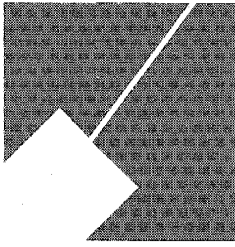


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Item # 1
April 27, 2006



MEMORANDUM

DATE: March 21, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division *DK*

FROM: Dolores Kinney, Senior Planner (301) 495-1321
Development Review

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Part of Lot 4, Parcel N59 and Parcel N62

PROJECT NAME: White Flint Crossing

CASE #: 120060310 (Formerly 1-06031)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: TSM

LOCATION: Located on Rockville Pike (MD 355), approximately 460 feet south of the intersection with Nicholson Lane

MASTER PLAN: North Bethesda Garrett Park

APPLICANT: White Flint Crossing, LLC

ENGINEER: Johnson Bernat Associates

ATTORNEY: Lerch, Early & Brewer

FILING DATE: September 6, 2005

HEARING DATE: April 27, 2006

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 223,000 square feet of retail uses and 440 multi-family dwelling units, including a maximum of 66 MPDUs.
- 2) Compliance with the specifications and requirements of the approved development plan for Zoning Application G-830, County Resolution No. 15-1144.
- 3) No clearing, grading or recordation of plats prior to approval of the Certified Site Plan.
- 4) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 5) The proposed development shall comply with the conditions of the forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s), or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 6) Prior to building permit release for Point Tower (Building "A"), compliance with all exterior/plaza and interior noise mitigation recommendations and detailed building shell analysis as specified in report entitled "Phase I Traffic Noise Analysis – White Flint Crossing" Report #5283 by Polysonics Corporation dated 1/26/2006:
 - a. Certification from an acoustical engineer that the building shell for residential dwelling units will, if constructed in accord with the specified acoustical criteria, attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - b. Commitment by the builder to construct in accordance with the acoustical design criteria as specified in the noise report. An acoustical engineer must approve any changes to the building shell construction that may affect acoustical performance in writing with copy to MNCPPC staff prior to implementation and verify that the noise criteria will still be met.
- 7) Dedicate 15 feet of right-of-way for a total of 75 feet from the centerline of Rockville Pike (MD 355) with recordation of the plat.
- 8) Applicant shall provide for the extension of Executive Boulevard between Woodglen Drive and Rockville Pike as follows:
 - a. Dedicate 76.5 feet of right-of-way for the master-planned extension of Executive Boulevard between Woodglen Drive and Rockville Pike with recordation of the plat.
 - b. Place in an easement for future dedication, an additional 3.5 feet of right-of-way along the north side of the master-planned extension of Executive Boulevard between Woodglen Drive and Rockville Pike on the adjoining Lot P16 and Parcel 978 along the northern property line.
 - c. Construct Executive Boulevard between Rockville Pike and Woodglen Drive with a commercial business district road alignment and cross-

sectional design as approved by the Montgomery County Department of Public Works and Transportation (DPWT) in their letter dated March 17, 2006, and in accordance with the *North Bethesda/Garrett Park Master Plan* recommendations. The cross-sectional design should include the following:

- i. Four lanes for a pavement width of 46 feet at Woodglen Drive that is gradually increased to a width of 50 feet at Rockville Pike per waiver from DPWT.
 - ii. A one-foot northerly offset of the centerline compared to the existing Executive Boulevard at its intersection with Woodglen Drive, per waiver from DPWT.
 - iii. An eight-foot-wide shared-use path with concrete pavers, a panel and street trees on the north side.
 - iv. A 5-foot-wide sidewalk and outdoor café area on the south side.
 - v. The design requirements of the Maryland State Highway Administration (SHA) in their letter dated March 31, 2006 for the intersection of Executive Boulevard and Rockville Pike.
- d. Executive Boulevard shall be constructed and opened to general traffic prior to the release of any use and occupancy permits for the high-rise apartment units in Building "A", or the Point, as well as all interim traffic control improvements at Rockville Pike, as required by SHA as stated in their letter dated March 31, 2006, and in coordination with the Montgomery County Department of Permitting Services (DPS).
- 9) Applicant shall provide improvements at the intersection of Rockville Pike and the future Executive Boulevard as follows:
- a. Install a traffic signal at the intersection of Rockville Pike and Executive Boulevard, when determined by SHA to be warranted. Additional traffic counts and an updated warrant analysis shall be performed six months after Executive Blvd is open to traffic to determine if a traffic signal at this intersection is warranted. Final decision on installing a traffic signal at this intersection will be determined by SHA.
 - b. As part of the traffic signal installation, reconstruct the driveway on the east side of this intersection serving the existing automobile dealership, Fitzgerald Auto Mall, as required by SHA and before Executive Boulevard is open to all traffic movements.
 - c. In the interim before a traffic signal is installed, design and construct the intersection of Executive Boulevard and Rockville Pike to prohibit through and left turns from eastbound Executive Boulevard. All other turning movements shall continue to be permitted.

- d. Construct a left-turn storage bay/lane from southbound Rockville Pike into the driveway on the east side serving Fitzgerald Auto Mall, before Executive Boulevard is opened to the public.
- 10) Show on the site plan an eight-foot-wide clear space (outside the door swing and other streetscape elements) along the east side of Woodglen Drive's public right-of-way to allow users of the North Bethesda Trolley Trail to pass by the site frontage.
- 11) The applicant must enter into a traffic mitigation agreement (TMA) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management District (TMD). The TMA must be signed and executed by all parties prior to the issuance of the initial building permit for the project and shall continue in force in perpetuity.
- 12) Applicant shall provide 20 bicycle parking spaces, of which six spaces shall be inverted-U or hitch racks installed as part of the streetscape improvements along Executive Boulevard and Woodglen Drive; 14 spaces shall be bike lockers installed in the parking garage.
- 13) Compliance with the conditions of MCDPWT letter dated March 17, 2006, unless otherwise amended.
- 14) Compliance with the conditions of SHA letter dated March 31, 2006, unless otherwise amended.
- 15) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 16) Access and improvements as required by MDSHA prior to issuance of access permits. Final approval of the number of dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 17) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 5, 2005.
- 18) Provide a minimum of 18' sidewalk along Woodglen Drive and Executive Boulevard extended with tree pits and landscaped areas.
- 19) Provide a minimum of 15' sidewalk along the festival street for safe and desirable pedestrian circulation on the site.
- 20) Screen open sections of parking in the garage from the existing townhouses along Woodglen Drive. Block headlights from shining into the windows of the homes. In addition, provide cut-offs inside the garage to prevent any light from spilling over into the townhouses.
- 21) Encourage undergrounding the utility poles to allow for optimum sidewalks and adequate tree planting areas.
- 22) Encourage meeting the amenity requirements on-site with any additional amenities devoted to the future North Bethesda Trolley Trail facility planned for the west side of Woodglen Drive.
- 23) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 24) Other necessary easements.

SITE DESCRIPTION:

The property, identified as Parcels N59 and N62, Part of Lot 4 (the "Subject Property"), was part of the Higgins Estate Subdivision which was recorded in 1902 (Attachment A). The Subject Property is located on Rockville Pike (MD 355), approximately 460 feet south of the intersection with Nicholson Lane. It is zoned TSM and contains 5.91 gross acres. Several structures which currently exist on the property will be removed.

PROJECT DESCRIPTION:

This is a preliminary plan application to create one (1) lot for a maximum of 440 multi-family dwelling units, including a maximum of 66 MPDUs, and 223,000 square feet of retail (Attachment B). This preliminary plan is being reviewed concurrently with Site Plan #8-20060170 (Formerly #8-06017). Access to the site will be directly from Executive Boulevard and Woodglen Road.

PREVIOUS ZONING APPLICATION APPROVAL:

On September 20, 2005, the Montgomery County Council adopted Resolution #15-1144 for Zoning Application #G-830, that rezoned the property from the General Commercial C-2 zone to the Transit Station, Mixed TS-M zone. The TS-M zone is intended to be used within 1,500 feet of metro transit stations, to promote orderly development of land with access, both vehicular and pedestrian, to metro stations; and to provide for the needs of the workers and residents of transit station development areas not ordinarily obtainable in conventional zoning classifications.

The Planning Board and the hearing examiner recommended approval of the application because it met the requirements of the TS-M zone. It includes both residential and commercial uses to provide for the needs of the workers and residents of the transit station development area.

DISCUSSION:

Master Plan Compliance

The proposed preliminary plan is subject to the North Bethesda Garrett Park Master Plan and the White Flint Sector Plan. The master plan encourages mixed-use development to ensure the vitality of the area. The Subject Property was rezoned from the C-2 zone to TS-M zone. As such, the preliminary plan proposes mixed-use, transit-oriented development but with a greater residential density than could otherwise be achieved.

Standard zoning under TS-M allows for a maximum of 3.0 FAR. The master plan limits the FAR to 2.0 (in the TSM recommended areas within the White Flint Sector Plan), with a maximum cap to 2.4 provided that the increase is all residential and is at least 50 percent affordable housing. The proposed FAR is 2.29 and meets the intent of the master plan.

The 1992 master plan was flexible in calculating the affordable housing mix. For this project, the number of MPDUs was calculated using the new MPDU legislation. The plan is consistent with the Planning Board recommendations, the binding elements in the zoning case and Development Plan, and the Master Plan. Affordable housing has been very hard to attain in the Bethesda/North Bethesda areas (due to buy-outs, etc.). This project will construct 15 percent or 66 MPDUs on-site.

The master plan also recommends the ultimate extension of Executive Boulevard across Rockville Pike (MD 355) to connect to Huff Court. The preliminary plan proposes the extension of a segment of Executive Boulevard from Woodglen Drive to Rockville Pike. Executive Boulevard is classified in the master plan as an 80-foot right-of-way with four through lanes.

In that the preliminary plan proposes 440 residential units with a retail component and facilitates, and the interconnectivity an urban center, the plan complies with the master plan recommendations.

Environmental

Forest Conservation

Forest Conservation requirements of 0.89 acres of afforestation shall be met through use of credits for shade tree canopy onsite and within surrounding rights of way.

Noise Mitigation

Noise Mitigation shall be implemented to reduce the effects of surrounding transportation noise on certain exterior (plaza) and interior residential spaces. Acoustical treatment shall be integrated into the building shell to attenuate projected exterior noise to an interior level not to exceed 45 dBA Ldn.

Transportation

Site Location and Vehicular Access Points

The site is located between Rockville Pike and Woodglen Drive south of the unbuilt extension of Executive Boulevard. The vehicular access points are as follows:

1. External access is from:
 - a. Rockville Pike via two east-west connections: a service road along the southern property line and Executive Boulevard along the northern property line.
 - b. Woodglen Drive via the same two east-west connections.
 - c. Executive Boulevard via an internal north-south street, Paseo.

2. Internal access to the underground parking garage is from the service road along the southern property line, Woodglen Drive, and Executive Boulevard.
3. Internal access to reach the drop-off point for the "apartment tower" is from the internal north-south street, Paseo.
4. Internal access for service vehicles is from the service road along the southern property line.

Pedestrian and Bicycle Facilities

Adequate sidewalks exist or will be provided along the adjacent roadways and internal streets with a pedestrian access from Rockville Pike between Executive Boulevard and the service road to the proposed promenade. In addition to the existing bikeway along Woodglen Drive, the master-planned bikeway will be constructed along the extension of Executive Boulevard between Woodglen Drive and MD 355.

Available Bus Service

Transit service is available along the segment of Rockville Pike fronting the site via Ride-On routes 5, 38, and 46, and Metrobus route J-5. No transit service operates along Woodglen Drive.

North Bethesda Transportation Management District

This mixed-use development of multi-family housing and large-scale retail uses is located within the boundary of the TMD. Therefore, the applicant is required to enter into a Traffic Mitigation Agreement to participate in the TMD to assist the County in achieving and maintaining the 39% non-auto-driver mode share for employees and 30% non-driver mode-share goal for multi-family residents. The applicant has submitted a draft TMA and it is currently under review by DPWT and Planning Board staff.

Traffic Signal Warrants at New Rockville Pike and Executive Boulevard Intersection

The applicant's traffic engineer prepared a traffic signal warrant study for SHA's review. Five of the signal warrant conditions for minimum vehicular volumes in the Manual of Uniform Traffic Control Devices were met using the projected traffic generated by this proposed mixed-use development. SHA, in coordination with DPWT, is reviewing the traffic study warrants, including review of the turning movements on the existing lanes along Rockville Pike. The traffic signal warrant study will be updated in the future to reflect the actual traffic generated by this mixed-use development when required by SHA.

Local Area Transportation Review

A traffic study was required to satisfy Local Area Transportation Review (LATR) because the proposed development generates 30 or more total peak-hour trips during the weekday morning or evening peak periods. The traffic conditions analyzed included the existing, background, and total future traffic conditions. The study determined that the

calculated critical lane volumes for all analyzed intersections are less than the intersection's applicable congestion standard. Therefore, the proposed development meets LATR requirements.

Master-Planned Roadways and Bikeways

In accordance with *North Bethesda/Garrett Park Master Plan and Countywide Bikeways Functional Master Plan*, the master-planned roadways and bikeways are as follows:

1. Rockville Pike (MD 355) is designated as a major highway (M-6) with a 150-foot right-of-way.
2. Woodglen Drive is designated as a business district street (B-3) with an 80-foot right-of-way and an interim eight-foot-wide shared-use path; SP-41 will be constructed on the east side. The ultimate construction of a bike path will be on the west side. This shared-use path is part of the North Bethesda Trail that requires the restricted use of an eight-foot-wide clear space along the east side of the public right-of-way.
3. Executive Boulevard is designated as a business district street (B-7) with an 80-foot right-of-way and Class I bikeway/eight-foot-wide shared-use path along the north side.

The applicant is required to construct the master planned segment of Executive Boulevard between Woodglen Drive and Rockville Pike through this site to provide essential vehicular circulation and access. Per Recommendation No. 8d, the opening of this segment to general traffic must be after the large crane used to construct Building "A" or the "Point Tower" is removed from within the roadway right-of-way (i.e., in the site's northeast corner or the southwestern quadrant of the intersection with Rockville Pike) and/or no longer needed. The operation of this crane would pose a safety issue if Executive Boulevard were open to general traffic while it was in use.

Executive Boulevard Dedication and Alignment

Park and Planning staff have analyzed the alignment of Executive Boulevard from Woodglen Drive to MD 355 and found the applicant's alignment complies with the recommendations of the *North Bethesda/Garrett Park Master Plan*. A proposed one-foot offset of the centerline of the road has been accepted. The plan proposes 76.5 feet of right of way dedication with a 3.5 foot easement for future dedication on adjacent property to the north of the subject site which is also owned by the applicant for the subject plan. The initial dedication area is sufficient to provide all the necessary road improvements. The ultimate right of way will allow for future widening of the shared-use path on the north side of the road if sidewalk cafes are proposed when the northern property develops.

The proposed alignment for Executive Boulevard through the subject property establishes the centerline from which the extension will be made on the east side of MD 355 through Parcel D (currently Fitzgerald Auto Mall). Final alignment and right-of-way for extension to the east will be determined in the future as part of a development plan for Parcel D. The proposed alignment through the proposed plan does not preclude options on the east side of MD 355, for minor offset of the centerline or other roadway alignment options which address site conditions on the east side of MD 355. The alignment is supported by staff from M-NCPPC, DPWT, and SHA.

Executive Boulevard Improvements

The master plan proposes a total right-of-way width of 80 feet on Executive Boulevard with 50 feet of total pavement. The applicant has requested reduction of the pavement width to 46 feet for a cross-section that includes: two lanes of traffic, an eight-foot shared use path, on-street parking, sidewalks and streetscaping as required by all review agencies. The applicant is also requesting a reduction to provide a two-lane roadway with parking instead of a four lane roadway. The applicant contends that the use of widened sidewalks would shorten the crosswalk dimension and calm traffic. It is the applicant's opinion that the reduced paving and lane reconfiguration are essential for pedestrian safety and traffic calming within the White Flint Policy Area.

Staff concurs with the proposed improvements. As such, the preliminary plan proposes to dedicate 76.5 feet of right-of-way for the master planned extension of Executive Boulevard between Woodglen Drive and Rockville Pike and to place in easement for future dedication an additional 3.5 feet of right-of-way along the north side of Executive Boulevard.

CITIZEN CONCERNS

The Development Review Division (DRD) received a letter from the attorney representing Jack Fitzgerald, property owner of Parcel D, located on the east side of Rockville Pike (MD 355). The attorney for the property owner contends that the impact of the master plan alignment for Executive Boulevard encroaches onto the Fitzgerald property and impedes the ability to redevelop. He further contends that the entire master plan alignment should be analyzed in the context of potential intersection conflicts, topographical differences, and circuitous access to White Flint Mall. Therefore, the attorney for the Fitzgerald property requested the Transportation Planning Division and DPWT to require a complete east-to-west alignment, grade, and circulation study of the Executive Boulevard Extension.

Staff's Response to Citizen Concerns

The master plan recommends Executive Boulevard with an 80-foot right-of-way including 50 feet of total pavement, and proposes an eventual connection to Huff Court on the east side of Rockville Pike (MD 355). The development plan for White Flint

Crossing proposes a one-foot offset of the centerline of Executive Boulevard at Woodglen Drive, and a three and one-half foot easement for future dedication. In staff's opinion, the alignment is consistent with that shown in the master plan. Staff acknowledges that further refinement of the master plan right-of-way on the east side of Rockville Pike will need to occur if, or when, those properties redevelop; or when the County is compelled to move forward with construction of that section of Executive Boulevard. As noted above, the proposed alignment on the west side of MD 355 does not preclude options for how the road can be extended to the east.

Citizen Outreach

The applicant met with the several citizen associations to introduce and discuss the preliminary plan. The following is a summary of the community outreach efforts forwarded to staff by the applicant.

August 2004

Representatives from JBG met with civic association Presidents John Frye of Fallstone and Ken Schwartz of Fallswood, two neighboring communities. In this meeting JBG introduced its development concept for the site including a Whole Foods grocery store with 4-6 stories of residential above, a 20+ story "point" residential tower along Rockville Pike, additional retail shops and the extension of Executive Blvd to Rockville Pike.

December 2004

JBG, Mike Nicolaus, the design architect, Steve Robbins, land use attorney, and Matt France, the retail leasing representative met with neighborhood representatives from the Fallstone community as well members of other neighboring civic associations.

January 2005

JBG met with six citizens from the Fallstone, Fallswood, Luxberry, The Wisconsin, and Timberlawn Associations.

April 2005

JBG met with John Frye and Ken Schwartz to ask for written support of the project.

June 2005

The largest community meeting to date was held with 30+ citizens from the Fallstone community, JBG, and representatives from Whole Foods Market present.

February 2006

On February 8, 2006, JBG met with John Frye from the Fallstone town-home association to discuss changes to the parking garage layout and to present a preliminary three dimensional model of the development.

ANALYSIS

Staff's review of Preliminary Plan #120060310 (formerly 1-06031), White Flint Crossing, indicates that the plan conforms to the North Bethesda Garrett Park Master Plan. The proposed preliminary plan is consistent with the master plan goals to encourage mixed use development and conforms to the development plan.

Staff also finds that the proposed preliminary plan complies with all agency requirements and Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision, as shown in Attachment C. Staff further finds that the size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.

CONCLUSION:

Staff concludes that Preliminary Plan #120060310 (formerly 1-06031) White Flint Crossing conforms to the land use objectives of the North Bethesda Garrett Park Master Plan and meets all requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Data Table
Attachment D	Agency Correspondence
Attachment E	Citizen Correspondence

Preliminary Plan Data Table and Checklist

Plan Name: White Flint Crossing				
Plan Number: 120060310				
Zoning: TS-M				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Mixed use multi-family and retail development				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq.ft.	257,440 sq. ft. is minimum proposed	<i>Dual</i>	March 16, 2006
Lot Width	--	--	<i>Dual</i>	March 16, 2006
Lot Frontage	--	--	<i>Dual</i>	March 16, 2006
Setbacks				March 16, 2006
Front	Not specified	19 ft.	<i>Dual</i>	March 16, 2006
Side	Not specified	10 ft.	<i>Dual</i>	March 16, 2006
Rear	Not specified	20 ft.	<i>Dual</i>	March 16, 2006
Minimum Open Space requirement	30%	35%	<i>Dual</i>	March 16, 2006
F.A.R.	3.0*	2.29	<i>Dual</i>	March 16, 2006
Height	Not specified	288.75 ft.	<i>Dual</i>	March 16, 2006
Max Resid'l d.u. or Comm'l s.f. per Zoning	649 d.u. or 565,986 comm'l s.f.	440 d.u. 223,000 sq.ft. retail	<i>Dual</i>	March 16, 006
MPDUs	12.5 % of total units	15%	<i>Dual</i>	March 16, 2006
Site Plan Req'd?	Yes	Yes	<i>Dual</i>	March 16, 2006
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes	<i>Dual</i>	March 16, 2006
Road dedication and frontage improvements	Dedication and construction of internal public roads	Yes	SHA memo/ DPWT memo	March 31, 2006/ March 17, 2006
Environmental Guidelines	Yes	Yes	Environmental Planning memo	March 16, 2006
Forest Conservation	Yes	Yes	Environmental Planning memo	March 16, 2006
Master Plan Compliance	Yes	Yes	Community Based Planning memo	March 23, 2006
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	DPS memo	July 5, 2005
Water and Sewer (WSSC)	Yes	Yes	WSSC memo	October 11, 2005
Local Area Traffic Review	Yes	Yes	Transportation Planning memo	April 3, 2006
Fire and Rescue	Yes	Yes	MCFRS memo	March 16, 2006

*Standard TS-M zone allows 3.0 FAR. The master plan limits the FAR to 2.4 in the TS-M recommended areas within the White Flint Sector Plan.

AGENCY
CORRESPONDENCE



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

July 5, 2005

Mr. Geoffrey L. Ciniero, P.E.
Johnson Bernat Associates, Inc.
1395 Piccard Drive, Suite 350
Rockville, MD 20860

Re: Stormwater Management **CONCEPT REVISION**
Request for White Flint Crossing/Higgins
Estates
Preliminary Plan #: 1-04025
SM File #: 209779
Tract Size/Zone: 5.418 Ac./TS-M
Total Concept Area: 5.57 Ac.
Lots/Block: 4
Parcel(s): N059 & N062
Watershed: Lower Rock Creek

Dear Mr. Ciniero:

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 channel protection measures via under ground storage; on-site water quality control via separator sand filters or Stormfilters and a possible green roof. This is redevelopment so onsite recharge will not be required.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur when the sediment control plan is submitted.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Move the quality structures closer to the drainage area to be treated.
6. Provide MCDPS standard external flow splitters to direct WQv to quality BMPs.
7. Please submit green roof details and specifications to the New Products Committee for acceptance.

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



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

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

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

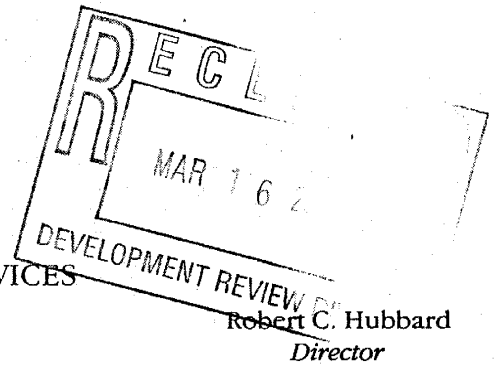


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN209779 White Flint Crossing(Higgins Estates).DWK

cc: R. Weaver
S. Federline
SM File # 209779

QN -Onsite; Acres: 5.57
QL - Onsite; Acres: 5.57
Recharge is not provided



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

March 15, 2006

Mr. Kevin J. Johnson, P.E.
Johnson Bernat Associates, Inc.
1395 Piccard Drive, Suite 350
Rockville, MD 20850

Re: Stormwater Management **CONCEPT**
RECONFIRMATION White Flint
Crossing/Higgins Estates
SWM Concept #: 209779

Dear Mr. Johnson:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated 7-5-2005 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush".

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

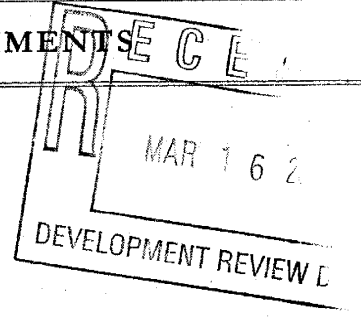
RRB:dm

cc: SM File #: 209779





FIRE MARSHAL COMMENTS



DATE: 3-16-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~ WHITE FLINT CROSSING SITE #8-06017/PP#1-06031

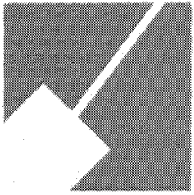
1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted (3-16-06). Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Please note. If Private road is constructed above parking, it must be designed to support the load of Fire apparatus.

cc: Department of Permitting Services


(10)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Dolores Kinney and Linda Komes, Development Review

FROM: Stephen D. Federline, AICP, Supervisor,
CountyWide Environmental Planning 

DATE: March 16, 2006

SUBJECT: Preliminary Plan #120060310 and Site Plan #820060170:
White Flint Crossing

The Environmental Planning staff has reviewed the preliminary and site plan referenced above. Staff recommends approval of the plan with the following conditions:

- 1) The proposed development shall comply with the conditions of the forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s), or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
 - a) Submission of financial security to M-NCPPC for tree planting needed to meet afforestation requirement.
 - b) Approval of Maintenance and Management Agreement by M-NCPPC staff prior to first inspection of planted areas.
 - c) Required site inspections by M-NCPPC monitoring staff per Section 110 of the Forest Conservation Regulations, as applicable.
- 2) Prior to building permit release for Point Tower (Building "A"), compliance with all exterior/plaza and interior noise mitigation recommendations and detailed building shell analysis as specified in report entitled "**Phase I Traffic Noise Analysis - White Flint Crossing**" Report #5283 by Polysonics Corporation dated 01/26/2006:
 - a) Certification from an acoustical engineer that the building shell for residential dwelling units will, if constructed in accord with the specified acoustical criteria, attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - b) Commitment by the builder to construct in accordance with the acoustical design criteria as specified in the noise report. An acoustical engineer must approve any changes to the building shell construction that may affect acoustical performance in writing with copy to MNCPPC staff prior to implementation.

Discussion

Forest Conservation requirements of 0.89 acres of afforestation shall be met through use of credits for shade tree canopy onsite and within surrounding rights of way.

Noise Mitigation shall be implemented to reduce the effects of surrounding transportation noise on certain exterior (plaza) and interior residential spaces. Acoustical treatment shall be integrated into the building shell to attenuate projected exterior noise to an interior level not to exceed 45 dBA Ldn.

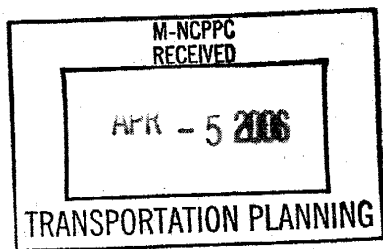
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Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation
March 31, 2006



Re: Montgomery County
MD 355 @ Executive Blvd.
White Flint Crossing

Mr. Shahriar Etemadi
Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Etemadi:

Thank you for the opportunity to review the Traffic Signal Warrant Study Report by Integrated Transportation Solutions, Inc. dated February 28, 2006 (received by the EAPD on March 3, 2006) that was prepared for the proposed White Flint Crossing mixed-use development site in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the site that will be redeveloped from the existing 160-room Motel and 15,000 square feet of Retail Space –to- 203,000 square feet of Retail Space and 440 Dwelling Units (232 High-Rise Apartment Units and 208 Multi-Family Dwelling Units) is proposed from one (1) right-in/left-in/right-out access driveway (Executive Boulevard) and one (1) right-in/right-out driveway on MD 355. In addition, two (2) rear site driveway connections will be made to Woodglen Drive (a County roadway).
- A Traffic Signal Warrant Study was conducted at the MD 355/Executive Boulevard Extended intersection with the proposed development traffic. The results of the study revealed that the following traffic signal warrants would be satisfied upon completion of the proposed development:
 - Warrant #1A – Minimum Vehicular Volume
 - Warrant #1B – Interruption of Continuous Traffic
 - Warrant #1A/B – Combination Warrant
- The northbound MD 355 left turn lane at the MD 355/Executive Boulevard Extended intersection was proposed to have a 100-foot left turn lane and a 100-foot taper. In order to accommodate the 166 PM peak hour northbound MD 355 left turning traffic volumes, the northbound MD 355 left turn lane should be designed with 275 feet of left turn lane storage area. There may be existing constraints preventing the full 275 foot length and SHA will offer further direction after MD 355 improvement plans are submitted for review.

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Although the MD 355 at Executive Boulevard Extended intersection meets the minimum requirements for the installation of a traffic signal, SHA does not support the installation of a traffic signal at this time. The proximity of the adjacent MD 355/Nicholson Lane and MD 355/Security Lane signalized intersections raises operational concerns along MD 355 if a new traffic signal was permitted at the MD 355/Executive Boulevard Extended intersection. Therefore, the intersection should be designed with a directional crossover median that will only permit right-in/right-out/left-in traffic movements to/from Executive Boulevard Extended.

Based on discussions during a March 3, 2006 meeting with developer, MNCPPC, DPW&T and SHA representatives, SHA agreed to review any updated Traffic Signal Warrant Studies that the developer submits, providing that the Signal Warrant Study is submitted no sooner than six (6) months after Executive Boulevard extended to MD 355 is open to traffic. The Montgomery County DPW&T will determine when Executive Boulevard should be opened to traffic. SHA also agreed to consider temporary measures to prohibit left-outs from Executive Boulevard to northbound MD 355 for this six (6) month or longer period of time. A modification of the attached directional entrance (half-island) where Executive Boulevard connects with MD 355 should discourage left-turns to northbound MD 355 while allowing motorists from the existing Fitzgerald Auto Park to turn left onto southbound MD 355. If SHA ultimately declines the proposed installation of a traffic signal after reviewing an updated Signal Warrant Study, a directional median crossover must be constructed per the attached detail. Any interim measures, half island where Executive Boulevard connects with MD 355 etc, must be removed whether a traffic signal is approved or not.

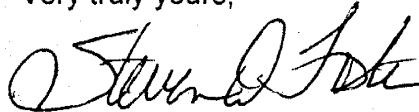
Since our October 11, 2005 letter to Ms. Cathy Conlon, various discussions have occurred and a few meetings have been conducted. Accordingly, we offer the following updated comments:

- Separate MD 355 roadway improvement plans at 30 scale or better, showing all existing roadway and required roadway features must be submitted. A separate signing and pavement marking plan should be included.
- The existing MD 355 median must be modified to produce a southbound MD 355 left-turn lane into the existing Fitzgerald Auto Park entrance.
- A grade establishment plan for Executive Boulevard extended to MD 355 must be submitted prior to SHA's issuance of an access permit.
- The proposed MD 355 streetscape plan was submitted to SHA's Landscape Architecture Division for review. SHA should be in a position to offer comments within the next two weeks.

- Truncations and right-of-way dedications need to be in accordance with the Master Plan of Highways. SHA will require that the right-of-way dedications be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division @ 410-545-8860 for additional information. You may also e-mail him at dandrews@sha.state.md.us.

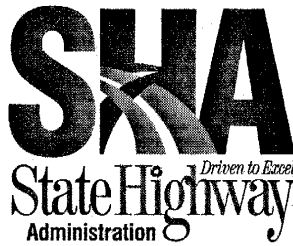
Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this application. If there are any questions on any issue requiring a permit from SHA, please contact Mr. Raymond Burns at 410-545-5592 or by e-mail at rburns1@sha.state.md.us. If you have any questions or comments regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 extension 20.

Very truly yours,



Steven D. Foster, Chief
Engineering Access Permits Division

cc: Mr. Ed Axler, M-NCPPC Montgomery County
Mr. Gregory Leck, Montgomery County Dept. of Public Works & Transportation
Ms. Sarah Navid, Montgomery County Department of Permitting Services
Mr. Raymond Burns, SHA Engineering Access Permits Division
Mr. Joseph Finkle, SHA Travel Forecasting Section
Mr. Bob French, SHA Office of Traffic & Safety
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Craig Hedberg, ITS, Inc.
Mr. Dennis Simpson, SHA Regional Planning
Mr. Eric Tabacek, SHA Traffic Development & Support Division
Mr. Jeff Wentz, SHA District 3 Traffic Engineering



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

November 29, 2005

Ms. Cathy Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
White Flint Crossing
MD 355
File No. 8-20060170

Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the site plan application for the proposed White Flint Crossing development. We have completed our review and offer the following comments:

SHA reviewed the revised traffic impact study and offered concurrence in a November 2, 2005 letter to Mr. Shahriar Etemadi. Other SHA comments were offered in an October 11, 2005 letter to your office. These SHA comments regarding grade establishment plans, sight distance evaluations and MD 355 street connection geometry, etc. are still valid.

If you have any questions, please contact Ray Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

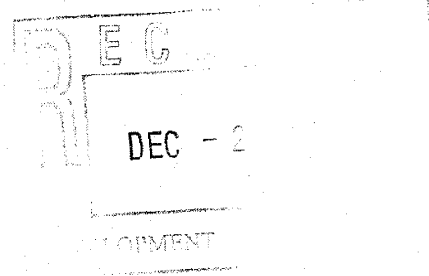
Very truly yours,

for

Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb

- cc: Mr. Kevin Johnson \ Johnson Bernat Associates
- Mr. Shahriar Etemadi \ M-NCPPC
- Mr. Richard Weaver \ M-NCPPC
- Mr. Darrell Mobley *sent via e-mail*
- Mr. Lee Starkloff *sent via e-mail*
- Mr. Augustine Rebish *sent via e-mail*



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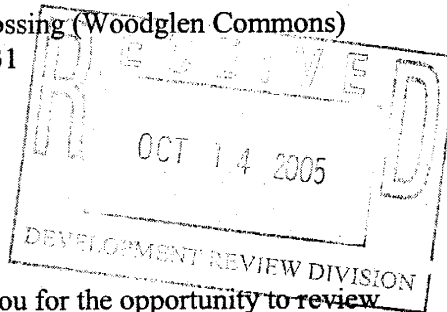
Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation
October 11, 2005

Ms. Cathy Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Montgomery County
MD 355
White Flint Crossing (Woodglen Commons)
File No. 1-06031



Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the preliminary plan application for the White Flint Crossing development. We have completed our review and offer the following comments:

- Truncations (right of way flares) and right-of-way dedications need to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications and changes to access controls be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division @ 410-545-8860 for additional information. For questions regarding the plat review process, please E-mail Mr. Andrews at (dandrews@sha.state.md.us).
- This office acknowledges the plan revisions made since the review of the zoning application, G-830. However, the adjustments are not complete at this time. Access to this property is subject to the "Rules and Regulations" of this Administration with a permit issued by this office for entrance, median and sidewalk reconstruction. As shown on the preliminary plan, the southern entrance shall be a typical channelized right-in right-out entrance designed to accommodate passenger vehicles or commercial vehicles. Standard details are attached for your reference. The northern entrance shall be a typical directional right-in right-out left-in entrance. The median needs to be further modified to preclude left turns out and through movements from eastbound Executive Boulevard. The standard detail for a directional 20' median crossover is attached for your reference. Please verify the proper sizing of the channelized island on the plan and adjust accordingly. A left-turn lane shall be provided for Fitzgerald Auto Mall. Sidewalk along MD 355 shall be 6' wide with a 10' grass strip.
- Resubmit the sight distance profile with the forms provided. Please include the sight distance profile with the package for SHA approval and have the information certified by a licensed professional.
- A grade establishment plan will be required for review and approval at the MD 355/Executive Boulevard intersection prior to permitting from SHA.

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23

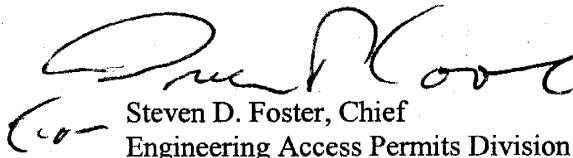
Ms. Cathy Conlon

Page 2

- A request was made at the Development Review Committee (DRC) meeting for a signal at the intersection of MD 355/Executive Boulevard. The SHA will consider a traffic signal once the extension of Executive Boulevard to Huff Court is constructed, as stated in the Master Plan.

If additional information is required from SHA regarding this project, please do not hesitate to contact Mr. Gregory Cooke at 410-545-5602, Mr. John Borkowski at 410-545-5595, or by using our toll free number in Maryland only, 1-800-876-4742 (x-5602 for Greg, x-5595 for John). You may also E-mail Greg at gcooke@sha.state.md.us or John at jborkowski@sha.state.md.us. Thank you for your cooperation.

Very truly yours,



Steven D. Foster, Chief
Engineering Access Permits Division

SDF/jb

Encl. SHA Standard Right-in/Right-out Entrance Detail
SHA Directional Median Crossover (20'-wide Median)
SHA Sight Distance Evaluation Form

cc: Mr. Darrell Mobley (Via E-mail)
Mr. Augustine Rebish (Via E-mail)
Mr. Lee Starkloff (Via E-mail)
Mr. Daniel Andrews (Via E-mail)
Mr. Richard Weaver, M-NCPPC (Via E-mail)
Mr. Shahriar Etemadi, M-NCPPC (Via E-mail)
Mr. Kevin Johnson (Johnson Bernat Associates)

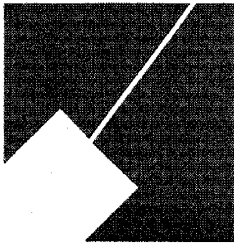
WSSC Comments on Items for October 11, 2005, Development Review Committee Meeting

File Number	Project Name	Comments
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2. 1-06031 WHITE FLINT CROSSING Connections or on-site lines required for water and sewer service. Sewer service will likely require downstream relief. (This can be determined during either on-site review or by requesting a hydraulic planning analysis.)

Unless otherwise noted, all extensions require Requests for Hydraulic Planning Analysis and need to follow the System Expansion Permit (SEP) Process. Contact WSSC's Development Services Center (301-206-8650) or visit the Development Services on WSSC's web-site (www.wsscwater.com) for information on requesting a Hydraulic Planning Analysis and additional requirements for extensions. Contact WSSC's Permit Services (301-206-4003) for information on service connections and on-site system reviews.

55



April 6, 2006

MEMORANDUM

TO: Dolores Kinney, Senior Planner
Linda Komes, Site Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

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

SUBJECT: Preliminary Plan No. 120060310
Site Plan No. 820060170
White Flint Crossing
White Flint (Metro Station) Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary and site plans that are based on the approved Local Map Amendment No. G-830 to rezone Parcels N059 and N062, both are part of Lot 4, from a C-2 zone to a TS-M zone.

RECOMMENDATION

Transportation Planning staff recommend the following conditions as part of the APF test for transportation requirements related to the approval of these preliminary and site plans, and supersede the approved Preliminary Plan No. 1-04025, Woodglen Commons relating only to Parcel N062:

1. Limit the preliminary and site plans to a maximum of 440 mid-rise and high-rise apartments, and 203,000 square feet of gross leasable area for general retail uses including restaurants and a supermarket. The new mixed-use development will replace the existing motel and retail uses currently on site.
2. Dedicate 15 more feet of right-of-way for a total of 75 feet from the centerline of Rockville Pike (MD 355) with recordation of the plat.

3. Provide for the extension of Executive Boulevard between Woodglen Drive and Rockville Pike as follows:
 - a. Dedicate 76.5 feet of right-of-way for the master-planned extension of Executive Boulevard between Woodglen Drive and Rockville Pike with recordation of the plat.
 - b. Place an easement for the future dedication of an additional 3.5 feet of right-of-way along the north side of the master-planned extension of Executive Boulevard between Woodglen Drive and Rockville Pike or the adjoining Lot P16 and Parcel 978 along the northern property line.
 - c. Construct Executive Boulevard between Rockville Pike and Woodglen Drive as a commercial business district road with the alignment and cross-sectional design as approved by the Montgomery County Department of Public Works and Transportation (DPWT) in their letter dated March 17, 2006, (Attachment No. 1) and in accordance with the *North Bethesda/Garrett Park Master Plan* recommendations. The cross-sectional design should include the following:
 - i. Four lanes with pavement width of 46 feet at Woodglen Drive that is gradually increased to a width of 50 feet at Rockville Pike per a waiver from DPWT.
 - ii. A one-foot northerly shift of the centerline from the existing Executive Boulevard at its intersection with Woodglen Drive, per a waiver from DPWT.
 - iii. An eight-foot-wide shared-use bike path with concrete pavers, a landscape panel, and street trees on the north side.
 - iv. A five-foot-wide sidewalk and outdoor café area on the south side.
 - v. The design requirements of the Maryland State Highway Administration (SHA) in their letter dated March 31, 2006, (Attachment No. 2) for the intersection of Executive Boulevard and Rockville Pike.
 - d. Executive Boulevard should be constructed and opened to general traffic prior to the release of any use and occupancy permits for the high-rise apartment units in Building "A" ("Point Tower") and completion of all interim traffic control improvements at Rockville Pike required by SHA as stated in their letter dated March 31, 2006, and in coordination with the Montgomery County Department of Permitting Services (DPS).
4. Provide improvements at the intersection of Rockville Pike and the future Executive Boulevard as required by SHA in their letter dated March 31, 2006:

- a. Install a traffic signal at the intersection of Rockville Pike and Executive Boulevard, when determined by SHA to be warranted. Additional traffic counts and an updated warrant analysis shall be performed six months after Executive Boulevard is open to traffic in order to determine if a traffic signal is warranted at this intersection. Final decision on installing a traffic signal at this intersection will be determined by SHA.
 - b. As part of the traffic signal installation, reconstruct the driveway on the east side of this intersection serving the existing automobile dealership, Fitzgerald Auto Mall, as required by SHA before Executive Boulevard is open to all traffic movements.
 - d. In the interim prior to installation of a traffic signal, design and construct the intersection of Executive Boulevard and Rockville Pike in a way that the through and left turns from eastbound Executive Boulevard are prohibited. All other turning movement shall continue to be permitted.
 - e. Construct a left-turn storage bay from southbound Rockville Pike into the driveway on the east side serving Fitzgerald Auto Mall before Executive Boulevard is opened to the public.
5. An eight-foot-wide clear space (outside the door swing and other streetscape elements) along the east side of Woodglen Drive's public right-of-way to allow users of the North Bethesda Trolley Trail to pass by the site frontage shall be shown on the approved site plan.
 6. The applicant must enter into a traffic mitigation agreement (TMAg) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management District (TMD). The TMAg must be signed and executed by all parties prior to the issuance of the initial building permit for the project and shall continue in force in perpetuity.
 7. Provide 20 bicycle parking spaces, of which six spaces shall be inverted-U or hitch racks installed as part of the streetscape improvements along Executive Boulevard and Woodglen Drive and 14 spaces shall be bike lockers installed in the parking garage.

DISCUSSION

Site Location and Vehicular Access Points

The site is located between Rockville Pike and Woodglen Drive south of the unbuilt extension of Executive Boulevard. The vehicular access points are as follows:

1. External access is from:
 - a. Rockville Pike via two east-west connections: A service road along the southern property line and Executive Boulevard along the northern property line.