

MCPD
Item #1
11/8/01**MEMORANDUM**

DATE: November 2, 2001
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief
 Development Review Division
FROM: Wynn E. Witthans
 Planning Department Staff
 (301) 495-4584

REVIEW TYPE: Site Plan Review
APPLYING FOR: 164 multifamily units inclusive of 21 MPDU's and 18,351 square feet of commercial space
PROJECT NAME: Residences of Rosedale Park
CASE #: 8-02002
REVIEW BASIS: Sec. 59-D-3, M. C. Zoning Ordinance

ZONE: CBD - 1
LOCATION: At Wisconsin Avenue, both north and south of Rosedale Street
MASTER PLAN: The Bethesda Central Business District Sector Plan and Technical Appendix, Approved and Adopted July 1994
APPLICANT: North Bethesda/WHM, LLLP c/o The Magruder Companies
FILING DATE: September 10, 2001
HEARING DATE: November 8, 2001

STAFF RECOMMENDATION: Approval of 164 multifamily units inclusive of 21 MPDU's and 18,351 square feet of commercial space with the following conditions to be addressed prior to signature set:

1. Standard Conditions dated October 10, 1995, as amended, within Appendix A.

2. Neighborhood protection measures:

The following items shall be addressed as revised drawings or as part of the Site Plan Enforcement Agreement:

- a. Lighting plans to include lighting on all sides of the buildings, including alley lighting, with sufficient detail to show fixture design, cut off features and photometric grid;
 - b. The alley intersection with Rosedale Avenue and Maple Avenue to include channelization to direct traffic flow towards Wisconsin Avenue only – channelization to include plant materials or other acceptable device to increase the definition of the direction;
 - c. During construction, the Applicant shall commit to keeping the flow of traffic maintained on Rosedale Avenue at all times;
 - d. During construction, the EBCA shall be consulted by the developer prior to any application for longer work hours;
 - e. The Applicant shall pursue required approvals to install parking meters on Wisconsin Avenue for use of the retail customers;
 - f. The balconies of the proposed units shall be screened via landlord controls and a knee wall or enclosed railings;
 - g. The HVAC system shall be mounted on the roof, screened appropriately and not supplied for each unit;
 - h. The pedestrian crosswalks across the alley shall be brick and conform to the Bethesda Streetscape guidelines to enhance pedestrian crossings;
 - i. During all phases of construction, the applicant shall install and maintain vermin control;
3. The proposed drainage improvements and sidewalk improvements for Rosedale Avenue shall be approved by MCDPWT and MCDPS prior to release of building permits. Failure to receive approvals as shown shall require adjoining citizen acceptance of the alternate scheme. The installation of drainage and sidewalk improvements to Rosedale Avenue shall be completed prior to occupancy. The developer shall replace any trees removed or endangered due to construction.
4. The streetscape shall conform to the Bethesda Streetscape Guidelines for all elements and their locations, ie the trash receptacle, the lantern, the amended soil panel, the pavers, the tree pit. Staff shall review all subsequent approvals for conformance.
5. The proposed public artwork shown on the circular benches shall be more fully developed along the benches' vertical sides. Staff shall review any subsequent designs and shall coordinate the final submittal with the Bethesda Art Panel and other staff.
6. The Site Plan enforcement Agreement shall reference that the public park north of Rosedale Avenue shall be maintained by the developer and shall be completely open to the public during its hours of operations.

7. The Site Plan Enforcement Agreement shall reference the amenity construction to be complete prior to occupancy and shall reference their agreement with MCDPWT to use the subsurface right-of-way of Rosedale Avenue for underground parking.
8. The applicant shall enter into an agreement with the Bethesda Urban Partnership for the on-going maintenance of public open spaces associated with this project.

ISSUES RESOLVED IN THE COURSE OF SITE PLAN REVIEW

Citizen Concerns

During the Project Plan review, the adjoining civic association, the East Bethesda Civic Association, other citizen groups and individuals were involved in the review of the project. These groups and individuals expressed a number of concerns and offered support for the proposed project. Their concerns included: drainage improvements to Rosedale Avenue; sidewalk improvements to Rosedale Avenue; traffic backups at the light at Wisconsin Avenue and Rosedale Avenue; traffic from the project utilizing neighborhood streets; impacts from the use of the buildings (parking in the neighborhood, lighting, views to balconies, type of retail or commercial uses in ground level of buildings) and the height of the buildings.

The Project Plan was approved with a number of conditions that directed the site plan response to these concerns. The conditions of approval, above, detail staff's response to the concerns raised by citizens at the Project Plan and Site Plan stages of review. During the site plan review, there was some interest by some citizens to seek additional amenities for this project. Since amenities are determined at the time of Project Plan review, no additional amenities were added. The developer has given an easement to the public park's adjoining homeowner for driveway access.

Correspondence received by citizens as part of the EBCA or as individuals has been attached.

Vehicular Access and the Alley

Staff met with citizens and the adjoining CT- zoned property owners immediately to the east of the southern building, on the opposite side of the alley. The CT property owners were satisfied with the traffic patterns created by the alley and the entrances within the apartment building. They want to maintain the two-way traffic patterns. The citizens wanted to have the intersections of the alley and Rosedale or Maple Avenue to have a channelized feature to force all alley traffic towards Wisconsin Avenue and away from the neighborhood. These channelization features have been added. To increase their effectiveness, staff recommends that plant material be added to the channelized area for better definition.

Art Panel

The project's art has been designed by a team of sculptors and was presented to the Bethesda CBD Art Panel. There was some concern about a few of the pieces that were shown and they were subsequently removed. The motifs the artists propose are reminiscent of the site's ecological and cultural background (plant materials, arrowheads, etc). Mosaics of these motifs will be placed in the center of the circular paving patterns and on the circular benches at the public park's entrance. Staff further recommends that the mosaics on the circular bench be further developed and the scheme brought back to the art panel.

Drainage on Rosedale Avenue

The applicant has provided a plan to improve the drainage along Rosedale Avenue. A curb and gutter and drain inlet are proposed to the north and a raised sidewalk is proposed to the south. The citizens living on Rosedale Avenue between the project and Tilbury Street support the drainage improvements as shown. To date the plans have not been formally accepted or approved by the DPWT or DPS. Should the proposed design not be approved by the reviewing County agencies, subsequent schemes should be reviewed and accepted by these same citizens. Staff recommends further that any trees removed or endangered for this work be replaced.

PROJECT DESCRIPTION: Surrounding Vicinity

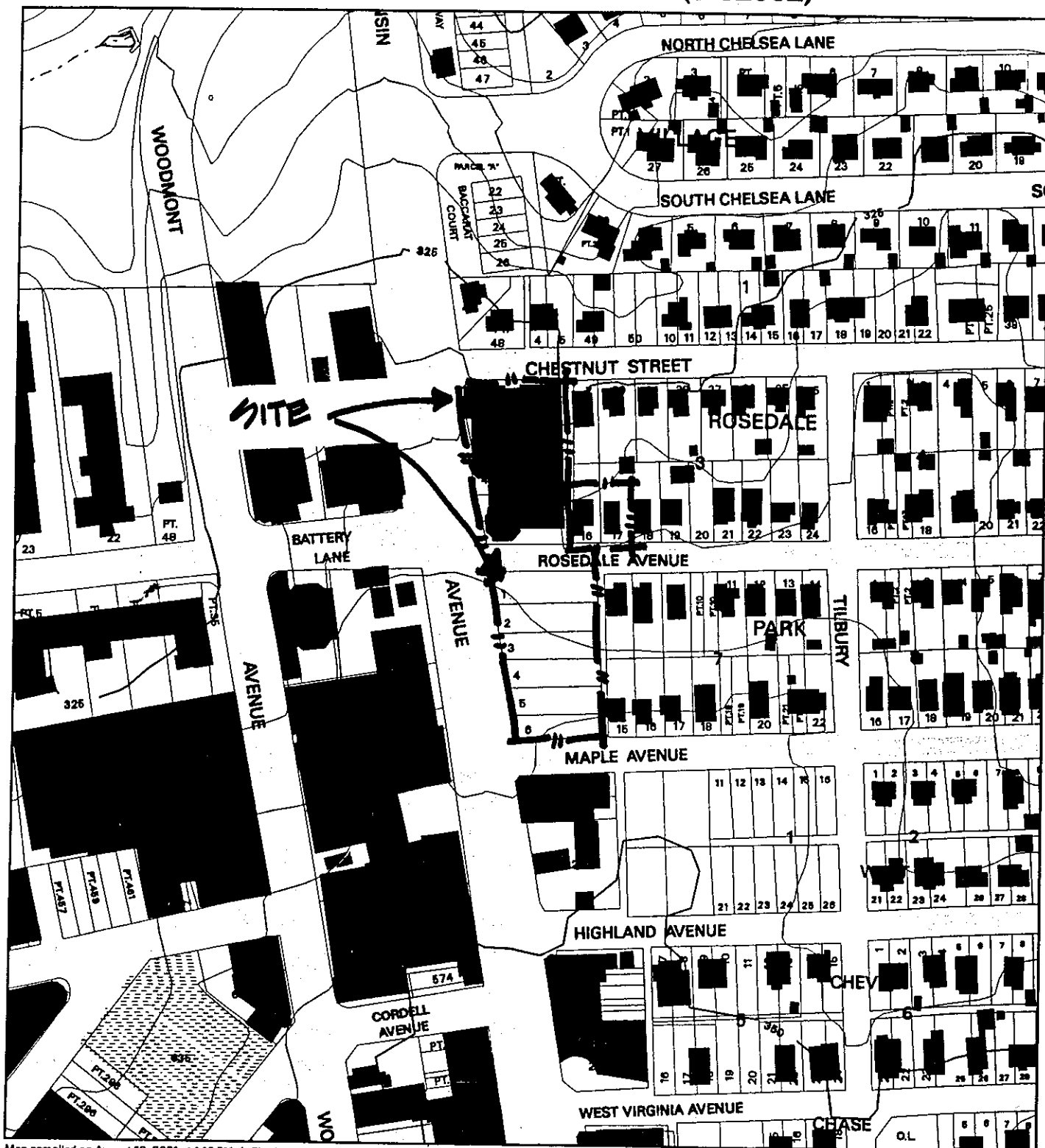
The subject property is located within the Bethesda CBD, in the Wisconsin North Corridor, abutting the East Bethesda Transition Area. On the south side of Rosedale Avenue, there are two properties that are immediately opposite the alley to the east in the C-T (Commercial Transition) zone. They are improved with single-family dwellings occupied by commercial uses. On the north side of Rosedale Avenue, the property immediately opposite the alley to the east of the Property is in the R-60 zone (Residential, One-Family, Detached) with a recommended C-T floating zone; it is currently improved with a single-family dwelling. Farther to the north, and diagonally to the east, are single-family houses within the R-60 zone. The four homes closest to the Property (two facing Rosedale Avenue and two facing Chestnut Street) are rental properties.

The East Bethesda residential community, consisting of single-family homes in the R-60 zone, is further east, beyond the C-T properties.

Retail and service uses occupy the older one-to-two story commercial buildings to the south of the Property along Wisconsin Avenue, across Maple Avenue. A public parking lot is located to the southeast of the Property, also across Maple Avenue. To the north of the Property are two-story townhouse office uses which front onto Chestnut Street.

On the opposite side of Wisconsin Avenue, west of the Property, there is a gasoline filling station with a car-wash, some mid-rise and high-rise commercial buildings ranging from one- to sixteen-story heights, and a six-story hotel.

THE RESIDENCES AT ROSEDALE PARK (8-02002)



Map compiled on August 10, 2001 at 1:12 PM | Site located on base sheet no - 210NW06

NOTICE

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Key Map



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0 200
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PROJECT DESCRIPTION: Site Description

Site and immediate vicinity

The Property is comprised of two parcels of land on either side of Rosedale Avenue. The Property consists of 70,362 square feet of gross tract area, including a portion of the original rights-of-way of the surrounding roads and alleys.

The Property is bisected by Rosedale Avenue and is bordered to the west by Wisconsin Avenue, to the south by Maple Avenue, to the east by a 10-foot public alley, and to the north by professional office condominium buildings. The Property is currently improved with O'Donnell's restaurant on the three lots to the north of Rosedale Avenue; a privately owned public parking facility to service the O'Donnell's Restaurant occupies the six lots to the south of Rosedale Avenue.

Rosedale Avenue, to the east of the site, is not built to typical cross-section standards. The sidewalk is flush with the street, is subject to flooding, and is frequently filled with parked cars. There are no current plans to improve this section of road with public funds.



THE RESIDENCES @ ROSEDALE PARK

8301 WISCONSIN AVENUE
BETHESDA, MARYLAND

MAGRUDER
COMPANIES

CLIENT



DORSEY ROSSOM & PARTNERS
CLEVELAND 1000 LAUREL AVE. CLEVELAND, OH 44115

PROJECT DESCRIPTION: Proposal

The proposal consists of a 78-foot building on the south lot and a 60-foot building on the north lot, containing 164 residential units and 18,351 square feet of first-floor commercial space

The main entrances for the residents of the Project will be located on each side of Rosedale Avenue. The proposed community-serving commercial uses on the ground floor will have convenient and inviting pedestrian entrances along Wisconsin Avenue and Rosedale Avenue. The Project includes an underground parking garage with its entrance along the rear of the Property on the alley to the south. Parking for the residents, shoppers, employees and guests of the Project will be provided in the underground garage to maximize the use of the Property and to emphasize the pedestrian orientation of the street frontage, as recommended in the Sector Plan.

Pedestrian and vehicular improvements are proposed on and around the Property. They include widening the alley behind the Project to improve vehicular movement and enhancing the pedestrian access bordering the Project with wider sidewalks lined with street trees. Further, at the request of the community, the Applicant will provide an additional lane on Rosedale Avenue to improve the vehicular access to Wisconsin Avenue.

Vehicular access to the underground garage will be from the public alley behind the Project, to avoid any queuing problems on Rosedale Avenue. There will be a two-way ramp descending under the building to the three-level garage, which is designed to provide 305 parking spaces. The first-floor of the garage is configured to provide adequate soil depths to accommodate the enhanced landscaping proposed for the Project. Visitors using the commercial portions of the Project will have convenient access to parking on the first level of the garage, to discourage use of nearby residential streets. Residents of the Project will be provided parking spaces in the underground garage and will have secured entrances to the residential component of the Project to ensure safety and security. The vehicular service entrance for delivery and trash will be located at a separate service entrance off the alley to the south to minimize pedestrian-vehicular conflicts. There will be a drop-off area in front of the residential entrances for guests, residents,

and deliveries that will be separate from the through lanes on Rosedale Avenue in order to avoid congestion.

Amenities for the project, are as follows:

Proposed On Site Amenities

Bethesda Streetscape - Street Trees, Specialty Paving, Sitting Areas, Light Standards, Waste Receptacles
Focal Points developed with art work – mosaic inset
Sittings Areas with Bethesda Streetscape Benches, Lanterns, etc.

Proposed Off Site Amenities

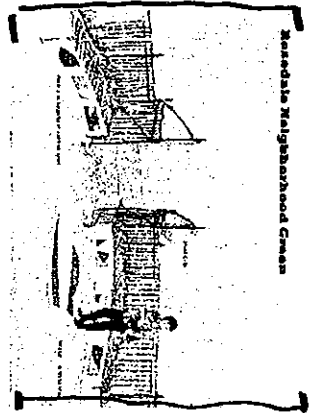
Bethesda Streetscape - Street Trees, Specialty Paving, Sitting Areas, Light Standards, Waste Receptacles
Focal Points developed with art work — mosaic inset
Public Park Sitting Area (located on north side of Rosedale Avenue) with circular bench with mosaics and iron rail entry gate detailing

The art work will be mosaic pieces placed within paving patterns and benches. Separately, the applicant proposes to improve the street drainage and sidewalk elevations along Rosedale Avenue. They have developed a scheme to add curb and gutter and an inlet along the north of Rosedale Avenue and to develop an elevated sidewalk to the south. The plans have been agreed to by the neighbors, see attached letter) and are under review by MCDPWT and MCDPS.

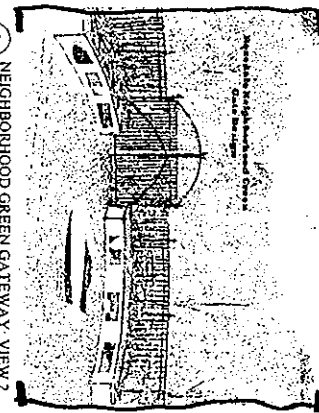
In addition to the amenities provided in the public use areas of the Project, the residents of the Project will enjoy a health club area and party room facilities on the ground floor of the south building.

Public Art

Rosedale Neighborhood Center



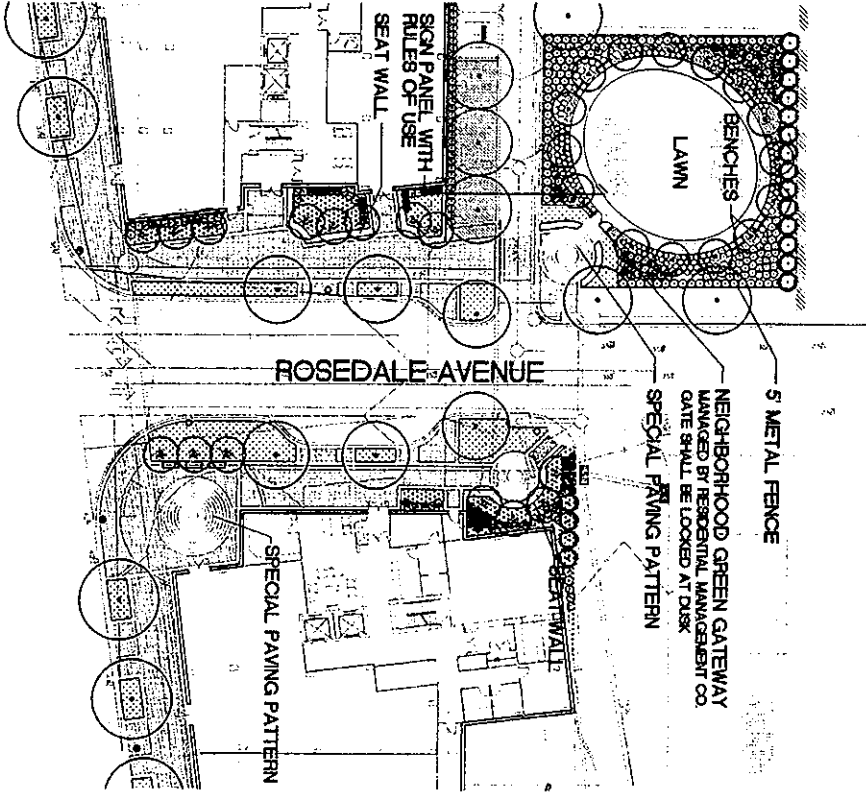
2 NEIGHBORHOOD GREEN GATEWAY VIEW 1
N.T.S.



3 NEIGHBORHOOD GREEN GATEWAY VIEW 2
N.T.S.



4 ART DETAILS
N.T.S.



1 PLAN DETAIL
1/16"=1'-0"

PARKER RODRIGUEZ, INC.

CONCEPTUAL
VIGNETTES AND PLAN
DETAIL

THE RESIDENCES
@ ROSEDALE PARK
8301 WISCONSIN AVENUE

BETHESDA MARYLAND

Drawn by	DATE
Checked by	DATE
Designed by	DATE
Reviewed by	DATE
Approved by	DATE
Project No.	20100000
Sheet No.	L-3
Scale	1/16"=1'-0"

PROJECT DESCRIPTION: Prior Approvals

The site plan has been proceeded by Project Plan #9-01004 and Preliminary Plan # 1- 01027 approved by the Planning Board on May 5, 2001. The Project Plan conditions and the nature of the Site Plan's conformance is presented below as follows:

PROJECT PLAN CONDITION	SITE PLAN CONFORMANCE OR STATUS
1. Development Ceiling of 18,519 sf commercial/164 multifamily du/ max 189,995 sf	18,351 sf commercial/164 multifamily/189,430 sf total
2. Bldg Height 60 ft max northern bldg/78 ft max southern lot	60 ft northern bldg/78 ft southern bldg
3. Public Use Space design ped. friendly, gateway to neighborhood, suitable for neighborhood gathering	Wide sidewalks and multiple sitting areas create ped. friendly spaces for gathering, paired buildings create gateway
4. Public Art – sculptural focal points, enrich ped. experience, northern area shelter structure or play feature, southern area sculpture, fountain or appropriate feature, Art Panel review	Park on north has benches and grassy play areas, open spaces to south include sculptural panels and sitting areas, Art Panel has reviewed
5. Streetscape to include Bethesda Streetscape Details	Plan shows some but must be adjusted to conform to Guidelines prior to release of signature set.
6. Phasing of Amenity features	Part of Site Plan Enforcement Agreement
7. MPDU's – to be provided on site	21 MPDU's shown on site as required for 164 du's
8. Open Spaces maintained by BUP	Part of Site Plan Enforcement Agreement
9. Use of subsurface Rosedale Avenue right-of-way for parking garage	Part of Site Plan Enforcement Agreement, letter from County forthcoming
10. Issues to address at Site Plan <ul style="list-style-type: none">a. Drainage plan for Rosedale from Alley to Tilbury Streetb. Neighborhood protection from	<ul style="list-style-type: none">a. Citizens have reviewed and approved the drainage planb. Site Plan include traffic flow channels at exits from alley towards Wisconsin Avenue
11. Right of way Dedications	Dedications are proposed per Project Plan

The Site plan has adequately addressed (with some further development of streetscape) the conditions of approval of the project plan.

The conditions of approval for Preliminary Plan # 1- 01027 are stated below with annotations of site plan conformance as appropriate:

- 1) Approval under this preliminary plan is limited to 164 Multi-Family Dwelling Units, 18,519 square feet of Commercial/Retail development and compliance with the conditions of the Transportation Planning memo dated, April 26, 2001 as follows:
 - Limit the development to 164 high-rise apartments and 18,701 square feet of retail
 - Provide 52 feet from the centerline of Wisconsin Avenue to accommodate a total 104 foot right-of-way as recommended in the Bethesda CBD Sector Plan
 - Provide 60 feet of right-of-way along Rosedale Avenue as recommended in the Bethesda CBD Sector Plan
 - Provide 30 feet from the centerline of Maple Avenue to accommodate a total of 60 feet right-of-way as recommended in the Bethesda CBD Sector Plan
 - Add a lane to westbound approach on Rosedale Avenue at Wisconsin Avenue
 - Participate in the County CIP Project #500140 "Jones Bridge Road at Rockville Pike" which is fully funded in the County FY 2001-06 capital Budget
 - Increase sidewalk width from four (4) to a minimum of five (5) feet on Rosedale Avenue and Maple Avenue
 - Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) Bicycle Coordinator to provide on-site parking for bicycles of residents, employees and customers
 - Participate in the Bethesda Transportation Management Organization (TMO) through a formal Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation to assist the TMO in achieving and maintaining the 37 percent non-auto mode share for employees in the peak periods. The trip mitigation program is to be negotiated with staff. Participation shall include identifying an employee transportation coordinator, assisting the TMO to reduce employee trips, and using commercially reasonable efforts to assure that at least 80% of the employees fill out and return the TMO's annual commuter survey forms

The proposed site plan conforms to these conditions in the following ways: the building conforms to the square footage maximums; right-of-way dedications have been proposed; sidewalk widths conform to the recommendations; bicycle parking has been provided; a draft TMO agreement has been submitted for review; and participation in road projects will be finalized prior to record plat.

- 2) All roads shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Sector Plan, and to the design standards imposed by all applicable road codes

- 3) Compliance with conditions of MCDPS stormwater management approval dated April 25, 2001
- 4) Access and improvements as required to be approved by MCDPWT and MDSHA prior to recording of plat or issuance of access permit, as appropriate
- 5) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- 6) The Adequate Public Facility (APF) Review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 7) The validity of this preliminary plan is also dependant upon the applicant complying with and abiding by the conditions of approval for Project Plan No. 9-01004
- 8) Necessary Easements

These conditions have been addressed in the context of the site plan as is required.

ANALYSIS: Conformance to Master Plan

Master Plan Considerations:

- Key components of the Bethesda sector plan (1994) are centered on *high-quality infill structures, green open space, and streetscape improvements such as trees, special paving and seating*. The plan envisioned the expansion of more opportunities to live in the downtown and to preserve surrounding neighborhoods. The 1994 plan calls for the enhancement of Bethesda as an *appealing environment for working, shopping, and entertainment*.

The proposed plan proposes housing and commercial (probably retail) uses.

- The plan's Wisconsin North Corridor section, the northernmost section of the CBD, outlines the need for residential housing particularly along the east side of the corridor. Having a housing component encourages compatibility with nearby residential areas. Any redevelopment on the east side of Wisconsin should provide an *opportunity to create a more attractive entry to Bethesda by addressing the lack of trees, the over head utility wires, and the scattered attention to building facades*.

The proposed project includes underground utilities along its frontages, with street trees and new construction that proposes windows that appear to be "residential" that face the surrounding residential areas.

- Objectives of development in the Wisconsin North Corridor:
 1. Create a high-quality entry into Bethesda by redevelopment, improved streetscape, and façade improvements.
 2. Provide additional housing, particularly along the east side of the corridor, to encourage uses that are compatible with nearby residential areas.
 3. Support a diverse specialty retail, community-serving retail, and restaurant environment, including provision of adequate short-term parking facilities.
 4. Consider the impact on East Bethesda when redeveloping sites along the east side of Wisconsin Avenue.

These issues were reviewed at length during the Project Plan review. The project proposes new construction at a gateway entrance with pedestrian features located in a visible area, the project proposes housing and commercial uses, and buffers developed create a compatible relationship to adjoining development.

- The master plan calls for mixed-use projects on the east side of Wisconsin Avenue. *The expansion of community-serving retail would compliment new residential development. Ground floor retail should be provided in mixed-use projects on both sides of Wisconsin Avenue.*

Some Urban Design Guidelines

- Orient new development toward Wisconsin Avenue, with major building entrances and retail uses located at street level. Building setbacks should continue to be 20 feet from the street curb, as recommended in the Metro Core.

- Allow building heights to be 75 feet on the east side, stepping down to 60 feet to achieve a compatible transition with adjacent residential properties.
- Consider views from the residential neighborhood in the design of new buildings.
- Locate vehicular access and service areas along the east side of Wisconsin Avenue in the rear of the site, along upgraded alleys, and provide screening from nearby residential properties.”
- Provide continuous sidewalks and streetscape improvements along all street frontages to improve pedestrian access to the neighborhood.
- Locate open space associated with new developments in a manner that creates a link with existing open spaces or provides a transition to the residential neighborhood to the east.

The proposed site plan includes these features.

ANALYSIS: Conformance to Development Standards

PROJECT DATATABLE
CBD-1 Development Standards

	Required/Permitted	Provided
Minimum Net Lot Area	22,000 s.f.	Block 3 – 13,427 s.f.
Net Lot Area		Block 7 – 27,412 s.f.
		Net Lot Area 40,839 s.f.
Prior Dedication Area		29,523 s.f.
Gross Tract Area		70,362 s.f.
FAR Area North Lot		21,091 s.f.
FAR North Lot	21,091 s.f. @ 2.0 FAR 42,182 s.f.	
FAR Area South Lot		49,271 s.f.
FAR South Lot	49,271 s.f. @ 3.0 FAR 147,813 s.f.	
Total FAR	189,995	189,430 s.f.
Commercial Area		18,351 s.f.
Residential Area		171,079 s.f.
Dwelling Units	125/acre = 201 units	164 units
Public Use Space – On Site	8,168 s.f. 20% net lot area	8,308 s.f. on site 20.2% net lot area
Amenity Space - Off-Site		17,103 s.f. off-site
Total Public Use/Amenity Space		25,411 s.f. total 62.22% net lot area
Maximum Building Height	90 ft.per CBD-1 Opt.Meth 75 ft per Sector Plan	78 ft., 60 ft.
MPDUs: 164 residential units @ 12.5% MPDU's		21 MPDU's

Parking:

Spaces

Apartments – Final Unit Mix to be Determined at Site Plan

17 Studios @ 1.00 SP/DU	17
109 One-Bedroom Units @ 1.25 SP/DU	136
38 Two-Bedroom Units @ 1.50 SP/DU	57
Required Apartment Parking	209
Less 10% credit (Metro)	- 16
Residential Use Subtotal	193
Commercial	
18,519 s.f. Retail @ 5 SP/1000	93
Total Required Parking	286
Total Vehicle Parking Spaces Provided in Garage	305
(Inclusive of 7 handicapped spaces)	
Motorcycle Spaces in Garage: Required 2% of 305 = 7	7
Bicycle Spaces in Garage: Required - 5%, 20 max.	16

Recreation Guidelines

RECREATION TABULATION					
<u>DEMAND:</u>	<u>D1</u>	<u>D2</u>	<u>D3</u>	<u>D4</u>	<u>D5</u>
164 HI-RISE	6.6	6.6	6.6	126.3	75.4
<u>SUPPLY:</u>					
PEDESTRIAN SYSTEM	0.7	1.3	1.3	56.8	33.9
PICNIC AREA (3)	3	3	4.5	15	6
OPEN PLAY AREA II	3	4	4	10	1
<u>OFF-SITE FACILITIES (35% CREDIT):</u>					
MAXIMUM OFFSITE CREDIT	2.3	2.3	2.3	126.0	26.4
<u>TOTAL CREDIT</u>	<u>9.0</u>	<u>10.6</u>	<u>12.1</u>	<u>46.1</u>	<u>67.3</u>

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. **Buildings**

The two buildings are arranged on either side of Rosedale Avenue creating a framed entry to the neighborhood with generous space for the walks and sitting areas. The buildings are closely orientated towards Wisconsin Avenue so to allow for ease of use and visibility from the street. Another feature of the building's location is to allow for improved alley width (from 10 to 20 feet) within the southern half of the site. The provision of the public park enhances the northern building's location in regards to the adjoining neighborhood. The park proposes a number of deciduous and evergreen trees which creates a green buffer next to adjoining houses.

- b. **Open Spaces**

The plan slightly reduces its pre-construction amount of pavement after construction through the provision of the park and the open space planting areas. The stormwater management concept plan was approved by MCDPS on April 25, 2001 and consists of on-site water quality control via water quality units and a waiver request for the water quality control. The Rosedale Avenue drainage improvements are still under review by the county agencies and are subject to their approval.

Significant noise impact affecting the upper residential units (floors 2-8 or 2-6) which face Wisconsin Avenue have been mitigated to the extent feasible by acoustically sound window treatments for the sliding glass doors and the unit construction.

- c. **Landscaping and Lighting**

Landscaping on the site consists of street trees and other planting areas that conform to the Bethesda Streetscape Guidelines. The streetscape landscaping will create shade, interest and definition to the pedestrian environment. The use of the Bethesda Streetscape standard on all three frontages of the site will upgrade the pedestrian environment and create a suitable "Gateway to the CBD" appearance.

The landscaping within the public park will create shade, seasonal interest and buffer views from the immediately adjoining and the surrounding neighborhood.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above.

e. Vehicular and Pedestrian Circulation

The street connections to the site are in accordance with the approved Preliminary Plan, and the layout provides access to the rear of the building utilizing an alley which will absorb some of the service, residential and commercial trips out of the public streets adjoining the project. The alley includes channelized intersections with Rosedale and Maple Avenue that directs the traffic flow direction from the alley towards Wisconsin Avenue. This is intended to prevent the alley traffic from the site and the confronting CT-properties entering the adjoining neighborhood thus reducing the impact of the alley's traffic through the neighborhood. A lay-by is proposed on the south side of Rosedale Avenue that will accommodate temporary parking or porte-cochere functions at the front doors of the apartments.

Public Sidewalks are provided on all street frontages of the site. Crosswalks provide for pedestrian connections across the alley. The Bethesda streetscape brick will continue across the alley and to create continuous pedestrian connections to the adjoining block.

Traffic mitigation agreement has been submitted to staff for review and approval and will become part of the Site Plan Enforcement Agreement for the site plan. The agreement proposes participation in the Bethesda TMO, requires the appointment of a transportation coordinator with defined activities for encouragement of transit use by residents and employees of the project.

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

The buildings' height, setback, and surrounding site treatment that includes the streetscaping and the public park and CT zoned land uses create a compatible transition from the CBD to the residential neighborhood. The treatment of the lighting, the full development of the streetscape and inclusion of artwork within the public open spaces blend to create a rich pedestrian experience surrounding the building. The amenities as proposed develop a compatible relationship between the development and the surrounding community.

Buffers to the adjoining neighborhood are created by the space and landscaping in the park and the setbacks created by the alley and the

The activity associated with the proposed residential and commercial will not cause any negative effect on adjoining commercial and residential land uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The site is exempt for Forest Conservation requirements via a small property exemption granted on October 11, 2000.

APPENDIX

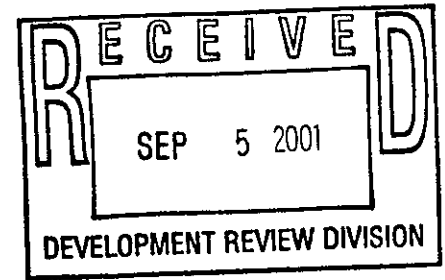
- A. Standard conditions dated October 10, 1995.
- B. Correspondence referenced in report - from EBCA, citizens and county reviewing agencies.
- C. Documentation of prior Project Plan approval – within staff folder # 9- 01004 and accessible to the public.
- D. Transcript from previous project plan hearing - within staff folder # 9- 01004 and accessible to the public.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Review Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each building shall be completed as construction of each building is completed.
 - 4) The public park shall be completed prior to occupancy of the second building.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 6) Coordination of each section of the development and roads so to keep Rosedale Avenue open at all times during construction.
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, public park, trip mitigation or other features.
 - b. Site Plan Enforcement Agreement to delineate traffic mitigation agreement.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance.
 - b. Conditions of DPS Stormwater Management Concept approval letter dated April 25, 2001.
 - c. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - d. The development program inspection schedule.
 - e. Streets trees per Bethesda Streetscape guidelines along all public streets.
 - f. The building shell and windows shall attenuate current noise levels to an interior level not to exceed 45 dBA Ldn.
3. Forest Conservation Plan (which indicates exemption) shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

August 30, 2001

Ms. Wynn Witthans
Development and Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910



Re: Residences at Rosedale Park – Site Plan

Dear Ms. Witthans:

I am writing to thank you for bringing together the various parties to discuss the preliminary site plan for the Residences at Rosedale Park on August 23, 2001. While I felt that the meeting involved a productive exchange of information, I would like to further address two issues about which there appeared to be misunderstanding.

These two issues are: 1) protection of the neighborhood from traffic to and from the project, and 2) improvements to Rosedale Avenue between Wisconsin Avenue and Tilbury Street. My goal here is to express what I believe has been and still is the understanding and desire of the residents directly affected by this project.

With respect to traffic, the special study in Appendix C of the Bethesda CBD Sector Plan states that development along Wisconsin Avenue should “protect the neighborhood from cut-through traffic...” Condition 10 b) from the May 24 opinion of the Planning Board states that the applicant shall “Provide neighborhood protection measures to re-direct traffic from this project away from the neighborhood streets.” Cut-through traffic related to this project may either originate at the project or end at the project. Clearly, the spirit of the Sector Plan and the Board’s opinion is that the adjoining residential neighborhood be protected from traffic both to and from this project. The EBCA has been unambiguous about its desire in this regard as evidenced by the motion passed at the April 18 general meeting:

“Support the recommendations in the Sector Plan to discourage project generated “cut-through” traffic. Recommend the use of *structural devices at the north and south ends* of the alley to channel *all traffic to and from* the proposed underground garage and CT properties towards Wisconsin Avenue and away from the neighborhood. The “Residences and Rosedale Park” project plan should be amended to direct *all traffic* towards Wisconsin Avenue while protecting access to and from the parking lots of the CT properties adjacent to the public alley.” (emphasis added)

To protect the neighborhood from traffic coming *from* the project while allowing cut-through traffic *to* the project is only half a solution. Half a solution is insufficient.

With regard to the improvements on Rosedale Avenue, I believe that the neighborhood – both the EBCA and the adjacent neighbors - has been quite clear about the complex problems faced and the solutions needed. Currently, the 4700 block of Rosedale Avenue suffers from 1) unsafe pedestrian access to and from the neighborhood, 2) large accumulations of rainwater along the road and in residents’ yards, and 3) a lack of distinction between the roadway and the lawns on the north side and between the roadway and the “at-grade” sidewalk on the south side.

At several points during the project plan phase, the views of the residents were presented clearly: first, in a memo; second, through a petition; and finally, in an EBCA motion.

First, I am attaching a memo written during the project plan review stage. It outlines the current state of the drainage, sidewalk and pedestrian safety issues in the 4700 block of Rosedale Avenue. This memo was attached to letters sent to the MNCPPC as well as to Albert Genetti of the Department of Public Works and Transportation. This memo ultimately appeared in the appendix to the planning staff's written review of the project plan.

Second, in April, the residents of the first block of Rosedale Avenue prepared and signed a petition expressing our desire for 1) a raised sidewalk on the south side of the street, and 2) curbs and gutters on the north side of the street. A copy of this petition was faxed to Scott Reed of the Magruder Company prior to the project plan hearing. A copy of this petition is attached. The petition was signed by the owners of 10 of the 11 houses on the street not including the two houses to be torn down for the park (4713 and 4715) or the CT properties (4710 and 4712). No one contacted opposed the petition or these improvements. The neighbors are willing to work with the county and the developer to achieve these improvements with non-standard solutions if necessary.

The EBCA has also spoken clearly on this issue. At the April 18 general meeting, the following motion was passed:

"Recommend that any amenities associated with optional method development of the O'Donnells Restaurant properties be focused on upgrading the transition region (between Wisconsin Ave and Tilbury Street) of primarily Rosedale Avenue, Maple Avenue, and Chestnut Avenue. Recommend that off-site amenities must include the following upgrades, but not limited to, to the 4700 block of Rosedale Avenue: (1) a raised sidewalk along the south side, (2) and curb along the north side and around the corner of Tilbury Street, and (3) a solution to the drainage problems." (emphasis added)

We look forward to working towards a more creative solution that addresses these issues in their entirety. Please do not hesitate to contact me to discuss anything further. I am available to all parties involved in this process to coordinate constructive meetings with the nearest neighbors.

Thank you for your consideration.

Sincerely,


Kent Johnson

cc: John Carter, MNCPPC
Scott Reed, The Magruder Companies
Ronald Mijan, Dewberry & Davis LLC
Ed Koenig, EBCA President

Attachments – Memo & petitions

4700 Block of Rosedale (between Wisconsin Avenue and Tilbury Street)

CURRENT SITUATION

FACTS:

- No storm sewer
- No sidewalk or curb on north side of Rosedale
- Sidewalk on south side of Rosedale is level with the road (no curb)
(with the result that cars park on the sidewalk)

IMPACT:

Pedestrians

Since cars are often parked in the sidewalk area, many pedestrians walk in the road; or pedestrians have to weave between the road and sidewalk where cars block the sidewalk. With the only sidewalk being level with the road, there is no safe path on which pedestrians can walk.

Water

Without storm sewers, rainwater collects along the north side of Rosedale, generally flowing down driveways and towards Wisconsin Avenue. Large amounts of water often accumulate at the speed bump near the alley, and at various points on the residents' properties along the north side of the road.

Roadway Borders

Without sidewalks or curbs on the north side of Rosedale, drivers sometimes drive onto residents' lawns. Some residents have taken steps to establish a border between the road and their lawns. A particular problem is the northwest corner of Rosedale and Tilbury where cars and trucks turning from Tilbury to Rosedale drive over the homeowner's lawn. As noted above, cars park (and sometimes drive) along the sidewalk on the south side of Rosedale.

PROPOSED SOLUTIONS

The following solutions simply bring the 4700 block of Rosedale up to the standards for sidewalks and storm drainage in the rest of the neighborhood.

- 1) **Install a storm sewer.** The 4700 block of Rosedale is one of the few blocks in East Bethesda without proper storm drainage. This is a substandard situation that needs to be remedied.
- 2) **Install a raised sidewalk with curb on the south side of Rosedale.** This will create a safe route for pedestrians, define the area where cars may park, and, along with the storm sewer, direct water to appropriate drainage locations.
- 3) **Install a curb on the north side of Rosedale.** This will provide a border distinguishing the roadway from homeowners' properties. Along with the storm sewer, this will prevent rainwater from pooling in homeowners' driveways and front lawns, and will direct water to appropriate drainage locations.

4700 BLOCK OF ROSEDALE AVENUE, BETHESDA

The homeowners listed below hereby petition for a raised sidewalk to be installed on the south side of the 4700 block of Rosedale Avenue from the public alley to Tilbury Street. The raised sidewalk will replace the current sidewalk that is "at grade" or level with the roadway. In the current configuration, vehicles park on the sidewalk, often forcing pedestrians to walk in the roadway.

The current sidewalk is four (4) feet wide and has no obstructions on its path. The new sidewalk will also be four (4) feet wide, and will have a curb with a height that is appropriate for the grade of the land adjoining the sidewalk -- at least four (4) and no more than six (6) inches high.

[illegible]

CURB PETITION

4700 BLOCK OF ROSEDALE AVENUE, BETHESDA

The homeowners listed below hereby petition for a curb to be installed on the north side of the 4700 block of Rosedale Avenue from the public alley to Tilbury Street and around the corner onto Tilbury Street.

The curb will be a "roll-up" curb of a height that is appropriate for the grade of the land adjoining the curb -- at least four (4) and no more than six (6) inches high.

[illegible]

October 22, 2001

TO Wyn Withans.

Ms. Carolyn Hufbauer
Maryland-National Capital Park & Planning Commission
Montgomery County Department of Park & Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: The Residences at Rosedale Park
Case # 9-01004

Dear Ms. Hufbauer,

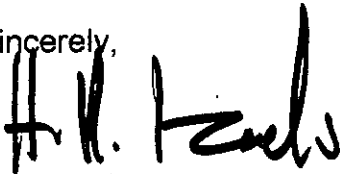
I am the owner and resident of 4711 Rosedale Avenue, directly adjacent and to the east of the proposed park (so called Offsite Amenity) by Magruder project (The Residences at Rosedale Park).

Although I am the most effected by the elements of this project (i.e.: shadow, blocking view & light, traffic, construction period problems, etc.), so far, I have supported the project in the hopes that there will be improvement to the area. After all, I only live half block away from Wisconsin Ave. and should expect some of these inconveniences.

For the past 40-50 years there has been a shared driveway between my house - 4711 and 4713. (Please see the attached drawing). This is the only access to our parking at the rear. The proposed site plan presented by the Magruder team shows the east wall of the proposed park cutting right in the middle of our current driveway. This is totally unacceptable, and will make it impossible for us to use the rear parking and be able to turn around.

I have brought up this issue in the Park & Planning meeting last August, and also to the developer in few occasions, but nothing showing in the site plan has any consideration for this serious problem. Please make sure that in the site plan there is adequate space provided for a driveway and turnaround space.

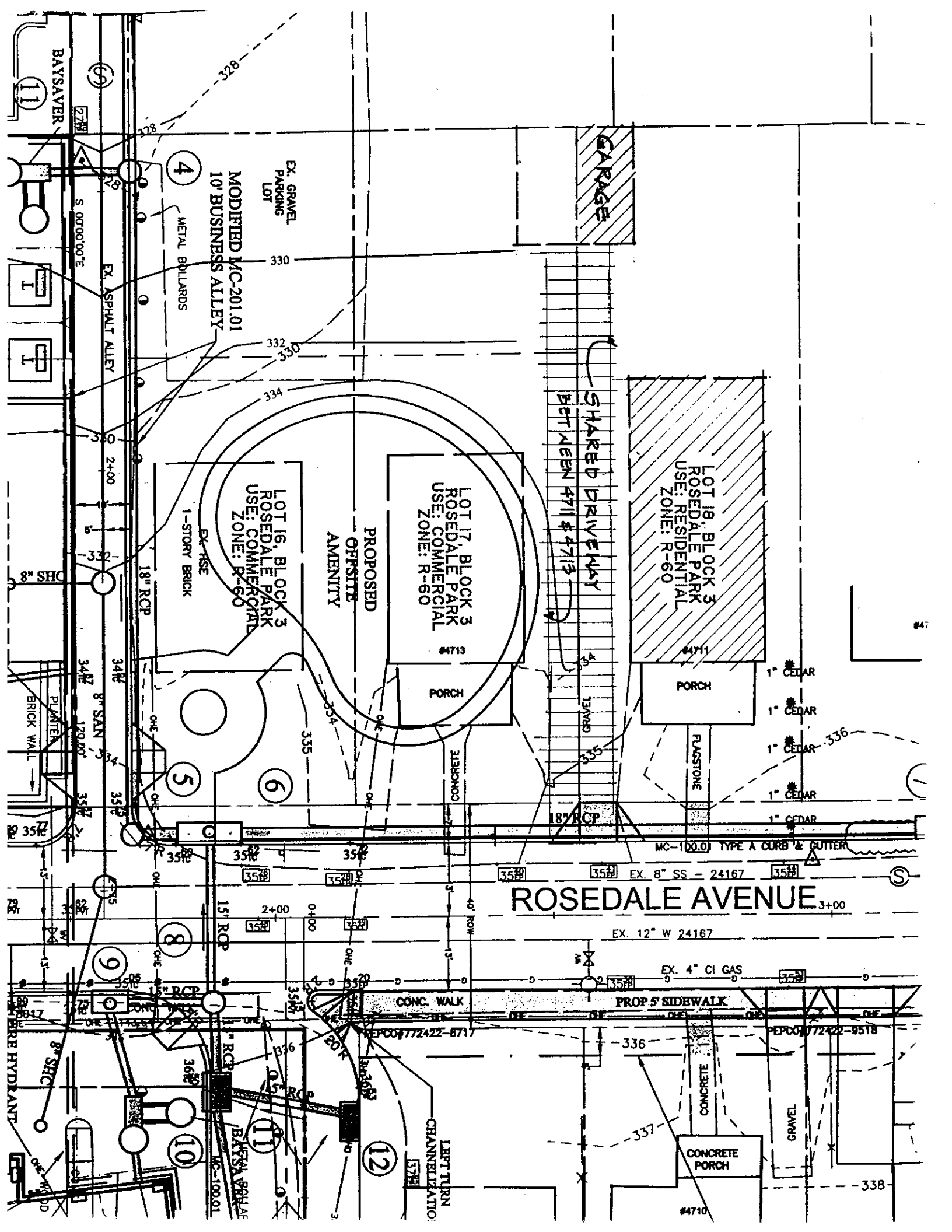
Sincerely,



H. Ray Izadi
4711 Rosedale Avenue
Bethesda, MD 20814-3729

301-654-9299

Attachment: Site plan



ROSEDALE AVENUE

LOT 18, BLOCK 3
ROSEDALE PARK
USE: RESIDENTIAL
ZONE: R-60

LOT 17, BLOCK 3
ROSEDALE PARK
USE: COMMERCIAL
ZONE: R-60

LOT 16, BLOCK 3
ROSEDALE PARK
USE: COMMERCIAL
ZONE: R-60

SHARED DRIVEWAY
BETWEEN 4711 & 4713

MODIFIED MC-201.01
10' BUSINESS ALLEY

METAL BOLLARDS

EX. 1-STORY BRICK

EX. 18" RCP

EX. ASPHALT ALLEY

BAYSAVER

EX. 12" W 24167

EX. 4" CI GAS

CONC. WALK

PROP. S' SIDEWALK

CONCRETE PORCH

LEFT TURN
CHANNELIZATION

8" SHC
FIRE HYDRANT

BRICK WALL

PLANTER

EX. 8" SS

EX. 8" SHC

EX. 18" RCP

EX. 1-STORY BRICK

EX. ASPHALT ALLEY

EX. 10' BUSINESS ALLEY

EX. 10' BUSINESS ALLEY

EX. 10' BUSINESS ALLEY

EX. 10' BUSINESS ALLEY

EX. 10' BUSINESS ALLEY

EX. 10' BUSINESS ALLEY

EX. 10' BUSINESS ALLEY

EX. 10' BUSINESS ALLEY

EAST BETHESDA CITIZEN'S ASSOCIATION

October 23, 2001

Wynn Witthans, Development Review
MNCPPC
8787 Georgia Avenue
Silver Spring MD 20910-3760
Fax (301) 495-1306

Re: EBCA Comments on Magruder project

Dear Wynn:

We discussed this project at our October 17th membership meeting, and I am attaching two lists that the attending members instructed me to send you:

--a list of fifteen "concerns" which our Transportation Chair, Alex Papageorge, read to the members. These are an expansion of the "17 issues" I gave you August 23, and essentially the same issues we discussed October 15.

(For the record, the motion read "To accept Alex's recommendations (as read to the members) and craft an appropriately phrased letter to MNCPPC, and present it at the site-plan hearing on behalf of the EBCA membership")

--a list of tree plantings, forwarded by our EBCA "Working Group" charged with "developing a plan for amenities...." Two possibilities were an "EBCA office" and extensive tree planting. The "Working Group" proposed only the trees.

We invited the Magruder group to our October 17 meeting so members could ask them any questions, raise any issues, etc. The only issue raised was the tree-planting, and we agree to provide specifics (attached).

Wynn, I just want to reiterate, for the record, the meetings we've had concerning this project.

Last fall and winter, the Magruder people presented their plans, and revisions, to our Executive Committee and membership meetings several times, and members have reviewed several iterations of the plans.

On August 23, we met with you and the Magruder group, and I presented our "17 issues to resolve" as outlined in the enclosed list. We expressed our great concern for the inadequate improvements to Rosedale Avenue, and the inadequate restrictions of the alley (to prevent traffic entering our neighborhood).

On September 21, we met, on site, with Scott Reed of the Magruder group, who presented revised plans for the Rosedale improvements and the alley restrictions. Our representatives (VP Jack Hayes, Transportation Chair Alex Papageorge, myself, and immediate neighbors Kent Johnson and Frederica Deigen, approved the new plans.

I asked Mr Johnson to have the immediate project neighbors review the new plans; they did so, and approved them the following weekend.

Following these meetings, I sent Mr Scott the enclosed letter dated October 5, indicating our approval of the new Rosedale and alley plans.

On October 15, EBCA elected officers -- myself, VP Jack Hayes, and Treasurer Bob Kidd met with your people. I again raised the unresolved issues from August 23, (alley traffic plan, Rosedale improvements, noise, trees, park buffer, lighting plan, etc) and gave you and Mr Magruder a DRAFT of a proposed letter from our Transportation Chair, Alex Papageorge, detailing these issues.

I am sending this letter and attachments to you today, October 23, so that you may incorporate our recommendations into your report to the MNCPPC.

Please call if you have any questions.



Edward Koenig, President
East Bethesda Citizen Association
4319 Kentbury Drive
Bethesda MD 20814
(301) 652-6554
(Fax) 657-2574

Enclosures:

August 22 "17 issues" list

October 5 letter to Scott Reed (re Rosedale and alley)

October 22 "Revised Amenities Working Group Recommendations" (trees)

"Site-related concerns" read to October 17 membership meeting by Alex Papageorge

August 22, 2001

Issues to resolve, informal meeting with MNCPPC

- 1- Alley—prevent vehicles from accessing neighborhood streets Access only to/from Wisconsin Avenue)
- 2- Transformer and storm drain—appearance and noise
- 3- Rosedale Avenue retail entrance?
- 4- What kind of retail tenants?
- 5- "Park" --uses, exclusions, lighting, hours of use??
- 6- Balcony walls, closed faces, not open
- 7- Facade?
- 8- What is southeast corner of North building? Wall? Fence?
- 9- Corner of Rosedale and alley "barriers" to prevent exiting vehicles from turning right into neighborhood
- 10- What is "Use: Commercial", and "Zone: R-60"?
- 11- Use of 3,000 square feet not used for "park"
- 12- Sculpture/statue in "park" entrance? "EBCA" name? Extent of fence?
- 13- Townhouses v. single-family? 6,500 feet v. 9,600 feet?
- 14- Rosedale drainage—plan details
- 15- R-60 v CT for four houses??? CT allows 35-plus foot height but not "park", R-60 allows "park" but limits project to 35 foot height??
- 16- Have Mr Lamphere present
- 17- Amenities—9,600 foot "park",
two new SF houses to replace existing houses,
large trees along Maple, Rosedale and Chestnut-- Tilbury to Wisconsin.

We will submit today's findings and clarifications to members. What is deadline for submitting our final comments ?

East Bethesda Citizens Association

P.O. Box 41020 Bethesda Maryland 20824

October 5, 2001

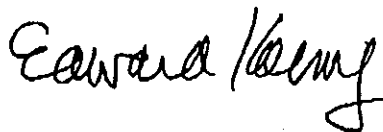
Scott C. Reed
Executive Vice President
The Magruder Companies
Gaithersburg, Maryland 20878

Dear Mr. Reed:

On behalf of the citizens of East Bethesda, the East Bethesda Citizens Association would like to thank you for meeting with us on-site, Friday September 21st, to discuss the revised Rosedale street improvement plan. Those in attendance, EBCA officials and two 4700 block of Rosedale residents, were very pleased with the plan as presented and the walkthrough you provided. We are pleased that your plan is consistent with our community's request for improvements of Rosedale Avenue. We feel we have a clear understanding of the plan and believe the effect will benefit both our East Bethesda and the Residences at Rosedale Park Project.

We hope that we can continue to work together to make our neighborhood, East Bethesda and the Residences at Rosedale Park, a quality community.

Sincerely,



Edward Koenig
President
East Bethesda Citizens
Association

Copy to: EBCA Files

Subj: **Revised Amenities Working Group Recommendation**
Date: 10/22/01 9:13:46 AM Eastern Daylight Time
From: david.c.whitford@census.gov
To: EdwardKRES@aol.com, JDHser@aol.com, km@kristenmosbaek.com, troccoli@erols.com
CC: david.c.whitford@census.gov

We got additional input from people on our group that finished up canvassing Maple Av. We all agree with these recommendations, and I've incorporated them in the revised recommendation below and added wording to satisfy Jack's request for indication that these are the recommendation of the whole working group.

David C
Whitford

10/21/2001
07:54 AM

To: JDHser@aol.com, EdwardKRES@aol.com
cc: km@kristenmosbaek.com, troccoli@erols.com
Subject: Amenities Working Group
Recommendation

Jack and Ed,

Below are a list of locations where trees would benefit our neighborhood and create a buffer between the project and our homes. The list may seem long, but bear in mind that those which are furthest from the project are the lowest priority.

These are the consensus recommendations of the EBCA's Amenities Working Group—composed of Kristen Mosbaek, Ken Troccoli and David Whitford. The concept of this product was circulated amongst a much larger group of neighbors living on these three streets.

Some of the trees recommended below are under power lines. We think shorter trees, such as dogwoods or crepe myrtles are appropriate in these circumstances. In the future we plan to take the step of consulting with an arborist regarding choosing trees for their hardiness, low maintenance and longevity.

We also think it is very important to get a tree (or bolder) at the corner of Chestnut and Tilbury and at the SE corner of Tilbury and Rosedale at 4628 Rosedale. These would prevent traffic (e.g., trucks) from riding over the lawns at these corners.

Please remember to include the Amenities Working Group in all future meetings with Park and Planning and/or the developer. We believe our responsibility to the EBCA and our neighbors requires our continued involvement to try to work together on this matter. Thanks.

Maple

4705 Maple? across the street from 4705 between 2 large trees

(more)

4604 Maple?near property line with 4606 toward sidewalk
4608 Maple?near front walk toward sidewalk
4613 Maple?near driveway toward sidewalk
4617 Maple?near driveway toward sidewalk
4614 Maple?In front yard near sidewalk.

additional suggestions for Maple Av.—exact location not specified:

4718 Maple Av.
4719 Maple Av.
4714 Maple Av.
4717 Maple Av.
4715 Maple Av.
4713 Maple Av.
4708 Maple Av.
4706 Maple Av.

8201 Tilbury (corner of Maple Av.)

Rosedale

4715 Rosedale?middle of front yard near street
4713 Rosedale?same as 4715
4711 Rosedale?same as 4715
4709 Rosedale?same or near driveway
4708 Rosedale?small tree in front near sidewalk (under wires)
4702 Rosedale and 4700 Rosedale?between these two property lines
4628 Rosedale?at southeast corner
4619 Rosedale and 4617 Rosedale?between property lines
4611 Rosedale?near driveway and sidewalk

Chestnut

4700 Chestnut?southeast corner. Low tree or some other obstruction to prevent vehicles from running over curb.
4700 Chestnut?in front of front door near sidewalk
4704 Chestnut?near driveway and curb for street
4707 Chestnut—in greenstrip by front walkway or in front yard
4627 Chestnut and 4621 Chestnut?between property lines
4611 Chestnut and 4613 Chestnut?between property lines
4602 Chestnut and 4600 Chestnut?between property lines

Sincerely, —David

TRANSPORTATION COMMITTEE RECOMMENDATION Alex Papageorge

Site Plan related concerns include, but are not limited to, the following:

- a. Access on Rosedale from Tilbury through to the intersection with Wisconsin Ave. must be maintained during the entire construction period.
- b. EBCA approval must be sought prior to any request for extended construction hours.
- c. Ground floor retail uses, as an approved condition, must be compatible with single family home neighborhood. (i.e. no automotive related services or products, certain 24-hour retail businesses, etc.)
- d. To determine appropriateness of a proposed new CBD retail entrance facing Rosedale where no current CBD Rosedale address now exists.
- e. EBCA approval of the design and future use of and users of the "park" on Rosedale is necessary.
- f. The intended use of the patio located on the southeast corner of the north building should be specified.
- g. Prior to site plan approval, EBCA consultation and approval of the location of underground parking garage exhaust ventilation openings is necessary.
- h. Prior to site plan approval, EBCA consultation and approval of the type and location of sound-generating mechanical equipment and sound abatement structures.
- i. Apartment balconies must be suitably designed with an appropriate architectural enclosure or knee wall, not open see-through railings.
- j. EBCA approval must be given to the project-related lighting plan, including, at an appropriate time, fixture-type selection. Serious consideration that security lighting, perimeter lighting and balcony lighting fixtures are shaded so that any fixture source lamps (bulbs) are not visible to adjacent East Bethesda neighbors.
- k. Prior to site plan approval, the use of the developer owned R60 parcels fronting Chestnut, including 3100 sq. ft. of Rosedale R60's, must be established, with EBCA approval.
- l. EBCA insists that the Planning Staff ensure a project design that conforms to the CBD Sector Plan language, which elevates this CBD site as prominent, and as a Bethesda gateway designation.
- m. To this date, no architectural drawings have been provided to the EBCA suitable for determining our position on other site plan issues such as design and façade treatments, especially as they relate to the existing neighborhood. EBCA must have these prior to site plan approval.
- n. The EBCA supports the installation of parking meters on the east side of Wisconsin Ave. between Maple and Rosedale for ground floor retail patrons.
- o. The developer must install and maintain vermin control measures during site preparation, excavation, and construction.

The EBCA recognizes that issues which affect the East Bethesda neighborhood will only be ensured of implementation and enforceability by having written conditions included in the approved Site Plan. Therefore, a further meeting with the planning staff, possibly including those from County permitting services, would be useful.

Witthans, Wynn

From: Nadia Carrell [nadia.carrell@attglobal.net]
Sent: Friday, October 26, 2001 1:16 PM
To: Witthans, Wynn
Cc: Alex Papageorge
Subject: Magruder Site Plan

Wynn,

I work with Alex Papageorge on the East Bethesda Transportation Committee. He is busy this week and asked me to contact you to follow-up on and clarify some of the concerns which EBCA has submitted regarding the Magruder site plan.

In addition, he would like you to contact me as well as him for any meetings that you may have with the developer, permitting services, etc. on this project. Somehow there was an oversight last week and although he and I were both prepared to come to any meetings neither of us were notified of the Oct 15 meeting. We are really down to the wire and want to make sure that at least one of us is always present to represent and clarify our neighborhood concerns.

I am attaching the ENTIRE text of the letter which was read to the EBCA membership at our October 17 meeting (a portion of it was sent to you by our president). The motion at the meeting, which I made, was to have Alex read a letter drawn up at our president's request, vote on all the recommendations in it, and submit what was approved to you to be incorporated into the site plan recommendations. The first part of the letter details our concerns with the effect of project traffic on our neighborhood, and reiterates positions EBCA has taken throughout this process, and opinions issued by the Planning Board. This portion did not get included in the Oct 23 submission. Because the project generated traffic is of such concern to the neighborhood we must continually remind the Planning Board of this.

It is important to remember that ALL traffic from this project must be re-directed away from the neighborhood streets. In addition to the vehicles exiting the alley behind the project, there will be vehicles exiting from the front of the complex on Rosedale Street. This traffic must be prohibited from turning right (east) on Rosedale and cutting through the neighborhood. This traffic, which will consist of delivery vehicles as well as drop-offs, if not restricted, would produce a significant amount of cut-through traffic.

Pedestrian safety is another issue that must be emphasized. Because the developer is not providing a sidewalk on the north side of Rosedale, all pedestrian traffic from Tilbury to the west side of Wisconsin will be forced to negotiate a 20 ft. wide alley exit as well as an exit and entrance to the lay-by. This has the potential for being quite hazardous. Great care must be given to the design of not only the alley but also the lay-by entrances and exits too ensure pedestrian safety. Demarcation of the pavement in the lay-by, following the route of the sidewalk, is one suggestion we have heard for enhancing the safety. PREVENTING cars from turning east onto Rosedale from both exits should also improve pedestrian safety.

Finally, it is imperative that Rosedale remain open throughout construction. This is one of ONLY TWO signaled intersections East Bethesda has at Wisconsin Ave. It is used by many school buses. There are many more bus routes in East Bethesda than other

neighborhoods because our children attend 4 different primary and elementary schools, a middle school and are now bused to the high school.

Please contact me if you need any further clarification. My telephone is 301-718-9649.

Thank you,

Nadia Carrell

Mr. John Carter
Ms. Wynn Witthans

The EBCA Executive Committee is appreciative of the meeting hosted by the Planning Staff on Aug. 23, 2001. The opportunity to meet with the staff and the developers of the optional method development at the O'Donnell's site was very useful. We would like to briefly restate our position on the important issues discussed during the meeting. For purposes of clarity the letter details positions of the EBCA, related to the Magruder development, supported by EBCA general membership vote.

The following are formal positions of the EBCA:

1. The EBCA passed a motion on cut-through traffic and neighborhood protection that was read into testimony at the Project Plan Hearing, which reads:

"To adhere to our need for and the sector plan recommendation to eliminate neighborhood cut-through traffic whenever possible, the EBCA supports the design of channelization features at the north and south ends of the alley to structurally restrict project related-traffic to the following: no entry permitted to the project from cars travelling west on Rosedale or Maple and no entry east-bound into the neighborhood from cars exiting from either end of the alley. We support ensuring access to the CT properties parking area currently along the east border of the alley by utilizing the same channelized scheme. We will remain somewhat skeptical of the robustness of this design until we are shown engineering and architectural details of the channelization scheme."

And from the May 24 opinion of the Planning Board:

The applicant shall "Provide neighborhood protection measures to re-direct traffic from this project away from the neighborhood streets."

2. On the second principle issue of discussion, improved storm water drainage of the 4700 block of Rosedale, the following is the position of the membership:

The EBCA supports 1) a raised sidewalk on the south side of Rosedale, and 2) curbs and gutters on the north side of Rosedale.

3. On the approved project plan issue that proposed townhouses be built on the current R60 adjacent properties between Rosedale and Chestnut, the EBCA General Membership on April 18, 2001 voted:

To reject a motion to support the development of townhouses on the R60 properties as proposed by the developer.

4. At the Project Plan hearing on May 10, Commissioner Wellington expressed concern

and perceived a lack of neighborhood amenity. Therefore, the EBCA passed the following motion on June 20:

"To have the EBCA Executive Committee create a working group to develop a plan for amenities including pursuing the feasibility of developing an EBCA Office and Meeting Hall within the proposed [County] Park to be located on Rosedale Ave. The working group shall work with the County Planning Staff on this issue and to attach this as an amenity to the Site Plan of the Magruder Project. The EBCA general membership will vote on this proposed amenity."

Consistent with the above motion, and as mentioned at the August 23 meeting, one recommendation to emerge from the working group is for trees to be planted in the vicinity of the 4600 and 4700 block of Rosedale, Maple and Chestnut. (see attachment)

5. Site Plan related concerns include, but are not limited to, the following:

- a. Access on Rosedale from Tilbury through to the intersection with Wisconsin Ave. must be maintained during the entire construction period.
- b. EBCA approval must be sought prior to any request for extended construction hours.
- c. Ground floor retail uses, as an approved condition, must be compatible with single family home neighborhood. (i.e. no automotive related services or products, certain 24-hour retail businesses, etc.)
- d. To determine appropriateness of a proposed new CBD retail entrance into the north building facing Rosedale where no current CBD Rosedale address now exists.
- e. EBCA approval of the design and future use of and users of the "park" on Rosedale is necessary.
- f. The intended use of the patio located on the southeast corner of the north building, and in close proximity to R60 neighborhood homes, should be specified.
- g. Prior to site plan approval, EBCA consultation and approval of the location of underground parking garage exhaust ventilation openings is necessary.
- h. Prior to site plan approval, EBCA consultation and approval of the type and location of sound-generating mechanical equipment and sound abatement structures.
- i. Apartment balconies must be suitably designed with an appropriate architectural enclosure or knee wall, not open see-through railings.
- j. EBCA approval must be given to the project-related lighting plan, including, at an appropriate time, fixture-type selection. Serious consideration that security lighting, perimeter lighting and balcony lighting fixtures are shaded so that any fixture source lamps (bulbs) are not visible to adjacent East Bethesda neighbors.
- k. Prior to site plan approval, the use of the developer owned R60 parcels fronting Chestnut, including 3100 sq. ft. of Rosedale R60's, must be established, with EBCA approval.
- l. EBCA insists that the Planning Staff ensure a project design that conforms to the CBD Sector Plan language, which elevates this CBD site as prominent, and as a Bethesda gateway designation.

m. To this date, no architectural drawings have been provided to the EBCA suitable for determining our position on other site plan issues such as design and façade treatments, especially as they relate to views from the existing neighborhood. EBCA must have these prior to site plan approval.

n. The EBCA supports the installation of parking meters on the east side of Wisconsin Ave. between Maple and Rosedale for ground floor retail patrons.

o. The developer must install and maintain vermin control measures during site preparation, excavation, and construction.

The EBCA recognizes that issues which affect the East Bethesda neighborhood will only be ensured of implementation and enforceability by having written conditions included in the approved Site Plan. Therefore, a further meeting with the planning staff, possibly including those from County permitting services, would be useful.

Sincerely,

Edward Koenig
President
East Bethesda Citizens Association



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

April 25, 2001

Robert C. Hubbard
Director

Joanne Cheek
Dewberry & Davis, LLC
804 W. Diamond Avenue, Suite 200
Gaithersburg, MD 20878

Re: Stormwater Management **CONCEPT** Request
for Residence at Rosedale Park (O'Donnell's
Property)
Preliminary Plan #: 1-01027
SM File #: 202878
Tract Size/Zone: 1.11 Ac/CBD-1
Total Concept Area: 1.1 Ac
Tax Plate: HN1.11
Lots/Block: 1-6/7 & 4-6/3
Montg. Co. Grid: .36; A-10
Watershed: Lower Rock Creek

Dear Ms. Cheek:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via water quality units and a waiver request for water quantity control.

Based upon Section 2.A.2.d. of Executive Regulation 5-90 and the site being less than two acres and in the CBD zone, a **conditional** waiver of on-site water quantity control is hereby granted.

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

1. The water quality unit should conform to design criteria in effect at the time of detailed plan submission.
2. A trash-catching scheme should be incorporated into the drainage system of the water quality structures. All inlets draining to the structures, including curb inlets, must be grated.
3. You may want to consider using the "Stormfilter" device. This will provide better treatment for roof runoff.

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 required. Stormwater management fee computations are to be submitted for verification during the sediment control/stormwater management review process.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. 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

Joanne Cheok
April 25, 2001
Page 2

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:enm CN202878.DWK

cc: M. Shaneman
S. Federline
SM File # 202878

QN - Waived; Acres: 1.11
OL - Onsite; Acres: 1.11

view State, the stormwater management plan for the site shall be approved by the State Department of the Environment and Natural Resources (DENR) before construction begins. The stormwater management plan shall be approved by the State Department of the Environment and Natural Resources (DENR) before construction begins.

EPD Recommendation to Dev Rev Div: XXX Hold for revision/additional information

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Wynn Witthans
Development Review Division

SUBJECT: Plan # 8-02002, Name Residences at Rosedale
DRC date: October 9, 2001 (previous #9-01004 & #1-01027)

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

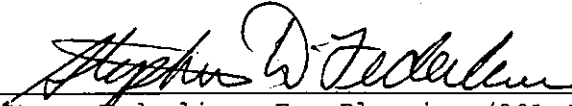
EPD RECOMMENDATIONS:

XX Plan is complete, but applicant must submit information or otherwise address the following items requested during prior reviews before going to Planning Board:

- 1) Demonstrate compliance with County Noise Ordinance of mechanical systems.
- 2) Provide information of noise performance of residential facade facing Wisconsin Avenue to demonstrate acceptable interior noise environment. Of particular concern is performance of sliders/glass areas.

* A Small Property Exemption from the forest conservation law was granted on October 11, 2000.

* DPS SWM concept approval (water quantity waiver, and onsite underground water quality control via stormfilter device or equivalent) was granted on April 25, 2001

SIGNATURE: 
Steve Federline, Env Planning (301.495.4550)

DATE: October 5, 2001

N:\divdr\ep802002.sdf.doc

cc: engineer/applicant

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.
Put the Plan numbers on your cover/transmittal sheets.

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION PLAN RECOMMENDATIONS**

TO: Development Review Division

SUBJECT: Project Name O'Donnell's Property Date Recd 10/11/00 NRI/FSD # 4-01088E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption or waiver:

EXEMPTION:

- ☐ **Single lot** - Applies to an activity conducted on an existing single lot of any size that is: 1) not subject to special exception; 2) does not disturb more than 40,000 square feet of forest; 3) does not violate a previously approved tree save plan; and 4) for which a declaration of intent has been filed with the Montgomery County Planning Director.
- ☐ **Grandfathering Provision** - Lot(s) covered by a preliminary plan of subdivision or site plan for which the plan was:
☐ Approved before July 1, 1984 and has less than 40,000 sq. ft. of forest cover.
☐ Approved or extended between July 1, 1984 and July 1, 1991.
Note: Plans approved before July 1, 1991 that are revised after that date and will result in cutting of more than 5,000 additional square feet of forest are not exempt.
- ☐ **Real Estate Transfer** - Transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel. Transfer does not involve a change in land use or new development or redevelopment, with associated land disturbing activities; and both the grantor and grantee have filed a declaration of intent.
- ☐ **Agricultural** - Exempt from platting and requirements to obtain a sediment control permit and meets the definition of agricultural activity specified in section 22A-3(b).
- ☐ **Tree Nursery**
- ☐ **Planned Unit Development** - Activity or development within a planned unit development which:
☐ Development or Project Plan was approved before January 1, 1992 and site plans were approved before July 1, 1992
☐ Development or Project Plan was approved before January 1, 1992 and site plans were not approved before July 1, 1992, but the PD was 75% or more complete on January 1, 1992 (measured by the total acreage subject to the PD that has received site plan approval).
Note: A development plan or project plan amendment approved after January 1, 1992 is not exempt if it results in the cutting of more than 5,000 additional square feet of forest.
- ☒ **Small Property Exemption** - Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet; or, activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest and reforestation requirements would be less than 10,000 square feet.
Note: Tree preservation and/or replanting of individual trees may be required. Forest within any priority area on-site must be preserved.

Special Exceptions only:

- ☐ Special Exception applications for existing structures are exempt from the forest conservation law if the proposed use will not result in clearing of existing forest or trees.
- ☐ Modifications to an existing special exception use which was approved prior to July 1, 1991, will be exempt from the requirements of the Forest Conservation Law provided that the revision will not result in the cumulative clearing of more than 5000 additional square feet of forest.

This property is not within a Special Protection Area.

☒ **Other/Comments** Bethesda CBD, no existing forest on site. Afforestation requirement only 7,275 s.f. No NRI/FSD required.

Signature: Carol Martin (301-495-4541)
Environmental Planning Division

Date: 10/11/00



October 16, 2001

MEMORANDUM

TO: Wynn Witthans, Coordinator
Development Review Division

VIA: Ronald C. Welke, Supervisor *DKH for*
Transportation Planning

FROM: Shahriar Etemadi, Coordinator
Transportation Planning *[Signature]*

SUBJECT: Site Plan # 8-02002, Residences at Rosedale Park
Bethesda Central Business District.

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject Site Plan application.

RECOMMENDATION

Transportation planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this application.

1. Limit the development to 164 high-rise apartment units and 18,351 square feet of retail.
2. Provide 52 feet from the centerline of Wisconsin Avenue to accommodate a total of 104 feet of right-of-way as recommended in the Bethesda CBD Sector Plan and as shown on the Site Plan.
3. Provide 60 feet of right-of-way along Rosedale Avenue as recommended in the Bethesda CBD Sector Plan and as shown on the Site Plan.
4. Provide 30 feet from the centerline of Maple Avenue to accommodate a total of 60 feet of right-of-way as recommended in the Bethesda CBD Sector Plan and as shown on the Site Plan.

5. Widen the westbound approach of Rosedale Avenue at Wisconsin Avenue as shown on the Site Plan to provide for a through/left-turn lane and an exclusive right-turn lane at this location.
6. Participate in County CIP Project #500140 "Jones Bridge Road at Rockville Pike" which is fully funded in the County FY 2001-06 capital budget.
7. Provide sidewalk width of five feet on Rosedale Avenue and Maple Avenue.
8. Coordinate with the Montgomery County Department of Public Works and Transportation's Bicycle Coordinator to provide on-site storage and parking for bicycles of residents, employees, and customers.
9. All roads shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Sector Plan, and to the design standards imposed by all applicable road codes.

Local Area Transportation Review

A traffic study was prepared as part of the requirements for approval of the Preliminary Plan for this project. A total of six intersections were analyzed in the traffic study. Five of them were located within the Bethesda CBD Policy Area which has a congestion standard of 1,800 Critical Lane Volume (CLV). All of these intersections (within the CBD) will operate within the congestion standard of 1,800 CLV when analyzed with total future traffic. The intersection of Wisconsin Avenue and Jones Bridge Road/Center Drive is located within the Bethesda-Chevy Chase Policy Area with a congestion standard of 1,650 CLV. When the total future traffic is assigned to this intersection, it will operate with 1,702 and 2,189 CLV for the morning and evening peak hours respectively. The preliminary plan approval for this application was conditioned to participate in the cost of a County CIP Project #500140 "Jones Bridge Road at Rockville Pike" improvement that is fully funded in the County FY2001-06 capital budget. This condition is stated above as the requirement for approval of this site plan.

Transportation Management Plan

A Transportation Management Plan has been prepared and will be approved prior to the Site Plan approval of this application.

Policy Area Review/ Staging Ceiling Analysis

The subject area is located in the Bethesda CBD policy area, which has a remaining capacity of 874 jobs and 595 housing units as of September 30, 2001.

TVR:SE:kaw

cc: Dan Hardy