

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

January 26, 2004

MEMORANDUM

TO: Kristin O'Connor, Planner
Community-Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Mandatory Referral No. 04201-NCPC-1
(and Future Site Plan Amendment) for
Nuclear Regulatory Commission Perimeter Security
White Flint (Metro Station) Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject mandatory referral case to construct a security perimeter and vehicular access control on Lot 4 for the Nuclear Regulatory Commission (NRC) buildings on Lots 1 and 2.

FINDINGS

Transportation Planning staff have the following transportation-related findings for this mandatory referral case:

1. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) and the Montgomery County Department of Permitting Services (DPS) regarding the site access points/curb cuts and pedestrian accommodations along Marinelli Road, as shown on the current plan.
2. Revise the Parking Reduction Agreement dated October 17, 1991, and Traffic Mitigation Agreement dated October 18, 1991, to reflect the proposed security-related parking and pedestrian access.

3. Continue to participate in the North Bethesda Transportation Management District (TMD) to assist in achieving and maintaining their trip reduction goals.

DISCUSSION

Site Location, Vehicular Access, and Pedestrian Facilities

The site is located in the southeast quadrant of the intersection of Rockville Pike (MD 355) and Marinelli Road, opposite the White Flint Metrorail Station. The two existing site vehicular accesses are from:

1. The Rockville Pike access point is currently limited to northbound right-turn-out movements only, with only emergency vehicles permitted to turn right into the NRC site/Lot 2. The proposed curb cut at Rockville Pike was designed considering the turning radius of entering emergency vehicles.
2. The Marinelli Road access point is currently permitting all turning movements to and from the secured access point on Lot 1. Trucks now undergo their security check along Marinelli Road in front of Lot 4. The typical truck inspected along Marinelli Road is a panel or pick-up truck with only a few large 18-wheeled trucks during the week.

The vehicular accesses with perimeter security are proposed as follows:

1. Continue permitting only northbound right-turns-out onto Rockville Pike for all but emergency vehicles (i.e., also permitting right turns into the site/Lot 2).
2. Retain the existing curb cut from Marinelli Road from the site/Lot 1, to be used for emergency vehicles, employees during times of high security alarm, and an exit for large trucks.
3. Propose a new access point from Marinelli Road, as an ingress to and egress from Lot 4, adjacent to the eastern property line. The existing curb cut is proposed to be widened for three drive aisles – one for arriving trucks, one for other arriving vehicles, and one for all departing vehicles. All entering vehicles would be inspected on Lot 4, instead of overflowing onto Marinelli Road. Lot 4's pavement area was sized for the typical inspection queue of trucks and other vehicles. Visitor parking is also provided on Lot 4. A driveway connects between Lot 4 and the NRC/Lots 1 and 2 site's north-south service road.

Pedestrian movements will remain available on the public sidewalks along Rockville Pike and Marinelli Road. Pedestrian access to the NRC buildings would be controlled via the secured access point on the western side of the buildings. Visitors parking in Lot 4 must walk around the buildings along the Marinelli Road sidewalk to the western secured access points. A sidewalk connection would be provided between Lot 4's visitor parking and the Marinelli Road sidewalk. Thus, the proposed changes do not adversely affect the existing pedestrian facilities.

The current plans feature the following changes from the existing conditions:

1. Widen the proposed curb cut from Marinelli Road to Lot 4 for three drive aisles.
2. Provide a delineated pedestrian crosswalk across the widened Marinelli Road curb cut from Lot 4. Coordinate with DPS regarding such pedestrian treatments as a mountable pedestrian refuge island, a slightly raised crosswalk, and a different pavement texture. The pedestrian improvement is needed because this sidewalk connects the adjacent apartments to the east to Rockville Pike and the White Flint Metrorail Station.
3. Provide a sidewalk connection between Lot 4's visitor parking and Marinelli Road's sidewalk.
4. Modify the handicapped ramps at the existing NRC curb cut and proposed Lot 4 curb cut along Marinelli Road to be oriented towards the crosswalk.
5. Continue to maintain the existing crosswalk at the current Marinelli Road access point from Lot 1.
6. Show on the plan the location of the proposed curb cuts on the opposite side of Marinelli Road associated with Preliminary Plan No. 7-04001, LCOR's North Bethesda Town Center project.

Prior Regulatory Actions

The regulatory actions are summarized in the attached appendix. Preliminary Plan No. 1-86123, White Flint North, was approved on August 11, 1986, for the existing NRC buildings and other land uses on Lot 1. Preliminary Plan No. 1-88239 was first approved on November 12, 1987, and created Lots 2, and 3. Lot 2 was approved for a second office building, while Lot 3 was approved for residential development. Preliminary Plan No. 1-92059 was first approved on June 1, 1991, and created Lots 4, and 5 from former Lot 4. The new Lot 4 was approved for 200 apartment units, while Lot 5 was approved for 202 apartment units by HOC, increasing the total number of apartment units to 402 units.

Master Plan Roadways and Bikeways

In accordance with the *North Bethesda/Garrett Park Master Plan*, the master plan roadways and bikeways are as follows:

1. Rockville Pike is designated as a six-lane divided major highway, M-6, with 134-foot right-of-way and a Class 1 bikeway on the east side.
2. Marinelli Road is a four-lane business street, B-6, with an 80-foot right-of-way and a Class 2 bikeway.

Local Area Transportation Review

The relocation of the security access point from Lot 1 to Lot 4 would not change the number of peak-hour trips generated by the existing NRC buildings during the weekday morning peak period (6:30 to 9:30 a.m.) and the weekday evening peak period (4:00 to 7:00 p.m.). Thus, a traffic study is not required to satisfy Local Area Transportation Review.

Policy Area Transportation Review/Staging Ceiling Condition

In the White Flint Policy Area, the remaining capacity is a positive 5,162 jobs under the *FY 2004 Annual Growth Policy* transportation-staging ceiling, as of December 31, 2003. The proposed security perimeter access controls would not add any additional development other than two small guardhouses. The existing NRC Buildings have received APF approval as Preliminary Plan No. 1-86123, and No. 1-88239, and its site-generated traffic is considered existing peak-hour trips on the transportation network.

Transportation Demand Management

This site is within the boundary of the North Bethesda TMD. If the County Council adopts the reestablishment of the annual Transportation Management Fee, the applicant of this non-residential development would have to pay the fee to the North Bethesda TMD. The pending legislation may re-implement the recommendation in the North Bethesda-Garrett Park Master Plan, and the requirements under County Code 42A-25, Ridesharing. The applicant of new non-residential development would be required to submit a traffic mitigation plan for the North Bethesda TMD.

The North Bethesda TMD is operated by a private nonprofit organization, the North Bethesda Transportation Action Partnership. The TMD is not an entity to join, per se, but instead an organization in which to participate by cooperating in:

1. Conducting the annual employee survey.
2. Appointing a transportation coordinator.
3. Promoting alternative transportation modes for commuters working on the site.
4. Paying the annual Transportation Management Fee to the North Bethesda TMD given the County Council's renewal of TMD's enabling legislation.

The Stage II goal is to achieve, and maintain, the 30% non-driver traffic mitigation goal - for the planning area.

EA:DKH:gw

Attachment

cc: Marion Clark
Shahriar Etemadi
Greg Leck
Joe Mehra
Geraldo H. Montero – Oudens+Knoop
Sarah Navid
Jeff Riese
Peggy Schwartz
Ron Welke

mmo MR-NRC





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: February 4, 2004

TO: Kristin O'Connor, Community Based Planning Division

VIA: Mary Dolan, Environmental Planning 

FROM: Marion Clark, Environmental Planning 

SUBJECT: Mandatory Referral 04201-NCPC-1
Nuclear Regulatory Commission Perimeter Security
White Flint (Metro Station) Policy Area

Environmental Planning staff recommends approval of the Final Forest Conservation Plan. Staff also has the following comment:

- Consider using locally sourced sustainable or renewable materials, recommended by the U.S. Green Building Council standards for Leadership in Energy and Environmental Design (LEED), where feasible in the construction of the guardhouses and the canopy structure.

DISCUSSION

This application proposes changes to Lot 1, Lot 2 and Lot 4 of property owned by Government Services Administration (Lot 2 and 4) and the Lerner Corporation (Lot 1) and leased by the Nuclear Regulatory Commission. Lot 1 and Lot 2 are developed according to site and preliminary plans approved prior to the adoption of the Forest Conservation Law and Environmental Guidelines. Lot 2 was granted an exemption for Forest Conservation in 1998 when a cell tower was proposed for the site. For this application, Lot 1 has been granted an exemption to Forest Conservation based on the grandfathering provision.

A FCP for Lot 4 was approved in 1992 when development of 200 residential units was proposed. That FCP will be replaced by a new FCP for Lot 4 because on this application a plan for perimeter security replaces the previously approved and never developed residential units. The new FCP for Lot 4 protects an existing forest stand in the northwest corner. Shrub and understory tree planting in this forest stand is required to fulfill the Forest Conservation Law definition of forest. The Nuclear Regulatory Commission is concerned that any additional understory planting within the existing forest stand would hamper security by blocking views to the main buildings. To accommodate security concerns, Environmental Planning staff recommends that no shrub or understory trees be included in the Landscape Plan. Furthermore, to maintain the integrity of a forest stand, no lawn or seating should be created in the forest area.

U.S. Green Building Council Leadership in Energy in Environmental Design (LEED) standards are partially achieved in this application. The applicant uses design standards for the site that contribute to the ethic of green urbanism or green building promoted by the LEED standards. For instance, credit would be given by LEED for using a site that does not include sensitive site elements such as wetlands or floodplains. The plan also conserves and restores a damaged forest area that will provide habitat for wildlife and promote biodiversity. This preserved forest along with additional landscaping provided by the plan helps to reduce heat islands in the highly urban environment. The applicant would also be credited for developing and implementing a sediment and erosion control plan. The applicant may be able to incorporate building materials that employ locally or regionally sourced materials with sustainable or renewable technologies.

Future projects of this sort could go further in promoting LEED or green building practices. Practices could include providing greater infiltration of stormwater runoff from added paving by using more pervious paving materials in areas where parking is not a necessity. A vegetated filter strip or bioswale could be added to increase infiltration and slow the rate of stormwater runoff between the new parking lot and existing stormwater management pond. Locally or regionally sourced materials could be used for construction of all structures.

FOREST CONSERVATION

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been submitted and approved for Lot 4 of this application. A Preliminary FCP has been submitted and approved for Lot 4 of this application. A Landscape Plan for Lot 4 has been submitted showing removal of non-native species and proposed reforestation within the existing forest stand area. This plan fulfills Forest Conservation requirements through tree cover.

ENVIRONMENTAL GUIDELINES

There are no wetlands, floodplains, stream buffers, or other environmental buffers applicable to this site. This site is not in a Special Protection Area or the Primary Management Area.

STORMWATER MANAGEMENT

Stormwater management for this site is designed based on the *Montgomery County Department of Public Works and Transportation Storm Drain Design Criteria and Design Standards*. Part of the stormwater from the site will discharge into an existing storm water management pond located on the adjacent site. The rest will flow into the existing stormwater management system along Marinelli Road. Sediment and erosion control have been designed to comply with Maryland Department of the Environment (MDE) Stormwater Management Regulations.

WATER QUALITY

This site is in the Lower Mainstem Kengar subwatershed of the Lower Rock Creek watershed, classified as Use I by MDE. Use I water quality is suitable for water contact recreation and protection of aquatic life. The Lower Mainstem Kengar subwatershed has fair stream and habitat conditions and is considered to be a Watershed Restoration Area by the *Countywide Stream Protection Strategy*.

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

TO: Kristin O'Connor, Community Based Planning Division

SUBJECT: Project Name Nuclear Regulatory Commission, Lot 1
Date Recd 2/04/04 NRI/FSD # 4-04214 E

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:

EXEMPTION:

Grandfathering Provision - Lot(s) covered by a preliminary plan of subdivision or site plan that did not receive a sediment control permit and for which the plan was:
Approved or extended between July 1, 1984 and July 1, 1991.

Note: Activity must not result in disturbance of any forest in a stream buffer or on property subject to SPA WQP requirements. Plans approved before July 1, 1991 that are revised and will result in cutting of >5,000 additional square feet of forest and development or redevelopment which requires resubdivision are not exempt.

This property is not subject to a Tree Save Plan.

- ___ Tree protection measures are required; sediment control permit should not be released until MNCPPC staff has approved the Tree Save Plan.
- ___ MNCPPC inspector must be contacted for pre-construction inspection of tree protection measures and authorization to begin any tree clearing.

This property is not within a Special Protection Area*.

* Properties within a Special Protection Area (SPA) must submit a Preliminary Water Quality Plan. Contact Leo Galanko at MCDEP for information regarding the requirements (240-777-6242).

Comments _____

Signature: *Marion Clark*
Marion Clark, Environmental Planning Division

Date: 02/04/04

cc: Gerry Montero, Oudens and Knoop, for the applicant (Fax 301-718-9520)

Appendix: Prior Regulatory Actions

The regulatory actions for the NRC Buildings on Lots 1 and 2, and adjoining Lots 4 and 5 are as summarized in the table below:

Lot No. Record Plat No. (Date Approved)		Land Use	Case No. or Preliminary Plan No. or Site Plan No.			Record Plat approval based on:	
Lot 1 <u>566-21</u> (9/11/86)		NRC's One White Flint North (Phase 1a)	G-96 (2/17/81 + 10/25/83) to TS-M Zoning for Office + Hotel Uses		<u>8-86042</u> (03/03/88+ 05/15/86) Ph. 1a=300 ksf Office + 10 ksf Retail Ph. 1b=350-room Hotel	<u>1-86123 + 8-86042</u>	
Lot 2 <u>583-63</u> (9/27/90)		NRC's Two White Flint North (Phase 1b)		DPA #87-2 2 Office Buildings + Apartment Building		DPA #87-2 (04/21/88) add 64 ksf Office	<u>1-88239 + 8-88087</u> (07/12/90) 364 ksf Office
Lot 3 <u>583-64</u> (9/27/90)	Lot 4 <u>596-71</u> (12/8/94)	NRC's Proposed Security Entrance	<u>8-84046</u> (05/10/84) Phase 1a= 300 ksf Office +10 ksf Retail Phase 1b= Office Use+ 350-room hotel	<u>1-88239</u> (11/12/87+ 04/13/89+ 06/01/89+ 06/27/91) Created	Superseded by <u>8-88019</u> (04/07/88) for 322 Temporary Parking Spaces	<u>1-92059 + 8-95013</u> (11/17/94) 200 Apartments	
	Lot 5 <u>592-81</u> (12/2/93)	High-Rise Apartments	<u>1-86123</u> (08/11/86) Created Lot 1 300 ksf Office +10 ksf Retail	Lots 2+3 Lot 1= Office Use Lot 2= Office Use Lot 3= 200 Apartments		<u>1-92059</u> (06/01/91+ 07/08/93+ 12/16/93+ 06/09/94) From Lot 3 to Lots 4+5 Lot 5=HOC Apartments	<u>1-92059 + 8-93004</u> (07/08/93) 200 Apartments

Note: Date approved in parenthesis, ksf= 1,000 (gross) square feet, and sf=(gross) square feet

Originally associated with Lot 2:

Preliminary Plan No. 1-88239 = Traffic Mitigation Agreement dated October 18, 1991

Site Plan No. 8-88087 = Parking Reduction Agreement dated October 17, 1991.