sector Plan*:
 - Arlington Road – minimum of 40 feet from the roadway right-of-way centerline or 80 feet from the opposite roadway right-of-way line.
3. The proposed traffic signal for the Arlington Road/Southern Site Access Driveway/Northern Bradley Boulevard Shopping Center intersection must be operational prior to the issuance of the Certificate of Use and Occupancy for the development.
4. The northern site access driveway must be used exclusively for the intended purpose of truck loading/unloading in areas designated and must not be blocked at any time by vehicles other than emergency vehicles.
5. The Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and DOT to participate in the Bethesda Transportation Management District (TMD) and must execute the TMAg prior to the release of any building permit for development on the site. The TMAg must include those trip mitigation measures recommended by MCDOT.

DISCUSSION

Recommended Area Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* recommends the following nearby transportation facilities:

1. Arlington Road, between Old Georgetown Road (MD 187) to the north and Kenwood Forest Lane to the south, as a four-lane arterial (A-82) with a minimum right-of-way width of 80 feet.

The sector plan also recommends realigning Arlington Road between Bethesda Avenue and Bradley Boulevard to reduce (i.e., improve) an existing curve and to provide better sight distance, ultimately to achieve arterial street standards related to geometry and speed along Arlington Road. The plan recognizes that addressing the above requirements would require

additional right-of-way from the EuroMotorCars site. However, the subdivision record plat for the EuroMotorCars site approved in January 2000 did not require additional right-of-way dedication beyond the minimum of 40 feet from the roadway right-of-way centerline, which is necessary to realign Arlington Road. Given the lack of additional right-of-way on the EuroMotorCars site, and absent any new development on the EuroMotorCars site, redevelopment of the shopping center site, and a CIP project for Arlington Road, the sector plan recommended realignment of Arlington Road does not appear to be realistic at this time.

In addition to the above recommendation, the sector plan recommends a mid-block signal on Arlington Road south of Bethesda Avenue (*"as part of a relocated main entrance to the Bradley Shopping Center"*) for pedestrian crossing *"if endorsed by MCDOT after an operational analysis"*. The Applicant is proposing to install the mid-block pedestrian/traffic signal on Arlington Road at the northern Bradley Boulevard Shopping Center driveway/proposed southern site access driveway, which will accommodate safe pedestrian/bicyclist crossing across Arlington Road as well as safe in/out access from the development and the shopping center, achieving access, traffic circulation, and pedestrian safety goals recommended in the sector plan.

Given the immediate need to improve pedestrian/bicyclist safety in the CBD area (which can be accomplished with the proposed traffic signal) and the possibility of consolidating access to the EuroMotorCars and Bradley Boulevard Shopping Center sites along the west side of Arlington Road at the proposed signal (for example, with the redevelopment of the shopping center site sometime in the future), a determination on the need to realign Arlington Road could be made by Planning staff and DOT staff at a later stage.

2. Capital Crescent Trail, a park trail that follows an abandoned railroad right-of-way between Georgetown, in the District of Columbia, and Silver Spring. The trail borders the proposed development to the east.

Adequate Public Facilities Review

- Trip Generation

The peak-hour trip generation estimate for the proposed development based on trip generation rates included in the *LATR/PAMR Guidelines* is provided in Table 1.

As shown in Table 1, the proposed development is estimated to generate 49 peak-hour trips during weekday morning peak period and 62 peak-hour trips during the weekday evening peak period. In comparison, the post office on the site was observed in May 2011 to generate 93 peak-hour trips during weekday morning peak period and 81 peak-hour trips during the weekday evening peak period. The proposed development thus will represent a reduction in 44 peak-hour trips during weekday morning peak period and 19 peak-hour trips during the weekday evening peak period compared to existing development.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 7001 ARLINGTON ROAD DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Retail – 7,000 SF	2	3	5	9	9	18
Multi-family dwelling units – 145 units	9	35	44	29	15	44
Total Trips	11	38	49	38	24	62
<i>Existing Trips – 18,600 SF USPS Post Office</i>	53	40	93	38	43	81
Net reduction in peak-hour trips	-42	-2	-44	0	-19	-19

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. June 28, 2012.

- Local Area Transportation Review

A traffic study (dated June 28, 2012) was submitted by the consultant for the Applicant for the subject application per the *LATR/PAMR Guidelines* since the proposed development was estimated to generate **30** or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the respective policy area congestion standards (1,800 CLV for the Bethesda CBD Policy Area). Based on the above analysis presented in the traffic study, the subject application satisfies the LATR requirements of the APF test.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED 7001 ARLINGTON ROAD DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Arlington Rd/Bethesda Ave	936	956	1,008	989	1,001	987
Arlington Rd/Bradley Blvd	877	1,062	1,107	1,367	1,098	1,361
Arlington Rd/Bradley Blvd Shopping Center Dr/Site Access Dr (South)	421	591	466	591	525	648

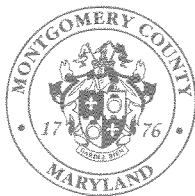
Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. June 28, 2012.
 Note: Bethesda CBD Policy Area Congestion Standard: 1,800 CLV

- Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda CBD Policy Area is required to mitigate 25% of “new” peak-hour trips generated by the development. The proposed development will not result in any net “new” trips, and therefore is not subject to the PAMR requirements of the APF test.

CE/-

mmo to EG re 7001 Arlington Road.doc



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

August 16, 2012

Richard Y. Nelson, Jr.
Director

Ms. Erin Grayson
Area 1 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 7001 Arlington Road
Preliminary Plan No. 120120220
Site Plan No. 820120140

Dear Ms. Grayson:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced revised preliminary and site plans. DHCA recommends Approval of the preliminary plan and site plan provided that the following issues (from DHCA's DRC comments) are addressed at certified site plan:

- a) Add a note to the site plan stating: Final MPDU and market rate unit bedroom composition will be determined at certified site plan by agreement with DHCA.
- b) The unit composition table for the First Floor (Deck Level) architectural plans is incorrect. The table should state that there are 9 total two-bedroom units, 24 total one-bedroom units, and 19 market-rate one-bedroom units. (The floor plans are correct, however.)
- c) At the certified site plan stage, provide final bedroom compositions for the MPDUs and market rate units. Final MPDU bedroom proportions will need to be reviewed and approved by DHCA.
- d) Please note that, if three-bedroom market units are included in the final bedroom mix, a proportional number of three-bedroom MPDUs must also be included. (No three-bedroom units are currently proposed.)
- e) The minimum sizes of MPDUs in high rises should be as follows: 0 BR=550 sq. ft.; 1 BR=575 sq. ft.; 2 BR=725 sq. ft.; 3 BR=875 sq. ft. At the discretion of the Department, the minimum size of any type of unit, by bedroom size, may be reduced to the minimum size of comparable market rate units of the same bedroom size.
- f) By certified site plan stage, DHCA will need to review schematic floor plans of the proposed residential building showing locations of MPDUs and market rate units on each floor, with a summary chart of location and bedroom composition of MPDUs and market rate units, as well as schematic floor plans (including dimensions and

Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca

montgomerycountymd.gov/311



240-773-3556 TTY

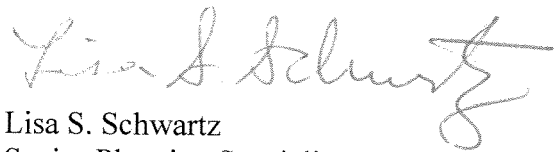
Ms. Erin Grayson
August 16, 2012
Page 2 of 2

square footage) for each MPDU unit type. Please provide these as soon as they are available.

- g) DHCA reviews units for livability. Bedrooms in MPDUs are expected to have walls and doors, and the living/dining space is expected to be adequate to accommodate a dining room set and a sofa set appropriate to the number of occupants of the unit.

The applicant has agreed to address the above issues at certified site plan. Please let me know if you have any questions.

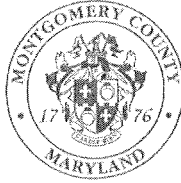
Sincerely,



Lisa S. Schwartz
Senior Planning Specialist, DHCA

cc: William R. Landfair, Associate, VIK A Maryland LLC
Christopher J. Anderson, Manager, Single Family Housing Programs, DHCA

S:\Files\FY2013\Housing\MPDU\Lisa Schwartz\7001 Arlington Road DHCA Letter 8-16-2012.doc



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

September 25, 2012

Ms. Erin Grayson, Senior Planner
Area One Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120220
7001 Arlington Road

Dear Ms. Grayson:

We have completed our review of the preliminary plan that was signed and sealed on April 25, 2012. This plan was reviewed by the Development Review Committee at its meeting on June 11, 2012. We recommend approval of the 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 the Department of Permitting Services 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.

- The Department of Transportation's recommendation to conditionally approve this preliminary plan is predicated on the installation of a new traffic signal at the southern entrance to the site, opposite the northern driveway to the Bradley Shopping Center.** The traffic signal warrant analysis for the 2007 rezoning case was conditionally approved based on weekend traffic volumes for side street warrant criteria at the shopping center driveway – meaning the traffic for the applicant's site is not the traffic that generates the possible need for signalization. **Without the traffic signal, [on the current horizontal alignment and profile of Arlington Road] access at the proposed southern driveway for this site will not be allowed** – as it will not satisfy the sight distance requirements for an arterial classification roadway.

We have accepted the signal phasing and traffic simulation analyses prepared by the applicant's traffic consultant; they indicate the proposed traffic signal should have limited impact on thru traffic movements on Arlington Road.

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

montgomerycountymd.gov/311



240-773-3556 TTY

We note the applicant will need to obtain perpetual easements from the owners of the shopping center in order to install the traffic signal and related equipment (and for the Department of Transportation to maintain same). Our July 20, 2007 letter that conditionally approved the signal warrant study also indicated the applicant had agreed to work with the owners of the shopping center to “. . . explore the potential of revising the driveway layout to facilitate operations that are more efficient . . .”; the parking lot striping plan (with stop bars) that has been presented does not provide the level of traffic control and channelization that we expected would result from those coordination efforts. We fear that the proposed striping plan could still result in on-site shopping center traffic queues extending into Arlington Road; this situation will not be tolerated.

To avoid further delay on this aspect of the project, we accept the conceptual traffic signal layout and parking lot striping plans prepared by the applicant’s consultant (based on the current geometry) and proffered easements. However, all parties must recognize that this traffic signal will not be allowed to unduly hinder traffic movements on Arlington Road. The Department of Transportation reserves the right to limit side street green time and/or restrict turning movements, should we conclude activities at the signal unacceptably affect operations and/or safety on Arlington Road.

Prior to application for the first building permit for the site, the applicant will need to obtain the Department of Transportation’s approval of the detailed/engineered traffic signal construction plans. Prior to issuance of the first building permit, the applicant must provide evidence of having acquired the easements and have bonded the traffic signal construction. The traffic signal must be operational prior to the issuance of the first Use and Occupancy permit for the site.

2. Necessary dedication for future widening of Arlington Road in accordance with the master plan.

The preliminary plan proposes to dedicate forty (40) feet from centerline – consistent with dedicating one half of the standard right-of-way for an arterial roadway. We note the 1994 Approved and Adopted Bethesda CBD Sector Plan recommended a realignment of Arlington Road between Bradley Boulevard and Bethesda Avenue. Absent an engineering study (approved by the Planning Commission and the Executive Branch), we are unable to confirm how such a realignment would benefit this property; we support approval of the proposed dedication based on the information available at this time.

We will support amending the right-of-way dedication requirement if such a study has been completed (and approved) prior to plat recordation – that shows the need for less right-of-way dedication.

3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

4. The sight distances study for the northern entrance has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

As noted in comment no. 1, the sight distance study for the southern entrance was determined to be insufficient; access at that location can only occur if the intersection is signalized.

5. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
6. 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.
7. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. We have accepted the proposed ten (10) foot outbound curb return radius on the northern driveway based on a revised truck turning movement study prepared by the applicant's consultant.
8. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
9. 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.
10. 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.
11. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Arlington Road as described below, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

The covenant document will need to indicate that it also applies to any reconstruction of improvements being constructed under permit now by the applicant (including modifications to the proposed traffic signal, removal and replacement of curb and gutter, enclosed storm drainage, streetscaping, etc.) along the site frontage needed to effect the Sector Plan recommendations to realign and/or widen Arlington Road (to the east) to arterial road design standard. Applicant's participation will include the cost of work between the existing eastern gutter pan of Arlington Road and the proposed right-of-way dedication line (shown at 40 feet from centerline on the plan) along the applicant's site frontage.

12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. 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.
14. 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.
15. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
16. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-8383. The TMAg will include but not be limited to the following:
 - Carpool/Vanpool Parking. Provide carpool and vanpool parking spaces for employees working on-site, to be designated in highly visible, preferentially-located spots (specific number to be determined).
 - Car Sharing Parking. Provide two (2) car sharing vehicle parking spaces in highly visible, preferentially-located spots.
 - Electric Car Charging. Provide at least two (2) electric car charging stations on site or other EV charging arrangements acceptable to MCDOT.

- Bicycle Facilities. Significant bicycle activity will likely occur at this site due to its proximity to the Capital Crescent Trail and bicycle shops. Locate some bicycle racks for use by the public in the Plaza in addition to those provided within the parking facilities. Provide bike racks/lockers in weather-protected, highly visible/active locations. Consider providing secure bicycle storage area in garage for resident use (bike cage) as well as a small bicycle repair station for resident use.
 - Static Information Displays - Incorporate static display space into residential lobby(ies), retail locations and other high pedestrian activity areas, to provide opportunity for display of transit and other alternative transportation information. Information on alternatives should also be displayed on each level of parking facilities and in elevators.
17. Bike Sharing Station. Provide space in the Project for a bike sharing docking station (or similar provision required by the bike sharing system) to enable this form of transportation to be used by residents, employees and visitors at the Project. The location of this docking station will be selected by the Applicant with approval of the TMD, based upon the requirements of the bike sharing system and in a highly-visible, convenient and well-lit location on the Project. If zoning regulations or other provisions adopted prior to issuance of the building permit so provide, the Project shall be required to pay the capital cost of such station and five years of operating expenses in return for offsetting parking reductions or other benefits. Applicant shall take other actions in concert with the TMD to promote use of bike sharing among residents, employees and visitors at the Project, in order to accomplish the objectives of the TMD.
18. Real Time Transit Information: Provide opportunity and connections for electronic (LCD) display screens providing Real Time Transit Information Signs in residential lobby(ies), to enable information to be readily accessed by building residents, employees, visitors, etc. Applicant will reimburse the County for the cost of County-provided monitors. Alternatively, Real Time Transit Information display can be incorporated into planned lobby display monitors/software system for building(s). Applicant will pay for five years of maintenance for County-provided sign(s); if Real Time Transit Information is incorporated into the building's planned monitor systems, there would be no additional maintenance costs.
19. We recommend the following design elements intended to facilitate the use of non-auto modes of transportation be incorporated in the building design:
- Design building frontages/lobbies to provide two-way visibility for transit vehicles, shuttles and taxis
 - Provide electric and water connections in outdoor settings to enable outreach events to be staged more readily.
 - Provide kiosks in busy outdoor areas to provide opportunity for information displays and assistance.

- Incorporate display space into office and retail lobbies and other high pedestrian activity areas and opportunity for information on each level of parking facilities.
 - Provide opportunity and connections for electronic (LCD) display screens and Real Time Transit Information Signs in residential and office lobbies, elevators, and parking facilities. This will enable outreach to building tenants, employees, visitors, etc. Applicant will reimburse the County for the cost of the monitors. The Applicant will pay for five years of maintenance for the sign(s).
 - Provide concierge/reception desk with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.
20. 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:
- A. Construct streetscaping improvements (including brick sidewalks, amended soil panels, street trees, and other amenities) across the Arlington Road site frontage in accordance with the Bethesda CBD Streetscaping Plan.
- * **NOTE: per comment no. 1, the Use and Occupancy permit for the southern driveway will not be allowed until the traffic signal has become operational.**
- B. 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.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. 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.
 - E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Ms. Erin Grayson
Preliminary Plan No. 120120220
September 25, 2012
Page 7

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 project at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/subd/gml/docs/Preliminary Plans/120120220, 7001 Arlington Road.doc

Enclosures (2)

cc: Frank Poli; AERC 7001 Arlington Road, LLC
Charles A. Irish, Jr.; VIKA, Inc.
William R. Landfair; VIKA, Inc.
Christopher L. Kabatt; Wells & Associates, Inc.
Cynthia M. Bar; Lerch, Early & Brewer
Samuel W. Barrow, III; Bradley Blvd Shopping Center Joint Venture
Robert Kronenberg; M-NCPPC Area One
Cherian Eapen; M-NCPPC Area One
Catherine Conlon; M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Gail Lucas; MCDPS BCPP
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Henry Emery; MCDPS RWPR
Brett Linkletter; MCDOT DHS
Sandra Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Emil Wolanin; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
Dan Sanayi; MCDOT DTEO
Tommy Shoemaker; MCDOT DTEO
Fred Lees; MCDOT DTEO
Will Haynes; MCDOT DTEO
Kyle Liang; MCDOT DTEO
David Adams; MCDOT DTEO

Grayson, Erin

From: Hall, Bryan <bhall@wsscwater.com>
Sent: Wednesday, August 22, 2012 8:40 AM
To: Grayson, Erin
Cc: Goodman@vika.com

Erin Grayson,

In regard to the 7001 Arlington Road project, Preliminary Plan / Site Plan # 120120220/820120140 please be advised that the applicant and engineer have adequately addressed WSSC's Development Review Committee comments from the meeting of June 11, 2012. All remaining WSSC-related items will be evaluated and resolved at the time of detailed engineering plan review and / or permitting. Contact me immediately if you have any comments or questions. Thanks

Bryan Hall

Senior Development Project Manager
Development Services Group, WSSC
301-206-8769
bhall@wsscwater.com

Established in 1918, today WSSC is among the largest water and wastewater utility in the nation, with a network of nearly 5,600 miles of fresh water pipeline and more than 5,400 miles of sewer pipeline. Serving 1.8 million residents in Prince George's and Montgomery Counties, WSSC drinking water has always met or exceeded federal standards.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

April 18, 2012

Becky Uebele, P.E.
Vika Maryland LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for 7001 Arlington Road
Preliminary Plan #: 120120220
SM File #: 241694
Tract Size/Zone: 2.54 Ac./C-4
Total Concept Area: 2.54 Ac.
Parcel(s): N826, P795, P828
Watershed: Little Falls Branch

Dear Ms. Uebele:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **conditionally acceptable**. The stormwater management concept proposes to meet required stormwater management goals with the use of micro-biofilters and supplemented with the use of a volume based proprietary structural filter.

The following **conditions** 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. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. Provide a copy of the mechanical drawings showing schematic of the roof drains and surface drains going to stormwater structures. Also show that the garage drains go to WSSC.
7. **Prior to submitting the site plan to the Planning Board you must get written permission from MNCPPC to use the Capital Crescent Trail as your access to maintain the micro-biofilter stormwater management structures. If this is not granted, you must revise the stormwater concept to provide access from Arlington Road.**

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

8. Provide a minimum of 12 foot access, height and width, to the volume based filter in the garage. Must have enough space to allow ingress and egress to the garage during maintenance of filter.
9. If the trail is used for access than provide a written narrative on the sediment control and stormwater plans that explains how the security gates and ramp will be accessed by MCDEP for maintenance. Also include how the garage will be accessed if it is gated as well.
10. Provide a separate slab over top of the volume based proprietary filter in order to provide easier access for replacement/repair of the under ground structures.

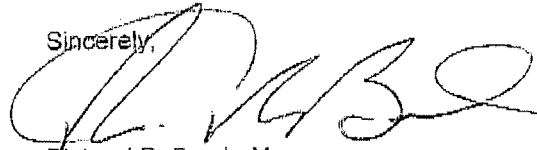
This list may not be all-inclusive and may change based on available information at the time.

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 David Kuykendall at 240-777-6332.

Sincerely,



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

RRB: tta CN241694 7001 Arlington Road.DWK

cc: C. Conlon
SM File # 241694

ESD Acres: 2.54
STRUCTURAL Acres: 2.54
WAIVED Acres: 0.00

Grayson, Erin

From: Kuykendall, David <David.Kuykendall@montgomerycountymd.gov>
Sent: Wednesday, August 22, 2012 12:17 PM
To: Grayson, Erin
Cc: Mike Goodman
Subject: FW: 7001 Arlington - Access to SWM micro biofilters
Attachments: scissor_lift.pdf

Erin,
DEP is okay with using a mobile scissor lift for possible maintenance access. They do not need to revise the concept. I will work out details at design review stage. Please contact me if you have any questions.

Thanks.

David Kuykendall, CPESC/CPSWQ/CESSWI
Senior Permitting Services Specialist
Montgomery County, Maryland
Department of Permitting Services
Division of Land Development
Water Resources Section
ph240-777-6332/fax240-777-6339
david.kuykendall@montgomerycountymd.gov
-----Original Message-----

From: Michael B. Goodman, P.E. [mailto:Goodman@vika.com]
Sent: Wednesday, August 22, 2012 10:25 AM
To: Stevens, Amy
Cc: Kuykendall, David; 'Erin.Grayson@montgomeryplanning.org'; Nina R. Paterno, ASLA, GRP; Charles A. Irish, Jr., PE, LS, LEED AP; Frank J. Poli (fpoli@associatedestates.com); William R. Landfair, AICP
Subject: 7001 Arlington - Access to SWM micro biofilters

Amy,

Thanks for your time this morning. We are working to resolve the SWM access to the micro-biofilters on the deck at 7001 Arlington now that DEP is unlikely to be granted access through the Capital Crescent Trail. Our Plan B has been to provide a mobile scissor lift to allow DEP the access that is needed onto the deck. Attached is a sample image of a scissor lift. This would be made available to DEP in the event that heavier materials and/or equipment is needed on the deck. There are also staircases available for more routine inspections (as required by the fire marshall).

Based on our conversation, you believed that DEP would find this an acceptable alternative to the access via the Capital Crescent Trail. Please let us know if that is the case. It is my understanding that we need a response before noon today or we will lose our scheduled Planning Board date on September 20.

Dave – I left you a voicemail to discuss this issue. Please call me back so we can discuss. I understand that the approved SWM concept letter indicated that if access is not granted through the Capital Crescent Trail, then we would need to resubmit to DPS. If DEP finds this an acceptable alternative, would that satisfy DPS as well?

I apologize to all for the short timeframe on this but we just found out yesterday that Parks will not allow the access and we are doing everything we can to keep our scheduled Planning Board date.

Thank you.

Mike

Michael B. Goodman, P.E.
Senior Associate



Ranked in The Washington Business Journal as one of the Top 25 Engineering Firms

VIKA Maryland, LLC

20251 Century Boulevard

Suite 400

Germantown, MD 20874

301.916.4100

301.916.2262 (Fax)

Goodman@vika.com

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Grayson, Erin

From: Gopenko, Gene <Gene.Gopenko@montgomerycountymd.gov>
Sent: Wednesday, August 22, 2012 2:27 PM
To: Michael B. Goodman, P.E.
Cc: Kuykendall, David; Grayson, Erin; Nina R. Paterno, ASLA, GRP; Charles A. Irish, Jr., PE, LS, LEED AP; fpoli@associatedestates.com; William R. Landfair, AICP; Stevens, Amy
Subject: RE: 7001 Arlington - Access to SWM micro biofilters

Hi Mike,

We have reviewed your proposal to use scissor lift as a means to access the planter boxes SWM facilities located on top of concrete deck to perform maintenance. In reviewing the proposal we took into consideration the fact that the proposed planter boxes are considered ESD practices and therefore will be fully maintained by the property owner. In addition the maintenance will likely involve the use of small equipment (such as Georgia Buggy) which does not require full width maintenance access. The scissor lift must be of adequate size and capacity to accept Georgia Buggy or similar type of equipment. The inspectors will be able to access the SWM facilities via stairway.

Accordingly, we have determined that in this particular case the scissor lift will allow an adequate access to proposed ESD practices. However, unlike service elevator the scissor lift is not attached to the building structure. Therefore, it should be required that the lift equipment be permanently positioned on site and be available at all times. This condition along with equipment specifications must be included on design plans.

I hope this helps. Please let me know if you will have any question.

Thank you,

Gene

From: Stevens, Amy
Sent: Wednesday, August 22, 2012 11:58 AM
To: 'Michael B. Goodman, P.E.'
Cc: Kuykendall, David; 'Erin.Grayson@montgomeryplanning.org'; Nina R. Paterno, ASLA, GRP; Charles A. Irish, Jr., PE, LS, LEED AP; Frank J. Poli (fpoli@associatedestates.com); William R. Landfair, AICP; Gopenko, Gene
Subject: RE: 7001 Arlington - Access to SWM micro biofilters

Mike,

I forward your e-mail to Gene for his consideration since he has been involved with the DEP review of the concept. My understanding is that you and Gene spoke about this. Before we send you our acceptance, he wanted to talk with Dave. You should hopefully hear back from him/us by the end of today.

Amy

Amy Butler Stevens

Manager, Stormwater Facility Maintenance Program
Montgomery County, Dept. of Environmental Protection
(p) 240.777.7766 (f) 240.777.7715
amy.stevens@montgomerycountymd.gov
www.montgomerycountymd.gov/stormwater

Sign up for the quarterly [Stormwater BMP Maintenance E-newsletter!](#)

From: Michael B. Goodman, P.E. [<mailto:Goodman@vika.com>]
Sent: Wednesday, August 22, 2012 10:25 AM
To: Stevens, Amy
Cc: Kuykendall, David; 'Erin.Grayson@montgomeryplanning.org'; Nina R. Paterno, ASLA, GRP; Charles A. Irish, Jr., PE,

LS, LEED AP; Frank J. Poli (fpoli@associatedestates.com); William R. Landfair, AICP

Subject: 7001 Arlington - Access to SWM micro biofilters

Amy,

Thanks for your time this morning. We are working to resolve the SWM access to the micro-biofilters on the deck at 7001 Arlington now that DEP is unlikely to be granted access through the Capital Crescent Trail. Our Plan B has been to provide a mobile scissor lift to allow DEP the access that is needed onto the deck. Attached is a sample image of a scissor lift. This would be made available to DEP in the event that heavier materials and/or equipment is needed on the deck. There are also staircases available for more routine inspections (as required by the fire marshall).

Based on our conversation, you believed that DEP would find this an acceptable alternative to the access via the Capital Crescent Trail. Please let us know if that is the case. It is my understanding that we need a response before noon today or we will lose our scheduled Planning Board date on September 20.

Dave – I left you a voicemail to discuss this issue. Please call me back so we can discuss. I understand that the approved SWM concept letter indicated that if access is not granted through the Capital Crescent Trail, then we would need to resubmit to DPS. If DEP finds this an acceptable alternative, would that satisfy DPS as well?

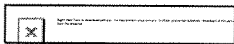
I apologize to all for the short timeframe on this but we just found out yesterday that Parks will not allow the access and we are doing everything we can to keep our scheduled Planning Board date.

Thank you.

Mike

Michael B. Goodman, P.E.

Senior Associate



Ranked in The Washington Business Journal as one of the Top 25 Engineering Firms

VIKA Maryland, LLC

20251 Century Boulevard

Suite 400

Germantown, MD 20874

301.916.4100

301.916.2262 (Fax)

Goodman@vika.com

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FIRE MARSHAL COMMENTS

DATE: 21-Aug-12
TO: Bill Landfair - landfair@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: 7001 Arlington Road
120120220 820120140

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 21-Aug-12. 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.

***** 10 ft radius at north side of north entrance approved with 44 ft pavement width on Arlington Road and existing traffic order that restricts parking at any time on west side of Arlington *****
***** Fire lane order to finalized prior to construction *****



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

Beverley K. Swaim-Staley, *Secretary*
Melinda B. Peters, *Administrator*

June 8, 2012

Ms. Cathy Conlon, Chairwoman
Maryland-National Capital Park and Planning
Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

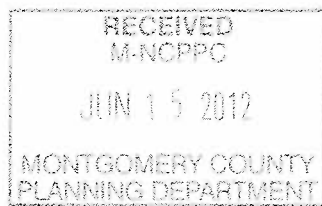
RE: Montgomery County
7001 Arlington Road
SHA Tracking No.: 12APMO032
County File No. 20120140
Located on Arlington Road

Dear Conlon:

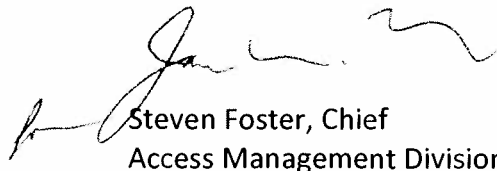
Thank you for the opportunity to review the Site Plan submittal, dated May 15, 2012, proposing the 7001 Arlington Road development in Montgomery County. The State Highway Administration (SHA) offers the following comments:

The proposed site will be accessed from Arlington Road, a Montgomery County owned and maintained roadway. SHA has no objections to approval of the subject development. Should the County require a Traffic Impact Study, SHA requests inclusion in the scoping efforts, and 7 copies of the study for our review should be sent directly to Mr. Steve Foster attention of our Technical Review Team within the Access Management Division.

If you have any questions, or require additional information, please contact Mr. Alvin Powell at 410-545-5605, by using our toll free number in Maryland only at 1-800-876-4742 (x5605) or via email at apowell@sha.state.md.us.



Sincerely,


Steven Foster, Chief
Access Management Division

SDF/JWR/ap

cc: Mr. Gregory Leck, Montgomery County DOT
Mr. Frank J. Poli, Keating Project Development Inc., 1356 Beverly Road, Suite 250,
McLean, VA 22101

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Ms. Catherine Conlon

Page 2

Ms. Becky Uebele, P.E., VIKA Maryland LLC, 20251, Century Boulevard, Suite 400,
Germantown, 20874

Mr. Cedric Ward, SHA District Traffic

Ms. Kelly Kosino, SHA - AMD

Mr. Scott Newill, SHA - AMD

Mr. Mark McKenzie, SHA - AMD



September 28, 2012

Ms. Erin Grayson
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910

Re: 7001 Arlington Rd. Bethesda, MD

Dear Ms. Grayson:

In follow up to our discussions, listed below are our comments in response to the MC DOT September 25, 2012 letter from Mr. Greg Leck to you re DOT's comments on the transportation matters re the Preliminary Plan review for this project.

As you know, the DOT letter addresses a number of issues that were previously issued in your DRC comments and responded to in our July 27, 2012 letter from VIKA to you.

Unfortunately, the DOT letter did not take those responses into consideration and therefore restates several conditions that left unaddressed will incorrectly reflect the specific aspects of this project. In order to properly present the project to the Planning Board, we are requesting you to address certain of these conditions in your report and recommendations.

The specific conditions that we believe need clarification to ensure that they are properly presented and stated to reflect the obligations that will be attached to project upon approval are listed below.

We respectfully request that your report address these matters in a manner that clearly identifies the provisions or terms of the conditions that will be applicable to the project, so that what is presented to the Planning Board for approval is clear and specific to the project and consistent with what is being provided in the project design.

Should you have any questions or need additional clarification, please call. We appreciate your cooperation and look forward to the Planning Board meeting.

Thank you.

AERC 7001 Arlington Road, LLC

Frank J. Poli
Regional Vice President

1356 Beverly Rd., Suite 250, McLean, VA 22101 P703-216-8955

1 AEC Parkway, Richmond Heights, Ohio 44143 P216-261-5000



Following are the specific items from the DOT letter (by item number from the letter) with explanations and suggested language clarifications:

1 – last paragraph – the language in the first sentence is inconsistent with the language of Textual Binding Element 6 on the approved DPA. We request that the language in the letter be clarified so that it is consistent with the Textual Binding Element. The correct language is: “Prior to application for the Building Permit for Construction of the Building the final design for the signal must be approved.....”

16 – first paragraph, last sentence - the language says that “The TMAg **will** include but not be limited to the following:” however, the language provided at the DRC from DOT specifically states that “The TMAg **should** include the following: “. The DOT letter language is specifically requiring elements that have not been agreed to, and are not necessarily appropriate for this project. We request that the language in the letter for complying with the TMAg requirement be clarified to reflect the word **‘should’**, as stated in the DRC comments and is typically used for TMAg requirements.

It is important to note that the TMAg language is generally oriented towards projects that are larger and commercial in nature. This project will have only 140 residential units and 6800sf of retail space, so the TMAg provisions should be appropriately scaled to this project. Accordingly, we request that the following clarifications be included in the report and conditions for approval:

- **1st Bullet – Car/Vanpool Parking:** provisions for carpool/vanpool parking are not typical nor appropriate as this project is 95% residential and not a commercial employment center with a significant employment population, and therefore, opportunities for car/vanpool use. This requirement should be deleted and the following language added: No car/vanpool spaces will be required in this project.
- **2nd Bullet – Car Sharing Parking:** the language for this condition should be clarified as follows: the Applicant will provide up to (2) car sharing parking spaces if the service providers will accept the project as a hosting location.
- **3rd Bullet – Electric Car Charging:** the language for this condition should be clarified as follows: the Applicant will provide up to (2) electric car parking spaces if the service providers will accept the project as a hosting location.
- **4th Bullet - Bicycle Facilities:** the language for this condition should be clarified as follows: the Applicant has added bicycle racks to the podium/deck “plaza” adjacent to Stair D (near the property’s access point to the Crescent Trail). The bicycle racks provided in the garage are within the covered and secured garage – outdoor lockers will not be provided. The Applicant will consider providing a bicycle repair stand.
- **5th Bullet - Static Information Displays:** the language for this condition should be clarified as follows: the Applicant will provide a static display for transit information within the residential lobby area for its residents, tenants, and visitors.



17 - Bike Sharing Station – the Applicant considered this use and no suitable location was identified. The language for this condition should be clarified as follows: The Applicant will not be required to install or accommodate a bike sharing station on its property.

18 - Real Time Transit Information – the language for this condition should be clarified as follows: the Applicant will cooperate with the County to incorporate links to the County's Real Time Transit Information system to the building's management and informational systems for display in the lobby display monitors and/or to provide access to the residents, employees, tenants, visitors, etc. County provided monitors/signs will not be installed.

19 – The following design elements have been incorporated into the building design and the language for this condition should be clarified as follows: (by bullet)

- **1st Bullet** – the building lobby provides two way visibility through its storefront glazing system
- **2nd Bullet** – electric and water connections are provided on the podium/deck courtyard
- **3rd Bullet** – kiosks will not be provided in the outdoor areas as the courtyards are not public areas and access is limited to residents.
- **4th Bullet** – there is a single level parking garage and there are no office or retail lobbies, accordingly, no display space will be provided.
- **5th Bullet** – the Applicant will cooperate with the County to incorporate links to the County's Real Time Transit Information system to the building's management and informational systems for display in the lobby display monitors and/or to provide access to the residents, employees, tenants, visitors, etc. County provided monitors/signs will not be installed. (note: this is a repeat of 18 above)
- **6th Bullet** – the residential property management team will make transit information available to the residents, tenants and guests through its on site management office and/or front desk.



October 4, 2012

Ms. Erin Grayson
MNCPPC
8787 Georgia Avenue
Silver Spring, MD

Re: 7001 Arlington Road, Bethesda, MD

Dear Ms. Grayson:

As follow up to our recent conversations, this letter is to request inclusion of the following recommendations in your report to the Planning Board:

1 - Agreement by the Planning Board that submittal and review of the Record Plat may occur prior to approval of the Certified Site Plan, however, the Record Plat may not be approved by the Planning Board until after approval of the Certified Site Plan. This will allow the Record Plat to be recorded in a timely manner after approval of the Certified Site Plan.

Explanation: the sequential timing of a record plat submission after approval of the Certified Site Plan will add 120 - 180 days to the record plat recordation time, preventing the issuance of a building permit for the same period, thus delaying the start of construction.

2 - Agreement by the Planning Board that the dedication of the 15' ROW across the front of the property to the County will occur through a deed of dedication to be recorded immediately after the Planning Board approval of the Site Plan in order to satisfy the County staff's preference that WSSC not be granted an easement for the portion of the relocated sewer line that will ultimately be located in the new ROW prior to the dedication of the ROW.

Explanation: This is simply a matter of timing. The agreement to dedicate the ROW is typically done by the Applicant as part of the Site Plan approval, however, the recordation of that dedication would typically be done at the time of Record Plat. The Applicant is required to grant WSSC an easement over a portion of the property to accommodate the relocated sewer line, but part of easement area will be within the ROW area to be dedicated to the County. It is County staff's preference to have the ROW dedication completed prior to granting WSSC an easement, eliminating the need for an easement on ROW area of the property. The only way to accommodate this preference is to record the ROW dedication immediately, since the sewer relocation work will be performed prior to the Record Plat being recorded. In the alternative, if the ROW dedication is not completed immediately, the WSSC easement will be put in place prior to the Record Plat being recorded which is not staff's preference. The early ROW dedication is being proposed solely to accommodate the County staff's preference.

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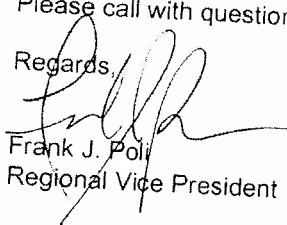
3 - Acknowledgement by the Planning Board that the County may issue permits for, and the Applicant may commence the following site related work after approval of the Site Plan and prior to issuance of the Certified Site Plan, Record Plat and Building Permit: demolition of the existing building (demo permit); relocation of the existing sanitary sewer line (ROW, access and utility permits); clearing and grading of the site (access and site work permits); excavation/sheeting and shoring (access and site work permits); and below grade caisson/pier installation (specific permit for this work only).

Explanation: The work described above is site related and can (*needs to?*) be completed prior to the start of the actual building construction work. Demolition of the building, clearing of the site, installation of the sheeting and shoring and related excavation work, and installation of caissons/piers will allow the site to be prepared for the start of construction of the building, which can only commence when the Certified Site Plan is approved, the Record Plat is recorded and the Building Permit is issued. The site related work described herein will be subject to the typical approvals/permits from the County for access, ROW, engineering, etc., as would normally be issued for site related work of this nature. Again, this accommodation is just to compress the time frame so that the Applicant can begin construction of the approved building once it has received all County approvals, but begin site preparation before this time.

We appreciate your consideration of this request.

Please call with questions. Thank you.

Regards,


Frank J. Pol
Regional Vice President

Cc:

Robert Kronenberg - MNCPPC
Cindy Bar - LEB
Bob Harris - LEB
Chuck Irish - VIKA
Bill Landfair - VIKA
Manoj Dalaya - KGD
Henry Mahns - KGD

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