



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 2
MCFB
10/24/02

MEMORANDUM

DATE: October 17, 2002
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief *JRD*
Development Review Division
FROM: Sally Roman *SR*
Research and Technology Center
(301)495- 4708
Wynn E. Witthans *WW*
Development Review Division
(301) 495-4584



REVIEW TYPE: Site Plan Review
APPLYING FOR: Reduction of onsite MPDUs
PROJECT NAME: The Residences At Rosedale Park
CASE #: 8-02002A
REVIEW BASIS: Sec. 59-D-3, M. C. Zoning Ordinance

ZONE: CBD - 1
LOCATION: At Wisconsin Avenue, both north and south of Rosedale Avenue
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: Sec. 59-D-3, M. C. Zoning Ordinance
HEARING DATE: October 24, 2002

STAFF RECOMMENDATION:

Recommendation: Approve the site plan conditions that reference the project plan for the Residences at Rosedale Park to permit the applicant to provide 11 MPDUs on site and a payment to the County's Housing Initiative Fund for the remaining 10 MPDUs. This recommendation is made with the understanding that the Department of Housing and Community Affairs (DHCA) is committed to allocating the resulting funds to achieve more than 10 affordable units in projects in Bethesda CBD, as stated by DHCA Director Elizabeth Davison in her letter of September 6.

DISCUSSION:

Amendment to the Site Plan for the Residences of Rosedale Park Regarding Moderately Price Dwelling Units (MPDUs)

Staff continues to prefer that all MPDUs are located on site. However, we are convinced by the discussion of June 27 between the Planning Board and Elizabeth Davison, Director of DHCA, that serious financial impediments remain to this option for high-rise¹ MPDUs in the absence of a density bonus. The Residences at Rosedale Park is not receiving a density bonus. In fact, it falls 37 units short of the density allowed in the zone. In addition, this project is providing a substantial level of amenities. The on-site public use space combined with the off-site park equal more than 62 percent of the net lot area. This space far exceeds the 20 percent on-site requirement of the zone.

Staff has recently reviewed the record of the Planning Board's July 11 discussion of this issue. At that you raised a number of concerns, including the following:

1. **What assurance does the Board have that the payment to the Housing Initiative Fund will be used in Bethesda CBD?** In her September 6 letter, Ms. Davison states that "The purpose of this correspondence is to confirm that DHCA will allocate the payment to affordable housing in the Bethesda CBD Policy Area (e.g. the proposed mixed use development for parking lot 31 on Bethesda Avenue)..."
2. **Will the payment generate more than the 10 MPDUs that would have been provided on site, as required by the law?** Ms. Davison's correspondence responds that "the funds collected for the 10 units will provide more than 10 actual affordable housing units."
3. **Why wasn't this issue resolved before the initial site plan approval?** The Planning Board has requested that MPDU agreements be reached between the applicant and DHCA before site plan approval a number of times in the past. For a variety of reasons, this goal is often not achieved. One complication is that the final details of the MPDU agreement depend on the number of units and site layout for the project. These elements are not final until the site plan is approved.

You may recall that this subject arose during your June 27 discussion with Ms. Davison. At that time, DHCA agreed to participate in the site plan approval process with Department of Park and Planning staff and to work with developers in advance of site plan approval to determine the general direction of the MPDU agreement, recognizing that the final agreement must await site plan approval. With this approach, staff expects that, in the future, you will have a reasonable idea of the MPDU arrangements for projects you are reviewing.

¹This project is probably better described as mid-rise rather than high-rise. However, it exceeds the four-story height that permits more affordable "stick built" construction. Typically, beyond four stories construction costs rise substantially reducing the financial feasibility of MPDUs significantly.

However, the current project predates this agreement between you and DHCA. It is also one of the earlier projects to seek tax abatement through the PILOT program to increase the financial feasibility of MPDUs in high-rise buildings. It appears that the applicant expected more assistance from the PILOT program when the initial site plan was reviewed than DHCA could offer. This project appears to have been caught in a combination of emerging policies. Staff trusts that this situation will not occur in the future as applicants learn that they must begin to work with DHCA on an MPDU agreement before site plan and the parameters of PILOT program assistance become clear.

On a final note, staff would like to point out that the section the MPDU law addressing contributions to the Housing Initiative Fund in lieu of providing MPDUs on site (Chapter 25A-5 (e)(1)(C)) would benefit from review. Since MPDUs are generally built by the private sector and County funds are almost never expended to build them, directing Housing Initiative Fund money to this purpose is not very useful. The more realistic section of the law is located in the same section and states "An offer made by an applicant under subsection (e)(1) will achieve significantly more MPDUs or units which low- and moderate-income households can easily afford;..." (Emphasis added.) DHCA generally uses Housing Initiative Funds for the latter purpose.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan
County Executive

Elizabeth B. Davison
Director

September 6, 2002

Mr. Derick P. Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

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OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Berlage:

On July 11, 2002, the Department of Housing and Community Affairs ("DHCA") appeared before the Planning Board (the "Board") in support of the request of the developer, North Bethesda/WHM, LLLP (the "Developer") to provide the 21 Moderately Priced Dwelling Units ("MPDUs") for the Residences at Rosedale Park (site plan amendment No. 8-02002A) in a combination of 11 on-site residential units and a payment to the Housing Initiative Fund for the equivalent of 10 units, as permitted pursuant to Chapter 25A of the Montgomery County Code.

DHCA had originally initiated this proposal with the Developer during the discussions to finalize the MPDU construction agreement because the alternative to provide half of the MPDUs in the project and half as a payment to the Housing Initiative Fund creates a more effective means of providing a range of affordable housing in the County. Further, the proposal is consistent with the agreements recently approved for similar high-rise developments that did not achieve the density permitted in the zoning category.

At the hearing, the Board expressed recognition of the amenities included in the project and the inability to achieve a density bonus to offset the costs of providing all of the MPDUs on-site. However, the Board granted a deferral of the amendment request based on two outstanding questions to be resolved prior to approving the amendment request: whether DHCA can ensure that the payment to the Housing Initiative Fund for the 10 units will be used in the Bethesda CBD Policy Area, and whether the payment will provide the equivalent of more than 10 affordable residential units. The purpose of this correspondence is to confirm that DHCA will allocate the payment to affordable housing in the Bethesda CBD Policy Area (e.g. the proposed mixed use development for parking lot 31 on Bethesda Avenue) and that the funds collected for the 10 units will provide more than 10 actual affordable housing units. DHCA, through the HIF, has provided financing to several projects in Bethesda including the Bethesda Commons development and The Barclay. These projects have rental units affordable to households with incomes ranging from 30 to 60 percent of the area median income.

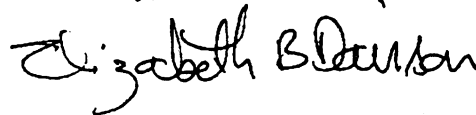
Office of the Director

Mr. Derick P. Berlage
August 22, 2002
Page Two

The payment to the HIF is determined so that it will produce more units than the number for which payment is made. The loans made to provide lower rents in mixed income developments has ranged from \$8,500 to \$15,000 per unit. The payment to the HIF is evaluated periodically to ensure that it is sufficient to effectively provide more units than would be obtained on-site.

We hope that this confirmation satisfies the Board's remaining concerns regarding the proposed MPDU agreement for this project and that the Board can now amend the site plan to permit the Developer to provide 10 of the 21 MPDUs for the Residences at Rosedale Park as a payment to the Housing Initiative Fund. As previously mentioned, this type of agreement provides the most effective means of providing a range of affordable housing in Montgomery County, an important goal of the County's adopted Housing Policy.

Sincerely,



Elizabeth B. Davison
Director

EBD:tl



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

7/11/02
MCPB
Item # 20



MEMORANDUM

DATE: July 3, 2002
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief *JRD*
Development Review Division
FROM: Wynn E. Witthans, RLA, AICP *WW*
Planning Department Staff
(301) 495-4584

REVIEW TYPE: Site Plan Review
APPLYING FOR: Reduction of onsite MPDUs
PROJECT NAME: Residences of Rosedale Park
CASE #: 8-02002A

ZONE: CBD - 1
LOCATION: At Wisconsin Avenue, both north and south of Rosedale Avenue
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
REVIEW BASIS: Sec. 59-D-3, M. C. Zoning Ordinance

FILING DATE: June 12, 2002
HEARING DATE: July 11, 2002

STAFF RECOMMENDATION: Approval of a reduction in the number of Moderately Priced Dwelling Unit's (MPDUs) provided on site with the following conditions:

1. All submittals and condition of review for the originally approved Site Plan # 8-01004 apply to this amendment save for the location of MPDUs on site.

2. Applicant to supply or 11 of 21 required MPDUs on site and provide a fee in lieu of for the provision the remaining 10 MPDUs to the Montgomery County Department of Housing and Community Affairs.

DISCUSSION

The Project Plan approval for the Residences of Rosedale included a condition, added by the Planning Board that required all the MPDUs to be located on site. The site plan continued the requirement that all the MPDUs be located on site. After approval of the Site Plan, the applicant now requests that 11 of the MPDUs be provided on site on site and that they pay a 'fee in lieu of' constructing 10 MPDUs to the Montgomery County Department of Housing and Community Affairs' (DHCA) Housing Initiative Fund. The project, as approved, has not achieved full optional method density on the southern parcel. As a whole, the project proposes amenities above what is required. Twenty percent of the site is required to be public amenity space. The applicant has provided 62.2% of on-site and off-site amenity area. The original staff report and opinions for the Project Plan and Site Plan are attached.

On June 27, the Planning Board discussed the provision of MPDUs in CBDs with DHCA representatives. A memo from M-NCPPC Research and Technology staff is attached. A memo from DHCA will be provided to the Planning Board prior to the hearing and DHCA staff will attend the hearing.

Staff recommends APPROVAL of the applicant's request to allow 11 MPDU's on site and a fee in lieu of for 10 off-site units.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: July 3, 2002

TO: Joseph R. Davis, Chief, Development Review Division
Wynn E. Witthans, Development Review Division

FROM: Sally Roman, Research and Technology Center *SR*

SUBJECT: Amendment to the Site Plan for the Residences of Rosedale Park
Regarding Moderately Priced Dwelling Units (MPDUs)

Recommendation: Amend the site plan conditions that reference the project plan for the Residences at Rosedale Park to permit the applicant to provide 11 MPDUs on site and reach an alternative agreement with the Department of Housing and Community Affairs (DHCA) for the remaining 10 MPDUs.

Staff's preference is to locate all MPDUs on site. However, we are convinced by the discussion of June 27 between the Planning Board and Elizabeth Davison, Director of DHCA, that serious financial impediments remain to this option for high-rise¹ MPDUs in the absence of a density bonus. The Residences at Rosedale Park is not receiving a density bonus. In fact, it falls 37 units short of the density allowed in the zone. In addition, this project is providing a substantial level of amenities. The on-site public use space combined with the off-site park equal more than 62 percent of the net lot area. This space far exceeds the 20 percent on-site requirement of the zone.

The alternative agreement should take the form of a payment to the Housing Initiative Fund, unless a better option, such as a land contribution for affordable housing, is available. The resulting funds should be directed toward providing affordable housing in Bethesda CBD.

¹This project is probably better described as mid-rise rather than high-rise. However, it exceeds the four-story height that permits more affordable "stick built" construction. Typically, beyond four stories construction costs rise substantially reducing the financial feasibility of MPDUs significantly.

LINOWES AND BLOCHER LLP

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May 28, 2002

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HAND DELIVERY

Mr. Joseph R. Davis, Chief
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: The Residences at Rosedale Park, Site Plan No. 8-02002

Dear Mr. Davis:

Pursuant to our recent discussion, please consider this a written request on behalf of the applicant of the above-referenced Site Plan, North Bethesda/WHM, LLLP (the "Applicant") for an amendment or clarification concerning the consistency of the Site Plan with the approved Project Plan condition regarding the provision of MPDUs for the development. Pursuant to the authority in Section 25A-5 of the Montgomery County Code (the "Code"), the Director of the Department of Housing and Community Affairs ("DHCA") has determined that a contribution to the Housing Initiative Fund for 10 of the 21 Moderately Priced Dwelling Units ("MPDUs") for the development will satisfy the County goals to provide affordable housing and ensure that the Applicant is able to provide MPDUs without incurring a loss or penalty. As part of the Project Plan review for the development, the Planning Board stated that all 21 MPDUs for the Project should remain on-site. The Applicant now requests a confirmation by the Planning Board that with the provision of MPDUs through a partial payment, consistent with other residential developments in the Bethesda CBD, the Site Plan for the development is consistent with the conditions of the Project Plan.

The Residences at Rosedale Park project consists of 164 multi-family apartment units, inclusive of the MPDUs, 18,351 square feet of ground floor commercial uses and various public use amenities, including a public park area and drainage improvements for Rosedale Avenue (the "Project"). The Project did not receive any density bonus to give the Applicant a reasonable prospect of realizing a profit on the MPDUs, as required by the public policy provisions in Section 25A-2 of the Code. In fact, the height of the Project was reduced from that permitted in the CBD-1 zone pursuant to Master Plan recommendations, and decreased in response to citizen requests which further reduced the allowable density for the Project. DHCA recognizes the difficulties developers face with the provision of MPDUs on-site in high-rise construction

■ LINOWES AND BLOCHER LLP

Mr. Joseph R. Davis
May 28, 2002
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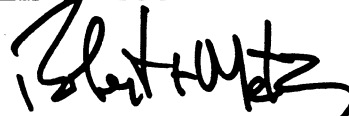
and typically only requires developers in the Bethesda CBD that are unable to obtain a density bonus to provide half the units on-site and make a payment to the Housing Initiative Fund for the remaining units.

As we discussed, because there is no proposed changes to the Site Plan that will require technical review, M-NCPPC Staff have agreed to waive the amendment fee. Because the M-NCPPC Staff consider this request a major amendment that must be brought before the Planning Board, it was further agreed that June 27th would be the appropriate hearing date for this matter in consideration of the DHCA presentation previously scheduled for that date.

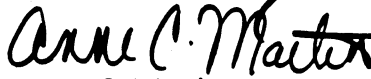
Thank you for your assistance in this matter. We have enclosed copies of the Site Plan Opinion and Project Plan Opinion for your reference and provided an updated adjoining and confronting property owner list and mailing labels. Please do not hesitate to call us if you need any additional information on this matter.

Very truly yours,

LINOWES AND BLOCHER LLP



Robert H. Metz



Anne C. Martin

Enclosures

cc: Wynn E. Witthans
Michele Rosenfeld, Esq.
Scott C. Reed, Esq.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: May 24, 2001

PROJECT PLAN REVIEW: #9-01004

PROJECT NAME: The Residences at Rosedale Park

Action: Approval subject to conditions. A Motion was made by Commissioner Bryant, and seconded by Commissioner Purdue. With a vote of 3-1, Commissioners Bryant, Hussmann and Purdue voting for, Commissioner Wellington voting against. Commissioner Holmes was necessarily absent.

The date of this written opinion is May 24, 2001, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before June 23, 2001 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until May 24, 2003 as provided in Section 59-D-2.7.

On May 10, 2001 Project Plan Review #9-01004 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

a) *As conditioned, it would comply with all of the intents and requirements of the zone.*

The proposed project plan meets all the purpose clause elements of the CBD-1 zone as well as the relevant development criteria.

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	189,359 s.f.
Commercial Area		18,519 s.f.
Residential Area		170,840 s.f.
Dwelling Units	125/acre = 201 units	164 units

Public Use Space – On Site	8,168 s.f. 20% net lot area	8,645 s.f. on site 21.2% net lot area
Amenity Space - Off-Site		16,897 s.f. off-site
Total Public Use/Amenity Space		25,542 s.f. total 62.5% 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
116 One-Bedroom Units @ 1.25 SP/DU	145
31 Two-Bedroom Units @ 1.50 SP/DU	47
Required Apartment Parking	209
Less 10% credit (Metro)	- 16
Residential Use Subtotal	192
Commercial	
18,519 s.f. Retail @ 5 SP/1000	93
Total Required Parking	285
Total Vehicle Parking Spaces Provided in Garage	291
Motorcycle Spaces in Garage: Required - 2%, 10 max.	6
Bicycle Spaces in Garage: Required - 5%, 20 max.	15

(b) *As conditioned, the proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

The Rosedale Park project conforms to the Bethesda Central Business District Sector Plan, approved and adopted in July 1994. The proposed residential development implements general Sector Plan goals and the specific objectives, recommendations, and guidelines for the Wisconsin North Corridor. The development also conform to the objectives and recommendations in the Wisconsin to Tilbury Special Study (Sector Plan, Appendix C), which was undertaken to ensure a coordinated approach to development in the area between Wisconsin Avenue on the west and Tilbury Street/Pearl Street on the east, Chestnut Street on the north, and Avondale Street on the south. The discussion below of conformance to Sector Plan guidance is grouped by topic.

Housing and Neighborhoods

A major goal of the Sector Plan is to encourage housing in the Bethesda CBD by increasing the variety and amount of housing to reinforce the CBD as a place to live as well as work. The Project under review helps fulfill this major Sector Plan goal by adding 164 multi-family dwelling units to Bethesda's housing supply.

The Sector Plan uses a range of zoning incentives to encourage the provision of housing on sites scattered throughout Bethesda. The Wisconsin North Corridor is one of the areas where provision of additional housing is a specific objective (#2, page 103):

Provide additional housing, particularly along the east side of the corridor, to encourage uses that are compatible with nearby residential areas.

To fulfill this objective, the Sector Plan recommends that the only optional method development allowed would be mixed-use projects containing a residential component; the CBD-1 Zone allows optional method mixed-use development up to 3 FAR. On the east side of Wisconsin Avenue, mixed-use projects are required to have a minimum of 67 percent residential use. Rosedale Park will have 90% percent residential use.

At the time the Sector Plan was written, there was not the expectation that the site of the O'Donnell's restaurant (the northern lot) would redevelop with housing because of its size. However, the Sector Plan specifically anticipated a mixed-use development with housing on the restaurant parking lot (the southern lot); it was one of three sites on the east side of Wisconsin Avenue that were the focus of discussion about high density housing in the analysis for the Special Study and in meetings with the community.

Part of the Sector Plan housing goal is to provide an adequate supply of affordable housing units. To achieve this goal, the Project is committed to providing 12.5% MPDUS pursuant to Chapter 25A.

Retail

Another general goal of the Sector Plan is to provide opportunities for retail, particularly street-level retail. A specific objective for the Wisconsin North Corridor is the provision of retail that will not only enliven the corridor but also serve the neighborhood (#3, page 103):

Support a diverse specialty retail, community-serving retail and restaurant environment, including provision of adequate short-term parking facilities.

The Special Study reiterates this objective (#2, Appendix, page 19):

Provide community-serving retail.

The Project consists of approximately 18,519 square feet of commercial uses on the ground floor, primarily facing Wisconsin Avenue. Commercial square footage that is community-serving, specialty, or restaurant retail, will achieve the intent of the Sector Plan.

Urban Gateway and Streetscape

The Sector Plan considers that the redevelopment of older properties in the Wisconsin Corridor, including several on the east side, provides an opportunity to create a more attractive gateway into Bethesda. Objective #1, page 103, states:

Create a high-quality entry into Bethesda by redevelopment, improved streetscape, and façade improvements.

As in the rest of the CBD, the Sector Plan intends an urban, pedestrian-oriented type of development. Design Guideline #1, page 105, recommends:

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.

The Project will implement these objectives and guidelines, replacing a parking lot on the south parcel with a building that is oriented toward Wisconsin Avenue and has major building entrances and retail uses at street level. The Project provides an enhanced streetscape within a 20-foot setback and additional landscaping and seating on the corner of Rosedale Avenue and Wisconsin Avenue. Thus, Rosedale Park will help create an improved entry into Bethesda from the north.

Compatibility and Integration with the Adjacent Neighborhood

Most of the remaining objectives and guidelines in the Sector Plan and the Special Study in the Plan Appendix relate to ways in which new development can achieve compatibility and successful integration with the East Bethesda neighborhood. Sector Plan objective #4, page 103, states:

Consider the impact on East Bethesda when redeveloping sites along the east side of Wisconsin Avenue.

Special Study Objectives #1 and #5, Appendix page 19, state:

Ensure that land uses next to single-family neighborhoods are compatible with residential life.

Ensure the stability of land uses in the transition area to preserve East Bethesda as a single-family neighborhood.

As a project with a residential land use, Rosedale Park provides a use that is compatible with residential life in the adjacent single-family neighborhood and thus helps to ensure stability there. The conformance of the Project with design guidelines regarding height, views, vehicular access, open space and sidewalks/streetscape (discussed below) further ensure the desired compatibility with the neighborhood.

Building Height

The Sector Plan urban form concept concentrates the highest heights in the Metro Core and recommends stepping down heights toward the edges of the CBD and the single-family neighborhoods. The Special Study expresses this objective (#3, Appendix page 19) as follows:

Ensure descending heights from Metro Center north to Chestnut Street and from Wisconsin Avenue east to Tilbury Street.

Sector Plan Urban Design Guideline #2 (page 105) recommends:

Allow building heights on the west side up to 122 feet where shown on Figure 3.2, Building Height Limits, and on the east side up to 75 feet, stepping down to 60 feet to achieve a compatible transition with adjacent residential properties.

The height allowed in the CBD-1 Zone for an optional method project is 90 feet, if the Planning Board finds that such height does not adversely affect surrounding properties. The Sector Plan guideline attempts to indicate the height at which there would be no adverse impact.

The Rosedale Park project proposes 78 feet on the southern parcel, which is in substantial compliance with the Sector Plan guideline. The adjacent parcels are zoned C-T and staff finds that the impact of an additional three feet will be negligible in any event. The east side of the building forms a shallow "U" shape, with a landscaped terrace area on the second floor, which breaks down the scale of the building. The height proposed for the northern parcel is 60 feet, in compliance with the Sector Plan objective to step down heights from south to north. The building is pulled back ten feet from the adjacent alley to allow opportunities for a landscaped buffer. The shadow study shows that the buildings will cast minimal shadows that will have an impact on residential properties to the east.

Views from the Neighborhood

Sector Plan Guideline #3 recommends:

Consider views from the residential neighborhood in the design of new buildings.

The applicant has designed a building that is sensitive to the Sector Plan intent to ensure attention to the appearance of the new buildings as seen from the neighborhood. The Project will provide the same high quality façade on the east side of the building facing the East Bethesda community as on the portion of the project fronting on Wisconsin Avenue. The commercial and residential recreational uses proposed for the ground-floor space facing east are intended to have ample attractive window areas.

Vehicular Access and Service

Sector Plan Guideline #4 recommends:

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.

Special Study objective #6 (Appendix page 19) states:

Protect the neighborhood from cut-through traffic and overflow parking.

Vehicular access to the Project's underground parking garage will be from the public alley to the east, which will be enlarged to a two-way, 20-foot lane and upgraded as part of the development. By recommending rear access to the buildings, the Sector Plan intent is to encourage a circulation pattern that will avoid the neighborhood. A Condition of Approval calls for the Site Plan to provide neighborhood protection measures to redirect traffic from this project away from neighborhood streets.

The separate service and loading entrance, also from the alley, will be effectively screened. Landscaping will be provided along the alley next to the south building where possible, and a ten-foot landscape strip will be provided along the ten-foot alley next to the north building.

The Project provides ample parking for residents and guests.

Open Space

Sector Plan Guideline #6 recommends:

Locate open space associated with the new development in a manner that creates a link with existing open spaces or provides a transition to the residential neighborhood to the east...

The Project will provide an open space on the corner of Wisconsin Avenue and Rosedale Avenue to enhance the appearance at the entry to the neighborhood. In addition, the applicant intends to provide an off-site landscaped green space on the lot on the east side of the alley that runs along the edge of the northern property. This open space, to be maintained by the developer, will provide a place where residents of the new apartments and of the existing neighborhood can meet, as they sit on a bench or throw a ball for a child. It will provide an attractive transition between the urban edge and the green of the neighborhood.

Streetscape and Pedestrian Access to the Neighborhood

Sector Plan Guideline #5 recommends:

Provide continuous sidewalks and streetscape improvements along all street frontages to improve pedestrian access to the neighborhood.

Objective #7 in the Special Study (Appendix page 19) states:

Encourage safe and pleasant pedestrian circulation from the neighborhood to the CBD.

The applicant has discussed with adjacent residents and staff the possibility of upgrading the existing sidewalk on the south side of Rosedale Avenue to improve pedestrian access to the neighborhood. Staff recommends as a Condition of Approval that the applicant develop with the adjoining citizens proposals to improve drainage and pedestrian access along Rosedale Avenue.

Next to the site, the Project will provide Bethesda streetscape improvements on all the street frontages: Wisconsin Avenue, Maple Avenue, and Rosedale Avenue. The Project will conform to the guidelines in the Sector Plan Streetscape Chapter for the Wisconsin North Corridor (page 196):

- *Provide a 20-foot building setback to match setbacks in the Metro Core and to help emphasize the street hierarchy.*
- *Place overhead utilities underground*

- *Provide the 1984 streetscape standards, which call for Bethesda brick pavers, tightly spaced street trees, and Bethesda lanterns.*
- *Install a high level of pedestrian amenities, such as planters and seating.*
- *Upgrade the existing median and sidewalks.*

The buildings are set back twenty feet on Wisconsin Avenue. The applicant will place overhead utilities underground. The applicant will upgrade all the sidewalks on the street frontages with Bethesda brick pavers, tightly spaced trees, and Bethesda lanterns. Along Rosedale Avenue there will be seating areas, trees, and planters that will enhance the pedestrian experience and the appearance from Wisconsin Avenue.

- (c) *As conditioned, because of its location size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The proposed design, scale, facade, pedestrian area and streetscaping of the Project will provide a desirable relationship with both the Wisconsin Avenue Corridor district of the CBD and the East Bethesda residential community. The Project is complementary to the existing and proposed medium to high-rise buildings on the western side of Wisconsin Avenue. The height of 78 feet and 60 feet remains compatible with the properties to the east and compatibility is enhanced by the C-T transitional uses and the provision of green space on adjacent lots. The primary residential use is compatible with the general residential neighborhood, while the ground-floor retail and enhanced facades along Wisconsin Avenue will revitalize the CBD and encourage redevelopment.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

Local Area Transportation Review

A traffic study was prepared to determine the impact of this development on local area roadways and intersections. Six intersections were analyzed and all intersections except one will operate within the congestion standard of 1,800 Critical Lane Volume (CLV) for the Bethesda CBD. The intersection of Wisconsin Avenue and Jones Bridge Road/Center Drive is the exception with 1,702 and 2,189 CLV for the morning and evening peak hour, when the total future traffic is assigned to it. The applicant has recommended and staff agrees that an improvement to re-stripe the westbound approach to provide for two left-turn lanes, a through lane and a right-turn lane combined with eliminating the split phasing for the east/west approaches will mitigate the impact of this development.

The following table shows the results of the intersection CLV analysis.

Intersection	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
MD 355/Jones Bridge RD/Center Drive	1380	1936	1699	2181	1702	2189
With Re-striping	NA	NA	NA	NA	1682	2167
MD 355/ Woodmont Avenue	812	1191	1131	1476	1131	1485
MD 355/Rosedale Ave./Battery Lane	932	1067	1245	1323	1306	1436
MD 355/Maple Avenue	697	728	1014	1005	1035	1038
MD 355/Cheltenham Drive	781	848	1125	1134	1135	1154
Woodmont Avenue/Battery Lane	1068	818	1070	826	1073	867

Policy Area Review/ Staging Ceiling Analysis

The subject area is located in the Bethesda CBD policy area, which has a remaining capacity of 810 jobs and 611 housing units as of February 28, 2001.

School Capacity

The Montgomery County Public Schools have reviewed the application and noted that the project should generate 12 elementary students, 4 middle school students and 3 high school students. The Annual Growth Policy is the vehicle that regulates subdivision development approval with regard to facility adequacy. The current AGP indicates that, given the methodology applied, adequate space exists in the Bethesda-Chevy Chase cluster to permit subdivision approvals.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

In order to achieve the Sector Plan goal for additional housing, the Property must be developed pursuant to the optional method of development (as is specifically recommended in the Sector Plan). The standard method of development would yield a density far below that appropriate or marketable for the Property given its location in the Bethesda CBD, and would provide significantly fewer MPDUs than are proposed by the Project. Lastly, proceeding under the optional method of development enables the Project to provide extensive public amenities that are not feasible under the standard method of development. As such, the optional method permits a more efficient and desirable development than that which could be accomplished by using the standard method of development.

The proposed amenities for the site are as follows:

Proposed On Site Amenities

Bethesda Streetscape - Street Trees, Specialty Paving, Sitting Areas, Light Standards

Focal Points developed with art work – sculptural, etc (to be fully defined at site plan)
Sittings Areas with Bethesda Streetscape Benches, etc.

Proposed Off Site Amenities

Bethesda Streetscape - Street Trees, Specialty Paving, Sitting Areas, Light Standards

Focal Points developed with art work – sculptural, etc (to be fully defined at site plan)

Green Space Sitting Area (located on north side of Rosedale Avenue) with art work

Plan and Construction of improvements for drainage and pedestrian access along Rosedale Avenue between Tilbury Street and the alley east of the project boundary.

- (f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The applicant is proposing 12.5% of the total dwelling units e.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

- (1) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

This proposal, which allows the northern lot to be developed within the guidelines of the CBD Optional Method of Development allows for increased amenities that would not be present if the two lots developed independently. The streetscape improvements to Wisconsin Avenue and Rosedale Avenue will create an attractive entry to the neighborhood and an attractive coordinated development within the CBD corridor. The quality of development is superior to that which could otherwise be achieved.

(h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The Forest Conservation Plan is under review and will be finalized with the site plan review.

(i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The storm water management plan is under review. See attached approval Memo dated April 25, 2001. The review will be finalized with the site plan review.

Therefore the Montgomery County Planning Board APPROVES Project Plan #9-01004, which consists of 18,519 square feet of commercial use, 164 multiple family dwelling units (inclusive of 12.5% MPDU's) with the following conditions:

1. Development Ceiling

The proposed mixed-use development shall be limited to 18,519 square feet of commercial land use and 164 multiple-family dwelling units for a total not to exceed 189,995 square feet.

2. Building Height/ Mass

The height of the building on the northern lot shall not exceed 60 feet and the height of the building on the southern lot shall not exceed 78 feet.

3. Public Use Space

The design of the public use spaces shall create a high quality pedestrian environment to serve as a gateway to the adjoining neighborhood and as a desirable gathering place for residents of the apartment building and of the neighborhood.

4. Public Art

A public art program shall be developed to include development of sculptural focal points within the various open spaces associated with the project. The public art shall enrich the pedestrian experience and be integrated with the neighborhood beyond. The open space north of Rosedale shall include a shelter structure or play elements to blend with the sitting areas proposed there. The open space south of the intersection of Rosedale Avenue and Wisconsin Avenue shall include a sitting area with a sculpture or fountain or other appropriate feature. The art proposals for the project shall be fully developed and reviewed by the Planning Board's Art Panel prior to site plan review.

5. Streetscape

The applicant shall provide the frontage improvements to Rosedale Avenue, Wisconsin Avenue and Maple Avenue using the Bethesda Streetscape Guidelines. In accordance with the guidelines, the following elements are proposed; brick pavers; street trees; benches; lights; underground utilities along each frontage, and any other details that are necessary to fulfill the streetscape standards.

6. Phasing of Amenity Features

All on-site and off-site amenities shall be constructed prior to 70% occupancy so to allow off site space uses for staging and construction areas.

7. Moderately Priced Dwelling Units

The applicant shall provide 12.5% MPDU's, per the requirements of Section 25A. The final number of units shall be determined at the time of site plan review and they shall all be located on site.

8. Maintenance of Public Open Spaces

The applicant shall enter into an agreement with the Bethesda Urban Partnership for the on-going maintenance of public open spaces associated with the project.

9. Use of Public Right-of-way

Consistent with *Section 59-D-2.1-Application* of the Montgomery County Zoning Ordinance, the applicant shall conform to the requirements of the Department of Public Works and Transportation to use the subsurface rights-of-way of Rosedale Avenue for underground parking. Final details of this arrangement shall be referenced in the Site Plan Enforcement Agreement when that approval is secured.

10. Issues to review at the time of Site Plan

Prior to the Planning Board review of the site plan, the applicant shall:

- a) Develop a plan with the adjoining citizens along Rosedale Avenue between Tilbury Street and the alley bordering the eastern boundary of the property for the applicant to construct improvements for drainage and pedestrian access along that section of Rosedale Avenue.
- b) Provide neighborhood protection measures to re-direct traffic from this project away from neighborhood streets.

11. Right-of-Way Dedications and Lane Additions

The proposal shall provide the following right-of-way dedications:

Wisconsin Avenue frontage: 52 feet from centerline

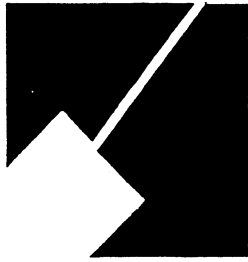
Rosedale Avenue frontage: 60 feet right-of-way

Maple Avenue frontage: 30 feet from centerline

A westbound approach lane shall be provided on Rosedale at Wisconsin Avenue.

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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

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

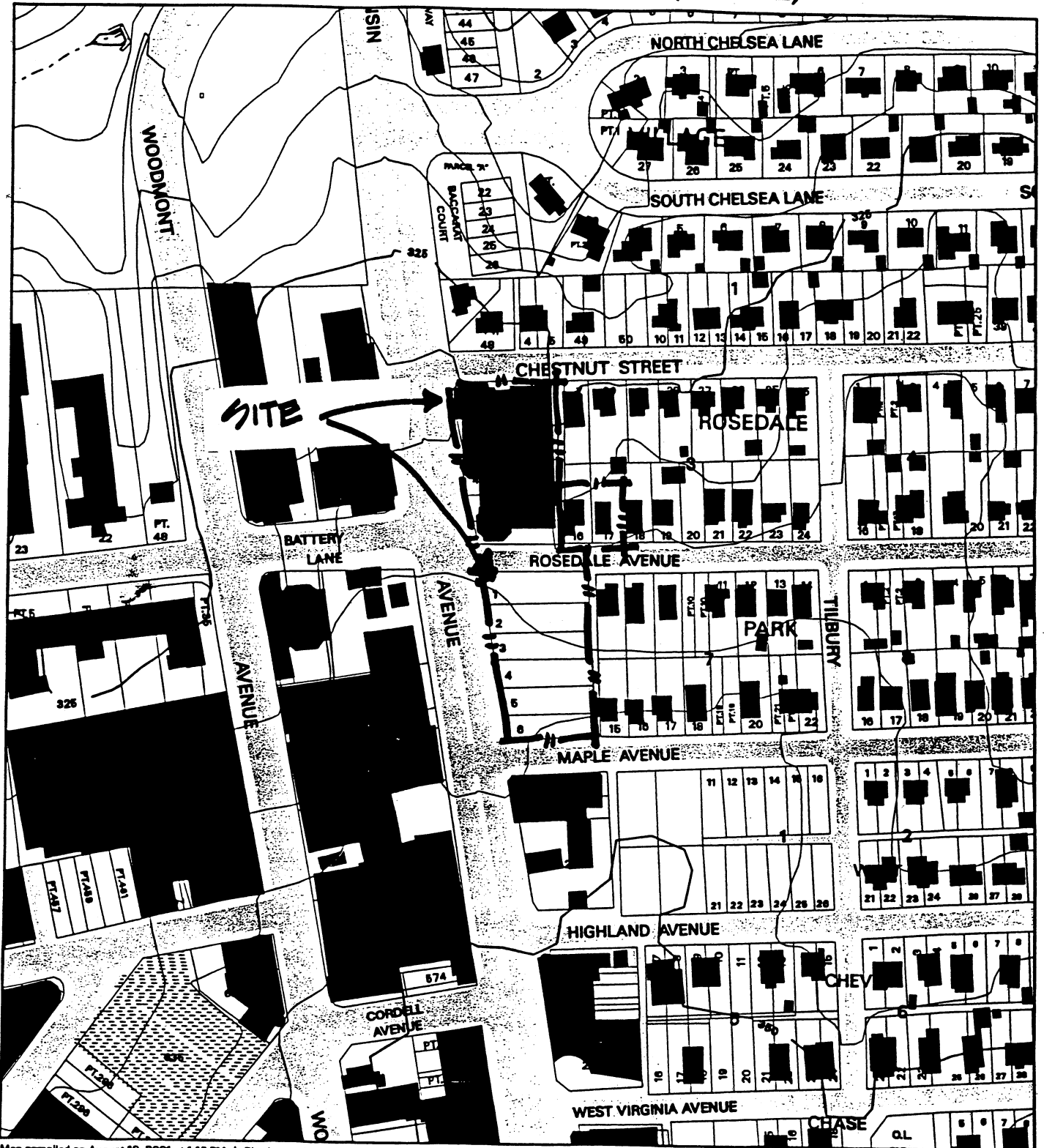
The subject property is located within the Bethesda CBD, in the Wisconsin North Corridor, abutting the East Bethesda Transition Area. On the south side of Rosedale Avenue, there are two properties that are immediately opposite the alley to the east in the C-T (Commercial Transition) zone. They are improved 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)



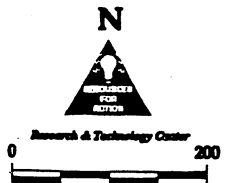
Map compiled on August 10, 2001 at 1:12 PM | Site located on base sheet no - 210NW05

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1 : 2400

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
 BETHESDA, MARYLAND

8301 WISCONSIN AVENUE



CLIFFEY



DORSEY ROBINSON PARTNERS
 CLEVELAND 7000 LAURELDALE WASHINGTON DC

PROJECT DESCRIPTION: Propósal

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

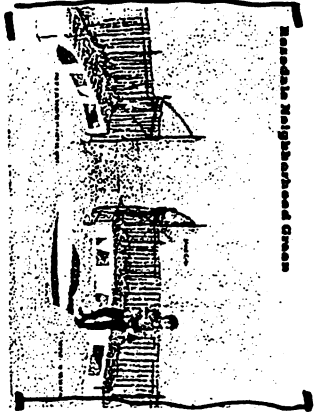
Public Park Sitting Area (located on north side of Rosedale Avenue) with circular bench with mosaics and iron rail entry gate detailing

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.

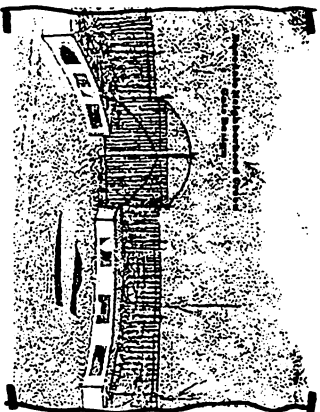
In addition to the amenities provided in the public use areas of the Project, the residents of the Project will enjoy a health club area and party room facilities on the ground floor of the south building.

Public Art

Rosedale Neighborhood Green



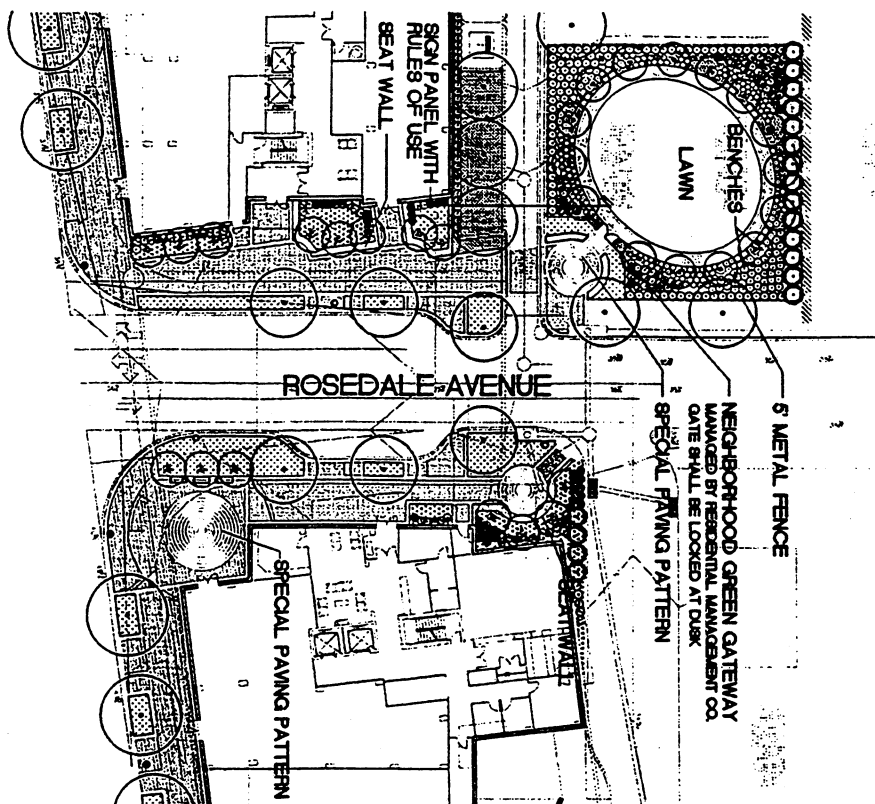
2 NEIGHBORHOOD GREEN GATEWAY: VIEW 1
N.T.S.



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



4 ART DETAILS
N.T.S.



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

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 a. Drainage plan for Rosedale from Alley to Tilbury Street b. Neighborhood protection from	a. Citizens have reviewed and approved the drainage plan b. 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
TOTAL CREDIT	9.0	10.6	12.1	46.1	67.3

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.

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,

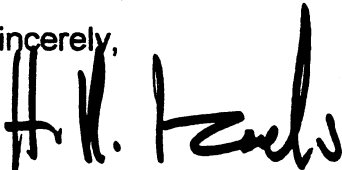
I am the owner and resident of 4711 Rosedale Avenue, directly adjacent and to the east of the proposed park (so called Offsite Amenity) by Magruder project (The Residences at Rosedale Park).

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

EAST BETHESDA CITIZEN'S ASSOCIATION

October 23, 2001

Wynn Withans, 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.

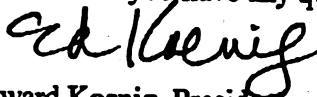
I asked Mr Johnson to have the immediate project neighbors review the new plans; they did so, and approved them the following weekend.

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

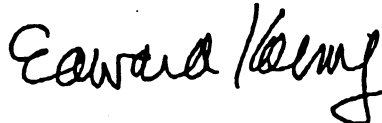
Scott C. Reed
Executive Vice President
The Magruder Companies
Gaithersburg, Maryland 20878

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

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 to 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 intersersection 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

Robert C. Hubbard
Director

April 25, 2001

Joanne Cheok
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. Cheok:

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
QL - Onsite; Acres: 1.11

view State, the stormwater management requirements for the site are as follows: The stormwater management requirements for the site are as follows: The stormwater management requirements for the site are as follows:

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.

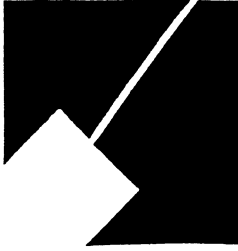
This property is not within a Special Protection Area.

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

Dewberry & Davis. (J. Crawford, fax: 301-258-7607)



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

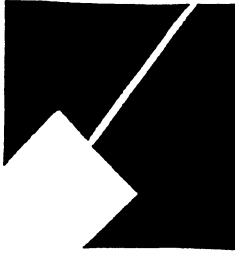
A Transportation Management Plan has been prepared and will be approved prior to the Site Plan approval of this application.

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:kcw

cc: Dan Hardy



MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: November 9, 2001
SITE PLAN REVIEW #: 8-02002
PROJECT NAME: The Residences of Rosedale Park

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Purdue, with a vote of 4-0, Commissioner Bryant, Holmes, Purdue and Wellington voting for. Commissioner Robertson was necessarily absent.

The date of this written opinion is November 9, 2001, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before December 8, 2001 (which is thirty days from the date of this written opinion. If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1-01027 is valid, as provided in Section 59-D-3.8. shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On November 8, 2001, Site Plan Review #8-02002 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the CBD-1 zone;*
3. *The location of the buildings and structures, the open spaces, the landscaping, and the pedestrians and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure an use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*

Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-02002, which consists of 164 multifamily units inclusive of 21 MPDU's and 18,351 square feet of commercial space, subject to 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 for subsequent staff review 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 in coordination with MCDPW&T do every thing possible 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 70% 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 70% 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.
9. Any traffic control plans are to be approved by the MCDPW&T prior to construction. The Applicant shall keep the adjoining citizens and EBCA notified of upcoming traffic control plans that will be in place during construction. The Applicant shall set up informational meetings with the citizens and MCDPW&T to review the traffic control plan prior to construction.
10. The Applicant shall review, with MCDPS, the feasibility of installing bollards or other devices that will assist in enhancing the function of the channelization features in the alley between Rosedale and Maple Avenues. This feasibility shall be determined by MCDPS during the Storm Drain and Paving Plan review or after construction of the alley pending field conditions.

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.

