

feet of commercial office, 202, 037 square feet of General Retail with a possible supermarket, and an 80,000 square foot Theater with matinees and a 3,500 seating capacity.

#### Mandatory Referral

In July 2004, the Planning Board reviewed Mandatory Referral for the Washington Metropolitan Area Transit Authority (WMATA) for the construction of a Metro parking garage at White Flint on Parcel 'D'. The Planning Board approved the Mandatory Referral and transmitted comments to WMATA.

#### PROPOSED DEVELOPMENT

The development proposal for Lot 'E' is comprised of 312 multi-family dwellings units, including 39 MPDUs within an approximate 186-foot building and 61,246 square feet of retail space on 3.83 acres. The MPDUs are calculated at 12.5 percent of the total number of units. The overall development for Bethesda Center North is approved for 1,350 residential dwelling units, including 169 MPDUs, 1,148,000 square feet of commercial/office, 202,037 square feet of general retail and a possible 80,000 square foot theatre with a 3,500 seating capacity.

The square-shaped building faces future Main Street Circle, which is the central terminus of the overall development from Rockville Pike. The building frontage contains a public plaza at the southwest corner and the primary residential entrance to the building. The retail space is located on the ground floor and mezzanine levels with the residential units up to the 18<sup>th</sup> story.

External vehicular access is derived from Old Georgetown Road via proposed Citadel Avenue, a public 70-foot right-of-way and Park Avenue, a private road accessed from Nebel Street. A surface parking lot for the retail component is located directly to the north of the proposed building with access from Citadel Avenue and Park Avenue. A separate right-in only access is also provided into the parking lot to defer stacking of vehicles on Citadel Avenue near the intersection with Old Georgetown Road. The entrance to the 3-level parking garage is approximately twenty feet south of the access from Park Avenue to the parking lot. The subsurface garage accommodates approximately 600 parking spaces for both the residents and the retail use. Two separate loading areas are also provided into the southeast side of the building for the residential and retail component.

#### Parking Waiver

The Applicant is requesting a waiver to reduce the total number of parking spaces for the retail component by 36 spaces. Staff is supportive of the waiver request based on the objective of the zoning and proximity to the Metro.

#### Open Space

The open space is comprised of the required 10 percent public use space located in the southwest corner of Lot E in the form of a public plaza that begins to frame the community green area for Main Street. The plaza contains specialty paving, landscape planters and seating areas. The TS-M Zone requires an additional 25 percent of the open space requirement applicable to active and passive recreation facilities. The proposed recreation facilities that are credited toward the open space requirement include the tot lot; open play area and indoor swimming pool. All facilities are located within the building.

#### STAFF RECOMMENDATION AND PLANNING BOARD HEARING

Development Review Staff ("Staff") recommended approval of the site plan in its memorandum dated July 15, 2005 ("Staff Report"). Staff presented its findings consistent with the Staff Report at the Planning Board hearing. Staff did advise the Board, however, that the Staff Report Project Data Table incorrectly specified number of permitted/required MPDUs, indicating 39 when in fact the number of MPDUs permitted/required is 169. Staff also advised the Board that the Staff report incorrectly stated that the Applicant would partially satisfy the recreation facilities requirement with an indoor swimming pool on-site, when in fact the swimming pool would be an off-site facility and thus receive off-site facility credit towards the recreation facilities requirement.

Applicant appeared at the hearing represented by legal counsel. The Applicant testified that it agreed with the Staff's recommendations as corrected. Applicant provided information regarding the recreational facilities that would be provided in accordance with the proposed site plan. Applicant also responded to Board questions regarding the manner in which it measured the height of the proposed development.

The Planning Board heard testimony from three speakers: Ms. Judy Koenick; Mr. Karl Girshman, representing the Wisconsin condominiums across the street from the site; and Mr. Wayne Goldstein, representing Montgomery County Civic Federation Land Use Committee.

Ms. Koenick voiced concerns regarding traffic congestion on Rockville Pike, pointed out a revision to the staff report that states "all recreation facilities will be located on site," where, in fact, the indoor swimming pool is off-site, and requested the designation of a percentage of accessible spaces based on the total number of required parking spaces in the surface facility.

Mr. Girshman supports the project and voiced his appreciation for the interaction between the Applicant and residents in his community. He did have concerns about the traffic on Rockville Pike, as it relates to the proposed development and accessibility to the Metro station. He also wanted more appreciation and awareness for the local off-site recreational facilities owned and maintained by the County Department of Recreation, in hopes that the facilities would be upgraded with all of the proposed development in the area.

Mr. Goldstein sought clarification of the building height as measured from the lowest point of the site. He offered comparisons of the proposed reduction of parking spaces on this site and credits associated with proximity to the Metro station with the parking situation on the Comsat site in Clarksburg.

In rebuttal, the Applicant concurred with the clarification for the off-site credit being taken for the off-site indoor swimming pool. Applicant's counsel rejected the validity of a comparison between the parking situation at the Comsat site and the proposed waiver in number of required parking spaces for the subject site. Applicant also indicated that the height of the building is 198 feet at its highest elevation, which the Board confirmed was legal within the zone.

The Board questioned the Applicant and Staff regarding the manner in which the height of the development was measured. The Applicant's engineer explained the zoning ordinance's requirement that the height of the building in number of stories be calculated from the midpoint of the front of the development, in this case, the south side. After a discussion in which the Board, Applicant's architect, and Staff helped to clarify the manner in which building height is calculated pursuant to the zoning ordinance, the Board asked that the language in the Project Data Table indicate that the building height would be 186

feet "as measured from the mid-point of the south side of the building pursuant to the zoning ordinance."

The Board discussed Ms. Koenick's request that the percentage of handicapped parking spaces be calculated based on the total number of required spaces for the subject site before taking into account the waiver request for 36 fewer spaces. The Applicant stated that providing additional accessible parking spaces in the surface parking facility could be accommodated. After discussing the need for additional accessible spaces, the Board determined that the evidence presented at this time did not support a requirement that the percentage of accessible spaces be calculated based on the pre-waiver parking space figure, but could instead be calculated based on the number of spaces post-waiver.

The Board reiterated its policy of encouraging mixed-use development close to transit and promoting relatively less auto-dependent areas by having fewer parking spaces. It expressed its position that underparking in this portion of the county would not likely lead to illegal parking but that, instead, less parking availability would result in fewer people driving.

## **FINDINGS**

Based on all of 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.

If amended in accordance with recommended conditions, the proposed development is consistent with the approved Development Plan (G-801) in land use, density, location, building height and development guidelines.

The North Bethesda Town Center development was rezoned to Transit Station, Mixed Use (TSM) from Single-family residential (R-90) in 2003 to implement the vision of the 1992 North Bethesda Master Plan (White Flint Sector Plan). The development was limited to 1350 dwelling units, 202,037 square feet of retail/restaurant use, 1,148,000 square feet of office use, and 80,000 square feet of indoor theater (in cellar space).

This site plan, 8-05035, is consistent with the approved Development Plan. The relevant binding elements for this site plan are the following:

- The maximum building height will be 20 stories, as determined and defined by the Montgomery County Zoning Ordinance. *The proposed building is less than 20 stories.*
- Development will be divided into eight separate Building Blocks, with four Blocks located along each side of Main Street. *The proposed site is one of the eight identified blocks.*
- Residential component of this development will be located within the four Building Blocks at the eastern end of the site and will be arranged around the Open Space. All residential buildings will be oriented toward the Open Space. *This residential development is within one of the four blocks specified and the building is oriented toward the future open space shown on the development plan.*
- If the retail component at site plan contains a grocery store/market, that use will be located east of Chapman Avenue within one of the Building Blocks. *Final location of any proposed grocery/market will be determined by the Planning Board at site plan. A grocery store is proposed on the street level of the building and is east of Chapman Avenue within one of the Building Blocks.*

2. The Site Plan meets all of the requirements of the zone in which it is located.

The Site Plan meets all of the requirements of the TS-M Zone as demonstrated in the project Data Table below.

**PROJECT DATA TABLE (TS-M Zone)**

	Zoning Ordinance Development Standard	Dev. Standard approved by the Planning Board and binding on Applicant
Min. Tract Area (sf.):	40,000	98,608
Max. Density of Development (d.u./ac.)	150	146
Total Floor Area Ratio:	3.0	2.0
Number of Dwelling Units		
Multi-family	1,350*	312
Number of MPDUs	169 (12.5%)	39 (12.5%)
Total Retail (sf):	202,037*	61,246
Open Space:		
Min. Public Use Space (%):	10	10
Min. Active and Passive Rec. Space (%):	25**	25
Total Public Use Space and Active/Passive Recreation Space (%):	35	35
Max. Building Height:	20 stories	18 stories and 186' max.†
Parking Spaces		
Residential		
Studio	49	41****
market-rate (45 x 1.0 space/unit )		
MPDU (7 x .50 space/unit)		
1 Bedroom	228	195***
market-rate (170 x 1.25 space/unit)		
MPDU (24 x .625 space/unit)		
2-Bedroom	124	106***
market-rate (58 x 2 space/unit)		
MPDU (8 x 1 space/unit)		
Residential Subtotal	401	342***
Retail Space		
(61,246 sf x 5sp./1000 sf)		
Retail parking in garage		148
Retail parking in surface lot		77
Total Retail spaces provided	307	261****
Total Parking Provided	708	603

† As measured from the mid-point of the south side of the building pursuant to the zoning ordinance.

- \* Development Plan G-801 permits a total of 1,350 dwelling units and 202,037 sf of retail/restaurant for the entire property including Lots A-H and Parcels A and B.
- \*\* Pursuant to 59-C-8.43: "For projects with a site area of 40,000 square feet or more, this figure must be increased to 25 percent, or as specified in the applicable master or sector plan. The recreational requirement (b) does not apply to hotel, motel and non-residential uses".
- \*\*\* Applicant is receiving a 10% discount in number of required parking spaces on the site because the site is located within a transit station development area and a 5% discount in number of required parking spaces for being within 1,600 feet of the metro station entrance.
- \*\*\*\* The Applicant is seeking a waiver to reduce the parking requirement for the retail use by 36 parking spaces. Staff is supportive of this waiver request due to the location within a transit station development area and proximity to a metro station entrance.

3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

a. Buildings

The 18-story building on Lot E creates an urban edge by placing the structures adjacent to the pedestrian walkway. The building materials consist of a mix of masonry, steel and glass.

The square-shaped building faces future Main Street Circle, which is the central terminus of the overall development from Rockville Pike. The building frontage contains a public plaza at the southwest corner and the primary residential entrance to the building. The retail space is located on the ground floor and mezzanine levels with the residential units up to the 18<sup>th</sup> story.

b. Open Spaces

The open space is comprised of the required 10 percent public use space located in the southwest corner of Lot E in the form of a public plaza that begins to frame the community green area for Main Street. The plaza contains specialty paving, landscape planters and seating areas. The TS-M Zone requires an additional 25 percent of the open space requirement applicable to active and passive recreation facilities. The proposed recreation facilities that are credited toward the open space requirement include the tot lot, open play area and the swimming pool.

The proposed stormwater management concept consists of (1) on-site water quality and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

c. Landscaping and Lighting

The proposed landscaping on the site consists of buffer planting for the surface parking facility, shade trees in the islands and the Bethesda Streetscape standards on each of the proposed roads.

The entry points into the site, including the surface parking facility, garage entry and service bays are accented with a mix of evergreen shrubs and trees for screening and ornamental shrubs to highlight the access points.

The surface parking contains shade trees in the parking islands and shrubs to buffer the parking spaces from Old Georgetown Road and Nebel Street. The surface parking was strategically located so the building would act as a buffer to the community green, while activating the streets with the streetscape improvements and the ground floor retail.

The streetscape for the public and private streets is modeled after the Bethesda streetscape standards in order to effectively create an urban environment. The minimum spacing for the street trees (4" caliper) shall be 30 feet on-center within 5-foot x 12-foot tree pits in amended soil panels. The paving is a minimum of 15-feet-wide, inclusive of the tree pits for pedestrian circulation and activation of the streets. The pavers along Main Street will complement the architecture of the building and contains a basketweave pattern with spot paver accents in the walk to provide movement and articulation through the walkway. The paving along Citadel Avenue and Park Avenue consists of a herringbone pattern in order to create a hierarchy and differentiation from Main Street.

The lighting plan shall be consistent with the Bethesda streetscape standards and include Washington Globe fixtures for the public and private roads. Overhead light fixtures, approximately 20 feet in height are provided in the surface parking facility within the parking islands. Bollards are proposed



within the public use space area to define pedestrian circulation and activation.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table set forth in the Staff Report.

The proposed recreation facilities that are credited toward the overall 35 percent open space requirement include the tot lot, open play area and roof-top swimming pool. The active and passive recreation requirement is 25 percent of the 35 percent requirement.

The Applicant is providing a tot-lot, (6) picnic/sitting areas, an open play area, swimming pool on the roof top, indoor community space and community garden. The Applicant is receiving off-site credit for the indoor swimming pool at the Rockville aquatic center.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

Citadel Avenue is proposed as a public road with a 70 foot right-of-way. The Applicant is constructing the eastern portion of Citadel Avenue for access to Lot E for Old Georgetown Road to Main Street. Citadel Avenue will eventually connect through with the development of the overall Bethesda Center North plan, (Lots A-D, Site Plan #8-05034) to Marinelli Drive. Lot D (WMATA Parking Garage) is constructing their portion of Citadel Avenue. A pedestrian connection will be made on an interim use to complete the unconstructed portion of Citadel Drive. The western portion of Park Avenue and northern segment of Main Street will be constructed with this application. Both streets are private and connect to Nebel Street and Rockville Pike, respectively.

The surface parking lot for the retail component is situated in the rear of the building adjacent to Old Georgetown Road and Nebel Street. The lot gains access in three different locations: a right-in, right-out movement from Citadel Avenue, equipped with a median in Citadel Avenue to deter full turning movements; a right-in only from Old Georgetown Road to address

queuing at the intersection of Old Georgetown Road and Citadel Avenue; and a full turning access point from Park Avenue via Nebel Street.

Pedestrian circulation includes the Bethesda streetscape standards along Citadel Avenue, Main Street and Park Avenue. The pedestrian circulation consists of minimum 15-foot-wide sidewalks, including a 5-foot-wide tree pit by the curb. The walkway connects to both Old Georgetown Road and Nebel Street where sidewalks exist in the public right-of-way.

The Applicant is requesting a waiver to reduce the total number of parking spaces for the retail component by 36 spaces. Planning Board hereby approves the waiver and finds that the waiver is appropriate based on the objective of the zoning and proximity to the Metro. The Planning Board notes that it has a policy of encouraging mixed-use development close to transit and promoting relatively less auto-dependent areas by having fewer parking spaces.

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

The 17 to 18-story building associated with Lot E are compatible with adjacent residential and industrial buildings and with planned development for the overall site.

The building frames the future community green and creates an internal urban edge along Main Street and Citadel Avenue. The building mass is complementary to the planned development within the overall site and is not detrimental to the adjacent high-rise residential uses opposite Old Georgetown Road. High-rise residential and retail uses are permitted in the TS-M Zone and consistent with the existing uses in the surrounding vicinity. The style and materials associated with the architecture of the building are consistent with nearby structures and will be further reinforced in style and design for the overall development.

The intensity of the use, location and height of the building and the massing is compatible with the surrounding existing development and is in context with the overall Bethesda Center North site.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.