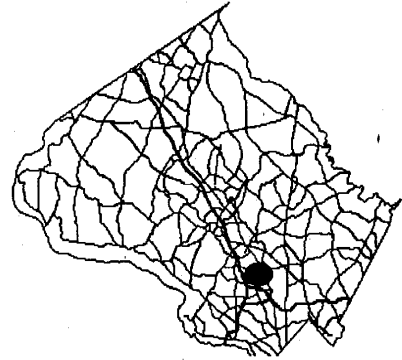




MEMORANDUM

DATE: June 23, 2006
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *Ma*
 Development Review Division
 FROM: Robert Kronenberg *RK*
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Site Plan Review**
 CASE #: **820060050**
 PROJECT NAME: 5420 Edson Lane
 APPLYING FOR: Approval of 13,150 square feet of general office on 0.679 acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: C-T (Commercial Transition)
 LOCATION: Located on the south side of Edson Lane, 500 feet west of the intersection with Rockville Pike
 MASTER PLAN: North Bethesda/Garrett Park Master Plan
 APPLICANT: Edson Land Associates, LLC
 FILING DATE: September 20, 2005
 HEARING DATE: July 6, 2006

STAFF RECOMMENDATION: Approval of Site Plan 820060050 for 13,150 square feet of general office on 0.679 acres. All site development elements as shown on 5420 Edson Lane plans stamped by the M-NCPPC on June 15, 2006, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
 The proposed development shall comply with the conditions of approval for Preliminary Plan No. 11996015A.
2. Site Design
 - a. The height of the southern portion of proposed Unit F shall not exceed 20 feet, as shown on the attached Exhibit 1 in Appendix C. The 20 foot height is measured from elevation 350.00 as shown on the site plan dated June 15, 2006.
 - b. The dumpster receptacle, location, and its enclosure shall be installed as shown on the site plan stamped on June 15, 2006 by the M-NCPPC and depicted as "Detail of

Dumpster Enclosure". The dumpster will not be used for food waste that is associated with a restaurant or hotel operation. Pick-up hours for the dumpster trash shall be between 7:00 am and 7:00 pm, Monday through Saturday. Any change in the dumpster location or hours of operation for pick-up shall require a major site plan amendment.

- c. The HVAC compressors on the southern end of the proposed building shall be residential type compressors.

3. Landscaping

Provide additional foundation planting along the frontage of the building, similar to the proposed plantings in front of Units A and F.

4. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development.
- b. All light fixtures shall be full cut-off fixtures, or equipped with shields, refractors or reflectors.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential property to the south.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
- e. The height of the light poles shall not exceed 12 feet including the mounting base.

5. Pedestrian Circulation

- a. Provide a five-foot-wide sidewalk and 10-foot-wide lawn panel along the Edson Lane property frontage.
- b. Provide a 4-foot-wide sidewalk from the eastern portion of the proposed parking lot to the five-foot-wide sidewalk within the Edson Lane right-of-way.

6. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated March 6, 2006 [Appendix A]:

- a. The Applicant shall enter into a Traffic Mitigation Agreement with the Montgomery County Department of Public Works and Transportation (DPWT) and the Planning Board to participate in the North Bethesda Transportation Management Organization.
- b. The Applicant shall amend the original Adequate Public Facilities Agreement to reflect the proposed land uses.
- c. The Applicant shall provide two inverted U-shaped bike racks to store four bicycles within 50 feet of the building entrance from Edson Lane.

7. Tree Save Plan

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated June 13, 2006 [Appendix A]:

- a. At the time of the pre-construction meeting, the M-NCPPC-Enforcement Staff will inspect the trees along the limits of disturbance and determine which trees will need to be removed. Particular attention needs to be given to trees 12, 14, 17, 21, 24, 26 and 33, as shown on the Tree Save Plan.
- b. All tree removal as well as stress reduction measures for saved trees on the adjacent property shall be done at the Applicant's expense, under an ISA certified arborists' direct supervision.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 29, 2005, unless amended and approved by DPS [Appendix A].

9. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting on Edson Lane shall be completed no later than six months after completion of the proposed office building.
- b. Landscaping associated with the parking lot and building shall be completed as construction of the building and parking is completed.
- c. Pedestrian pathways including the internal 4-foot-wide sidewalk and the five-foot-wide sidewalk in the Edson Lane right-of-way, shall be completed as construction of the building and parking is completed.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- e. The Traffic Mitigation Agreement and amended APF Agreement shall be executed prior to issuance of the building permit.
- f. Provide the buffer planting adjacent to the residential zone upon completion of the building and parking.
- g. Phasing of dedications, stormwater management, sediment/erosion control, forestation, community paths, trip mitigation or other features.

10. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified site plan.

11. Certified Site Plan

Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, revised Data Table and development standards and Site Plan Opinion.
- b. Plans to be stamped and sealed by registered professionals.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Details of the Tree Save Plan.
- f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- g. Provide the architectural exhibit (Appendix C) referencing the height of Unit F.
- h. Provide additional foundation plantings along the frontage of the building.
- i. Provide street grades on Edson Lane opposite the middle of the front of the building

SUMMARY

Proposal

The application proposes a 13,150-square-foot office development on a 0.679-gross-acre, C-T zoned property in North Bethesda. The development will include a 2-story (35 feet) building that transitions from approximately 20 feet at the residential property to the south to 35 feet to the north. Required parking spaces will be provided on site in a surface parking lot.

Issues

The issues addressed during review include preservation of the existing trees within the property boundaries, limiting the impact on the trees on the adjacent property to the east, and the location of the dumpster enclosure on the southern boundary.

Community Outreach

The Applicant has presented the proposed development to the neighboring property owners directly to the south of the site, as well as to the representatives of the commercial office building (Brit-Beco) to the east of the property. The primary issues raised by an adjacent resident in the Wickford community included the distance of the building to the property line, proposed lighting adjacent to the property, provision of an effective buffer to the proposed building and the location of the dumpster originally sited at the southern property line. The Applicant has since relocated the dumpster enclosure internally within the site and provided an evergreen and deciduous tree buffer at the property line.

Representatives from the adjacent Brit-Beco building were concerned with the location of the building directly on the eastern property line and the potential impacts to the existing grove of trees. The Applicant has kept the proposed building on the eastern property line and has agreed to provide an evergreen buffer and construction easement on the adjacent property to the east.

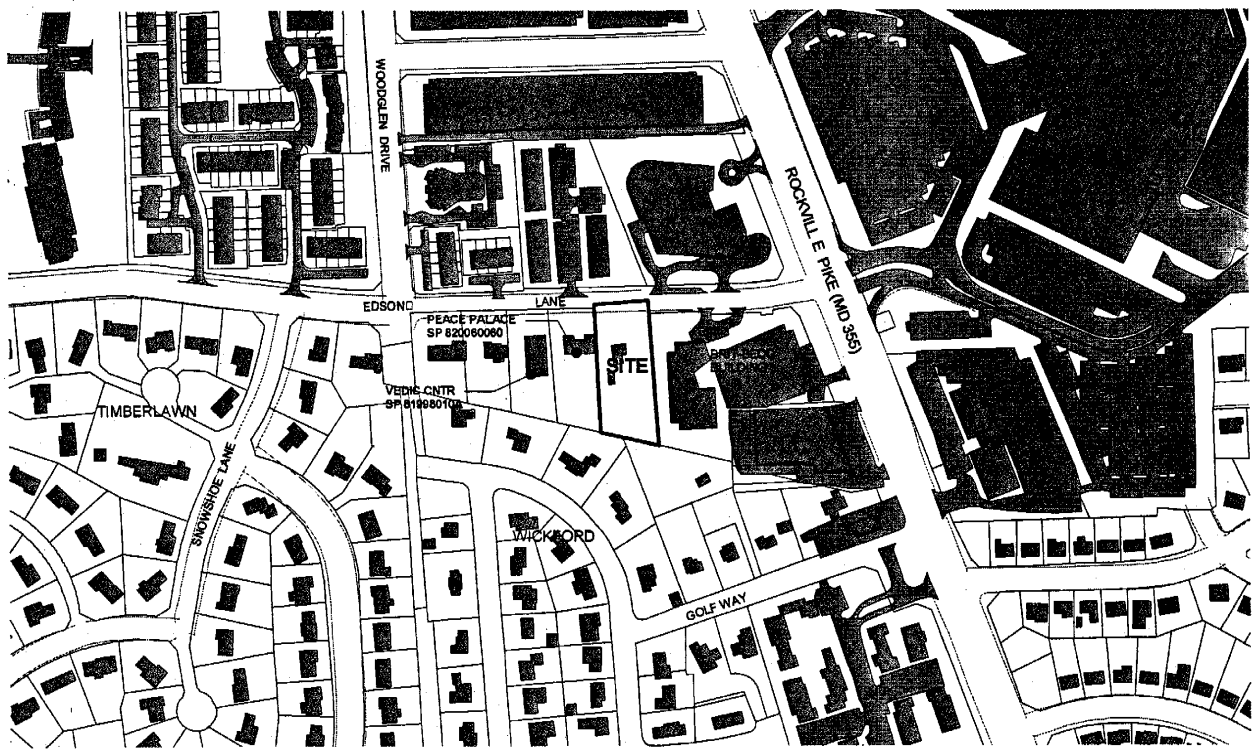
Concurrent Review

The Applicant filed a Preliminary Plan application #11996015A, which is being processed concurrently with the Site Plan and will be heard by the Planning Board on the same day.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located on the south side of Edson Lane, approximately 500 feet west of the intersection with Rockville Pike (MD 355). Edson Lane is an existing 70-foot right-of-way inclusive of 36 feet of paving and sidewalk on both sides of the street. Directly opposite Edson Lane is a 4-story residential condo building (Edson Park), situated at the forefront of a 12-story office building further north on the pike. A separate 3-story townhouse community is located directly adjacent to the Edson Park development, both of which derive access from Edson Lane. The 7-story Brit-Beco building is located approximately 40 feet east of the property line.

Directly to the west of the site is a 2-story one-family detached dwelling currently being used as a home office with a circular drive on both sides of the building and surface parking to the rear. This adjacent site (Site Plan #820060060-Peace Palace) received approval for office, tourist homes and institutional uses in April. Further to the west is the Wellness Center (81998010A) currently being operated by the Maharishi.



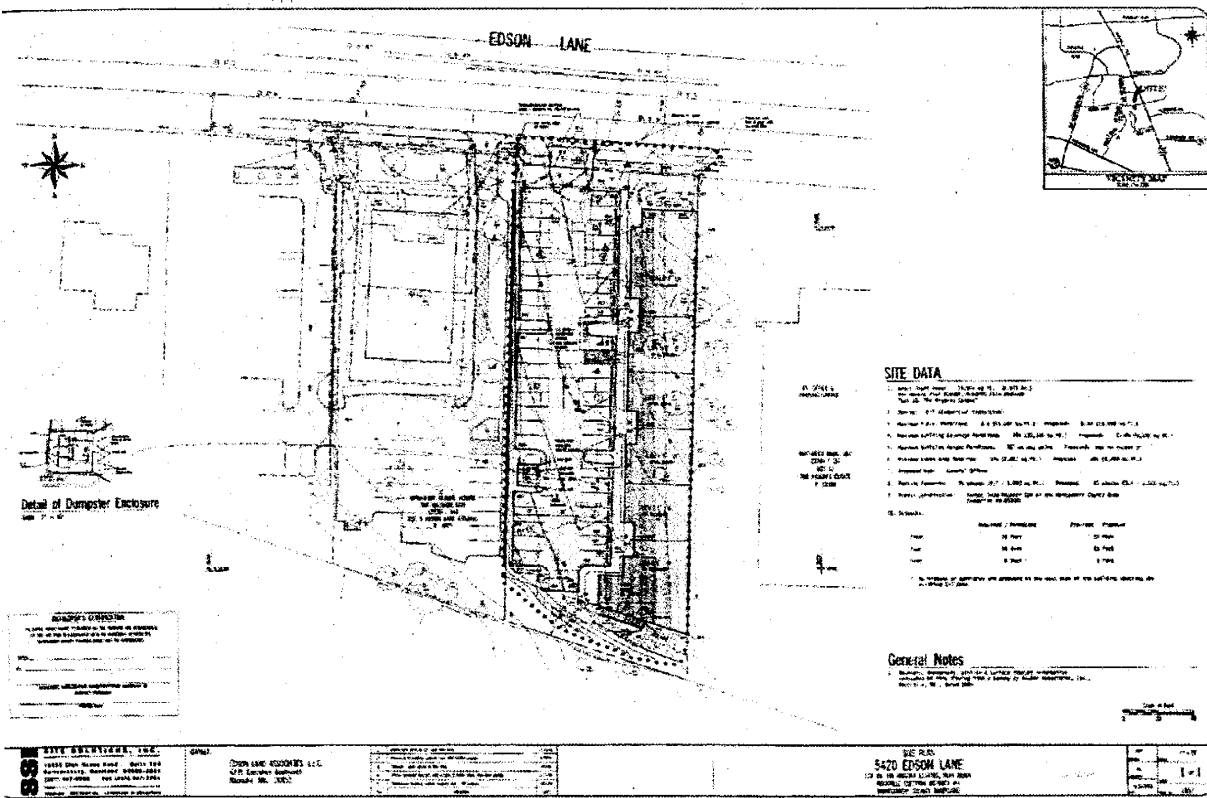
PROJECT DESCRIPTION: Site Description

The site is located at 5420 Edson Lane and is currently occupied by a 2-story one-family detached residence approximately 40 feet from the Edson Lane right-of-way. The property is accessed by a gravel driveway from Edson Lane that provides access and parking to the building. Overhead utilities exist along the Edson Lane property frontage. A number of large and specimen trees are situated primarily along the eastern property line, and the property falls in grade from south to north by approximately five feet.



PROJECT DESCRIPTION: Proposal

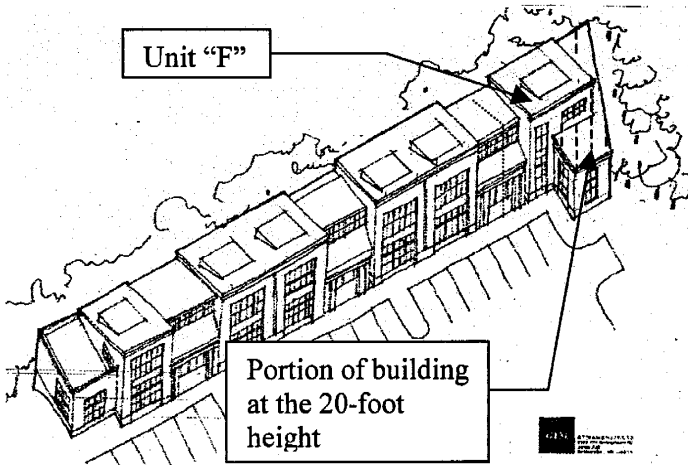
The proposed development consists of a linear 13,150 square foot general office building located primarily along the eastern property line. The building is set back approximately 35 feet from Edson Lane, consistent with the existing and proposed adjacent buildings to the west. The offices are integral to the modular office component with separate entrances for each office structure.



Site Plan stamped by M-NCPPC on June 15, 2006

The buildings are proposed to be 35 feet in height, stepping down to approximately 20 feet in height for the southernmost office unit to provide compatibility and a sense of scale to the adjacent residential property.

The surface parking facility parallels the proposed building with primary access from Edson Lane. The parking accommodates 45 parking spaces for the proposed office component. The parking is buffered from the adjacent property to the west with shrub plantings, as well as shade trees within



the parking lot islands. Pedestrian circulation includes internal sidewalk connections to the office units as well as a connection to Edson Lane.

Additional on-site evergreen screening with deciduous trees is proposed along the southern boundary to screen the building and parking. Off-site evergreen planting is proposed by the Applicant, in an agreement with the adjacent property owner (Brit-Beco) to the east. This planting is not part of the site plan. The proposed dumpster enclosure is located internally within the parking facility. Lighting consists of 12-foot tall fixtures within the parking lot for illumination and safety.

PROJECT DESCRIPTION: Prior Approvals

The property is currently Lot.18, ("The Higgins Estates") and recorded in the land records as Plat No. 20304 (Plat Book No. 600, page 80).

Preliminary Plan

Preliminary Plan #11996015A is being reviewed concurrently with the site plan.

ANALYSIS: Conformance to Development Standards

SITE DATA TABLE (C-T Zone)

Proposed Use: General Office
 Lot Size: 29,574 square feet

	Zoning Ordinance Development Standard	Proposed for Approval
Min. Tract Area (sf.):	12,000	29,574
Net Site Area after dedication (sf.):		29,574
Max. Floor Area Ratio (FAR):	0.50 (14,787 s.f.)	0.44 (13,150 s.f.)
Min. Building Setbacks (ft.)		
from any street right-of-way as shown on master plan (Edson Lane)	10	20
from any other lot line:		
adjoining lot in a residential zone and not recommended for commercial or industrial zone	15	25
eastern boundary	0*	0*
western boundary	15	53 (from a portion of unit F as shown on the site plan stamped June 15, 2006) 67 (for units A-E and a portion of unit F as shown on the site plan stamped June 15, 2006)
Max. Building Coverage (%): (for a lot with an area of 12,000 sf. or more [59-C-4.303(b)])	35 (10,350 sf)	31 (9,100 sf)
Min. Green Area (%):	10 (2,957 sf)	28 (8,290 sf)
Max. Building Height (ft.): (for a lot with an area of 12,000 sf. or more [59-C-4.303(b)])	35 at any point	35 at any point (as measured From the street grade opposite the middle of the front of the building, except for a portion of Unit F, which shall not exceed 20 feet from elev. 350.00 as shown on Exh. 1 (Appendix C)
Parking Spaces		
General Office 2.7 sp/1,000 sf)	36	45 sp (3.4 sp/1,000 sf) Includes 2 HC spaces

*A 15-foot setback is required for buildings with windows or apertures in the C-T Zone. The development is not proposing widows or apertures on the east side of the building abutting the adjacent property to the east.

ANALYSIS:

Conformance to Master Plan

The North Bethesda/Garrett Park Master Plan does not specifically provide recommendations for this property, however, the master plan does support the existing C-T Zone for properties on the south side of Edson Lane. The Plan supports the transition of uses from the less intense office uses along Edson Lane from the more intense office and retail uses on Rockville Pike, to the adjacent residential uses. The proposal is in compliance with the recommendations of the Master Plan's objectives to locate a commercial/transitional use within the C-T Zone.

Local Area Transportation Review

The preliminary plan is being amended to increase the amount of office originally approved on March 16, 1995 for 2,080 square feet of office and to amend the Adequate Public Facilities Agreement. Based upon the traffic statement, the proposed 13,150 square foot office building is projected to generate less than 30 peak hour trips, which precludes the requirement for to Local Area Transportation Review.

FINDINGS: For Site Plan Review

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan;*

An approved development plan, diagrammatic plan, schematic development plan, or a project plan is not required for the subject development.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;*

The Site Plan meets all of the requirements of the C-T Zone as demonstrated in the project Data Table on page 8.

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

- a. Buildings and Structures

The building footprint is linear in nature, approximately 40 feet in width and 230 feet in length, and set back three feet from the eastern property line. The building setback varies from 53-67 feet on the western boundary line due to a change in the footprint on the southern perimeter. The building steps from 20 feet in height at the southern boundary up to the maximum 35 feet height limitation to the north. The proposed building coverage equals 31 percent, which is less than the 35 percent permitted for lots greater than 12,000 square feet.

The proposed building also steps down in height and massing as it relates to the adjacent Brit-Beco building on Rockville Pike to the four other buildings located in the C-T Zone to the west. The building represents a transitional movement from the higher intensity uses near the Pike (4 to 7 stories) to the residential neighborhoods to the south and west.

The dumpster enclosure is located approximately 80 feet from the southern boundary and six feet from the western boundary line to address odor, noise and rodent concerns voiced by the adjacent residents. The dumpster and recycling bins will be enclosed by a 6-foot-tall gated fence with access from the proposed drive aisle.

b. Open Spaces

Proposed green area equals 28 percent, which is significantly more than the required 10 percent required for the property. The majority of the green area is located on the northern and southern boundaries, as well as within the planting islands and side yards of the property. The southern boundary is comprised of a 25-foot-wide buffer to the building and the parking, consisting primarily of proposed shade and evergreen trees.

c. Landscaping and Lighting

The proposed landscaping on the site consists of red oak trees within the 10-foot-wide lawn panel in the Edson Lane right-of-way and willow oaks within the parking lot islands. Shrub planting on the western perimeter buffers the parking lot adjacent to the commercially zoned property that currently exists as a residence. A predominantly evergreen buffer screens the proposed parking area and building to the adjacent residential property.

The lighting plan consists of colonial style fixtures set at a height of 12 feet, including the mounting base. Shields are proposed on the fixtures adjacent to the residentially zoned properties to the south to negate glare and spillover from the commercial operation.

d. Recreation

Recreation facilities are not being provided with this application and are not required for commercial properties.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

One point of vehicular access is being provided to the site from Edson Lane. The two existing curb cuts to the driveway from Edson Lane are being replaced with a new 24-foot-wide access point that narrows to a linear 20-foot-wide drive aisle, extending the length of the site parallel to the proposed building. The parking is set back approximately 4 feet from the adjacent property to the west to accommodate screening of a proposed commercial property with parking on their boundary line.

A five-foot-wide sidewalk exists within the Edson Lane right-of-way, separated by a 10-foot-wide lawn panel. The proposed development is also providing a 4-foot-wide sidewalk connecting to the existing sidewalk on Edson Lane. Pedestrian facilities will not be adversely affected by the proposed development.

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

The proposed development is compatible with adjacent existing and proposed uses. The location of the proposed office building is set back 25 feet from the adjacent residential property and steps up in height from approximately 20 feet to the maximum 35 feet, providing a distinction in massing and sympathetic relationship to the residential properties. The proposed use to the west is a rectangular commercial building with surface parking in the rear. The parking for the adjacent site backs up to the proposed parking on the western edge, separated by an evergreen hedge. The 4-7-story commercial building to the east is separated by a grove of larger trees, with the 7-story segment closer to Rockville Pike. The 4-story portion of the building effectively provides a transition to the proposed 35-foot-tall building on the subject site and sympathetic massing to the proposed 28-foot-tall building on the adjacent site to the west. The massing and location of the building on the property takes advantage of the linear nature of the site, while respecting the height and use of the residential properties to the south.

The building has been sited directly on the eastern property line to allow for construction and provide for tree preservation measures for the trees on the adjacent property impacted by the new structure.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The subject property is exempt from the forest conservation requirements by exemption #4-05308E; however, a tree save plan is required for protection of existing trees on the site and for the preservation of the grove of trees on the property to the east.

There are 17 trees on the subject property, three of which are larger than 24" diameter breast height. The only tree that can be preserved is an 8" tulip poplar due to the nature and layout of the development. The adjacent property to the east contains approximately seven trees that may be impacted by the proposed development and possibly more during the construction activity associated with the subject site.

The Applicant has proposed certain tree protection measures and stress reduction measures for the affected trees on the adjacent property, to compensate for root loss and impacts to the trees.

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.

APPENDICES

- A. Memoranda from agencies
- B. Letters from adjacent properties dated June 15, 2006
 - Agreement between Edson Land Associates, LLC and Brit-BECO Building LLC
 - Chen, Walsh, Tecler & McCabe, LLP to Steven A. Robins, Esq.
- C. Exhibit 1 for illustrative building height
- D. Site Plan Checklist

APPENDIX A



June 12, 2006

MEMORANDUM

TO: Robert Kronenberg, Development Review Division

FROM: Kristin O'Connor, Planner, Bethesda-Chevy Chase, North Bethesda Team
Community-Based Planning Division (301-495-2172) *KO*

SUBJECT: Comments for Site Plan 8-06005, 5420 Edson Lane

The Community-Based Planning staff has reviewed the above referenced Site Plan for conformance with the *North Bethesda/Garrett Park Master Plan* (1992). The subject property is located on Edson Lane, west of the intersection of Rockville Pike/MD-355 and Edson Lane (south of the White Flint Sector Plan Area). Community-Based Planning recommends approval of this Site Plan with the following conditions to ensure consistency with the approved 1992 Mast Plan:

1. Retain a minimum of 25' building and parking setback from the R-90 residential properties to the south.
2. Require that lighting not trespass onto adjacent residential properties.

ZONING AND LAND USE

The 29,574 square foot subject property is zoned C-T (Commercial Transition). The approved North Bethesda-Garrett Park Plan recommends the C-T zoning for this site. The development proposal is comprised of a 13,150 square-foot of office in one- and two-story office/townhouse. The Master Plan identifies the parcel in Area 10 in Figure 24 on page 73. To the north of the site is an existing 12-story office building with two levels of open deck parking and a PD-11 (Planned Development) Zone with a 132-unit townhouse development. The Wickford subdivision, zoned R-90, is located to the south of the project. To the east, along Rockville Pike, is a four (4) story office building with structured parking beneath, also located in the C-T (Commercial Transition) Zone.

MASTER PLAN COMPLIANCE

Although no specific recommendations are made for this property, the Master Plan does confirm the C-T zone and support the proposed use on the south side of Edson Lane. The Plan supports a transition of uses from the *office* along Edson Lane and Rockville Pike to the adjacent *residential* areas. The project is in compliance with the recommendations of the *North Bethesda/Garrett Park Master Plan* and meets the Plan's objective to locate a commercial/transitional use in the C-T Zone.



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Robert Kronenberg, Development Review
Richard Weaver, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning *ASF*

FROM: Amy Lindsey, Environmental Planning *ALL*

DATE: June 13, 2006

SUBJECT: Site Plan 820060050
Preliminary Plan 11996015A
Higgins Estate/5420 Edson Lane

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

1. The proposed development shall comply with the conditions of the approved tree save plan prior to any demolition, clearing, or grading on the subject property.
 - a. At time of pre-construction meeting, the MNCPPC Development Review Inspector will inspect trees along the LOD and determine which trees will need to be removed, with particular attention to trees 12, 14, 17, 21, 24, 26, and 33.
 - b. All tree removal and stress reduction measures for saved trees on adjacent properties shall be done at the applicant's expense, under an ISA certified arborists' direct supervision.

BACKGROUND

The Higgins Estate is located at 5420 Edson Lane and is 0.679 acres. It is adjacent to Peace Palace (Site Plan 820060060) and the BRIT-BECO building. There are residential uses confronting and to the rear of this property. This property is in the Garrett Park/North Bethesda Master Plan area. Currently, there is a single-family residential structure being used as a commercial establishment. The proposed development is a townhouse-scaled office project.

Forest Conservation

There is no forest on this property and it is exempt from Forest Conservation Law as per 4-4-05308E, as a Small Property and a tree save plan was required. There are 17 trees

onsite, 3 of which are large or specimen sized ($\geq 24''$). The large trees include a 38'' white oak in poor condition, a 42'' red oak in good condition, and a 42'' red oak in good condition. Due to the nature of the planned development, the only tree on-site that can be saved is an 8'' tulip poplar, located at the rear of the property.

A number of offsite trees will be affected by this development. On the BRIT-BECO property, 6 trees will need to be removed, including one large or specimen sized – a 33'' tulip poplar in good condition. Another 7 trees (12, 14, 17, 21, 24, 26, and 33) will be significantly affected and may need to be removed. This includes 2 large or specimen sized trees - a 32'' tulip poplar in fair condition and a 28'' white oak in good condition.

The applicant has proposed using root pruning and stress reduction measures as tree protection for the affected trees on the BRIT-BECO property. One tree (7'' tulip poplar in good condition) will also have temporary root protection matting used as a protection measure. However, the 7 trees mentioned above will be left in a weakened state due to their constrained root space between the proposed development and the BRIT-BECO building. Also, the loss of scaffolding roots may leave the trees structurally unstable and hazardous. MNCPPC Development Review Inspector should further evaluate these trees for removal or retention with stress reduction measures at the preconstruction meeting.

The applicant did enter into negotiations with the owners and general counsel of the BRIT-BECO building regarding tree protection and removal. A planting plan was proffered but was rejected by BRIT-BECO.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.



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

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

Maryland Department of Transportation

October 26, 2005

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

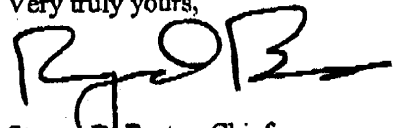
Re: Montgomery County
MD 355 General
Wellness Center
File No. 8-1998010A

Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the amended site plan application for the Wellness Center development at 5504 Edson Lane. We have completed our review and have no comments at this time.

If additional information is required from SHA regarding this project, please do not hesitate to contact Mr. Raymond Burns at 410-545-5592, Mr. John Borkowski at 410-545-5595, or by using our toll free number in Maryland only, 1-800-876-4742 (x-5592 for Ray, x-5595 for John). You may also E-mail Ray at rburns1@sha.state.md.us or John at jborkowski@sha.state.md.us. Thank you for your cooperation.

Very truly yours,


for Steven D. Foster, Chief
Engineering Access Permits Division

SDF/jb

cc: Mr. Darrell Mobley (Via E-mail)
Mr. Augustine Rebish (Via E-mail)
Mr. Richard Weaver, M-NCPPC (Via E-mail)
Ms. Mary Beth O'Quinn, M-NCPPC (Via E-mail)

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



FIRE MARSHAL COMMENTS

DATE: 2-15-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~ EDSON LANE 5420 (SEE COMMENTS BELOW)

FEB 24 2006

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 2-15-06. 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: Fire Department access approved based on Fire Code Modification M-2006-002

cc: Department of Permitting Services



FEB 24 2006

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

February 23, 2006

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

RE: Preliminary Plan #1-96015A
Higgins Estate

AMENDED LETTER

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated August 11, 2005. This plan was reviewed by the Development Review Committee at its meeting on September 26, 2005. We recommend approval of the plan subject to the following comments:

- All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department. **Please discard our February 22, 2006 letter and replace it with this letter.**
1. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 2. The storm drain capacity and impact analyses have been accepted.
 3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
 4. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
 5. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
 6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.



Division of Operations

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: 5420 EDSON LANE

Preliminary Plan #: 1-96015A

Street Name: EDSON LANE

Master Plan Classification: PRIMARY

Posted Speed Limit: 30

Street/Drwy. 1 (SOLE DRIVEWAY)

Street/Drwy. 2 (_____)

Sight Distance (feet)	OK?
Right <u>400'</u>	<u>✓</u>
Left <u>930'+</u>	<u>✓</u>

Sight Distance (feet)	OK?
Right _____	_____
Left _____	_____

Comments: _____

Comments: _____

GUIDELINES

Classification or Posted Speed
(use higher value)

Required
Sight Distance
In Each Direction#

Tertiary - 25	150
Secondary - 30	200
Business - 30	200
Primary - 35	250
Arterial - 40	325
(45)	400
Major - 50	475
(55)	550

Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing.)

Source: AASHTO

ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: [Signature]

Date: 8/10/05

S E A L

Accepted By: [Signature]

Date: 2/22/06


PLS/P.E. MD Registration No. MD 19156

Ms. Catherine Conlon
Preliminary Plan No. 1-96015A
February 23, 2006
Page 2

7. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
8. Obtain permission from the public utility companies, as necessary, to allow the proposed private storm drain manhole to be located in the Public Utilities Easement.
9. Permit and bond will be required as a prerequisite to DPS approval of the building permit. The permit will include, but not necessarily be limited to, the following improvements:
 - A. On Edson Lane frontage, relocate the existing sidewalk as shown on the preliminary plan. Remove the existing driveway apron(s) and restore the disturbed right-of-way
 - B. Relocate the existing inlet and pipe for the future driveway apron. [Permit to construct the new driveway apron can be addressed at the building permit stage.]
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please Mr. Sam Farhadi at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,


Gregory M. Leck, P.E., Manager
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

Enclosure

m:/subdivision/gml/pp/1-96015A, SF, gml revs.doc

cc: Jeffrey S. Lewis, PE; Site Solutions, Inc.
Steven A. Robins; Lerch, Early and Brewer
Richard Maggin; Edson Land Associates
Shahriar Etemadi; M-NCPCC Transportation Planning
Joseph Y. Cheung; DPS Right-of-Way Permitting & Plan Review
Sarah Navid; DPS Right-of-Way Permitting & Plan Review
Christina Contreras; DPS Right-of-Way Permitting & Plan Review
Sam Farhadi; DPWT Traffic Engineering & Operations
David Adams; DPWT Traffic Engineering & Operations



March 6, 2006

MEMORANDUM

TO: Robert Kronenberg, Acting Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Coordinator/Planner EA
Transportation Planning

SUBJECT: Preliminary plan No. 119960150 Amended and Site Plan No. 820060050
The Higgins Estate or 5420 Edson Lane
North Bethesda Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan to remove the existing 2,080 square-foot building on Lot 18 and redevelop the lot in the C-T zone.

The subject preliminary plan is to amend the original Preliminary Plan No. 119960150 that was approved on October 2, 1995, and the Adequate Public Facilities Agreement. The subject site plan supersedes the previous Site Plan No. 819950250 that was approved on March 16, 1995. The previous preliminary plan and site plan was approved for 2,080 square feet of general office use. Lot 18 was recorded as Record Plat No. 600-80.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to this preliminary plan and site plan:

1. Limit the plan to redevelop Lot 18 for up to 13,150 square feet of general office use.
2. Enter into a Traffic Mitigation Agreement with the Montgomery County Department of Public Works and Transportation (DPWT) and the Planning Board to participate in the North

A traffic study was not required to satisfy Local Area Transportation Review because this proposed land use generates less than a total of 30 peak-hour trips during the weekday morning and evening peak hours.

EA:gw

cc: Wayne Corneluis
Craig Hedberg
Chuck Kines
Ivy Leung
Steve Robins – Lerch Early & Brewer

mmo to kronenberg re Higgins Estate



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

June 29, 2005

Robert C. Hubbard
Director

Mr. Jeffrey S. Lewis
Site Solutions, Inc.
19650 Club House Road, Suite 105
Gaithersburg, MD 20886

Re: Stormwater Management **CONCEPT** Request
for The Higgins Estates(5420 Edson Lane)
SM File #: 218147
Tract Size/Zone: 0.68 Ac./C-T
Total Concept Area: 0.68 Ac.
Lots/Block: 18/
Watershed: Lower Rock Creek

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a flow based StormFilter due to vertical site constraints. Onsite recharge is not required since this is redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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 at the time of detailed plan review.
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. Stormfilter sizing must be based on the drainage area coming to it at time of construction. This includes offsite drainage in case Lot 3/A, 5500 Edson Lane is not constructed at the same time or before.

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 CN218147 The Higgins Estate.DWK

cc: R. Weaver
S. Federline
SM File # 218147

QN - Onsite; Acres: 0.68
QL - Onsite; Acres: 0.68
Recharge is not provided

APPENDIX B

CHEN, WALSH, TECLER & MCCABE, LLP.

ATTORNEYS AT LAW

200A MONROE STREET

SUITE 300

ROCKVILLE, MARYLAND 20850

(301) 279-9500

FAX: (301) 294-5195

*ALSO ADMITTED IN THE
DISTRICT OF COLUMBIA

1-800-229-9510

JOHN BURGESS WALSH, JR.
WILLIAM JAMES CHEN, JR.*
KENNETH B. TECLER*
JOHN F. MCCABE, JR.*

June 15, 2006

Steven A. Robins, Esq.
Lerch, Early & Brewer, Chartered
3 Bethesda Metro Center, Suite 460
Bethesda, Maryland 20814Re: Edson Lane Associates, LLC, 5420 Edson Lane,
Preliminary Plan Amendment No. 1-96015A,
Site Plan No. 8-06005

Dear Steve:

This letter is transmitted to follow-up our recent discussions and agreement with regard to the above-referenced preliminary plan amendment and site plan. The purpose of this letter is to document our clients' agreement so that there is no misunderstanding in the future.

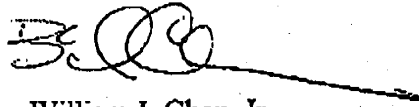
1. Landscaping – The landscaping as shown and described on the Landscape and Lighting Plan prepared by Site Solutions, Inc., dated June 1, 2006, is acceptable.
2. Dumpster – The dumpster receptacles, its location, and its enclosure as depicted in the "Detail of Dumpster Enclosure" all as shown on the revised site plan prepared by Site Solutions, Inc., dated May 23, 2006, is acceptable. The dumpster will not be used for food waste that is associated with a restaurant or hotel operation. Pick-up hours for the dumpster trash will be between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Any change in the location and operation of the dumpster will require a site plan amendment.
3. Building Height – The building height at its southern end will no higher than 20 feet measuring from elevation 350.
4. Lighting – The lighting as shown and described on the Landscape and Lighting Plan prepared by Site Solutions, Inc., dated June 1, 2006, is acceptable. The lighting will be directed away from the single-family detached dwellings in the Wickford Subdivision.
5. HVAC System – The HVAC compressors at the southern end of the building will be residential type compressors.

CHEN, WALSH, TECLER & MCCABE, LLP.

Steven A. Robins, Esq.
Lerch, Early & Brewer, Chartered
June 15, 2006
Page Two

All of the foregoing will be proposed conditions of site plan approval to be submitted to the technical staff of the Maryland-National Capital Park & Planning Commission for inclusion in the staff report to the Planning Board. Assuming the Planning Board approves the site plan with these conditions, they would be printed on the signature copy of the final approved site plan.

Sincerely,



William J. Chen, Jr.

WJC:mml

cc: Andrew G. Cassidy
Robert Kronenberg, M-NCPPC

mml/cassidy/b:\robins ltr June 15 06

EDSON LAND ASSOCIATES, LLC
C/O PARAGON PROPERTY DEVELOPMENT, INC.

4733 BETHESDA AVENUE, SUITE 550
BETHESDA, MARYLAND 20814
PHONE: 301-913-0326
FAX: 301-913-5398

June 15, 2006

By Fax No. 301-816-1501

Mr. Jeffrey Lee Cohen, President
BECO Management, Inc.
BECO Building West
5410 Edson Lane
Rockville, Maryland 20852

Re: **5420 & 5410 Edson Lane, Rockville, MD –
Development / Landscape Agreement between
Edson Land Associates, LLC (“Edson”) and
Brit-BECO Building, LLC (“BECO”)**

Dear Jeffrey:

Rick Maggin and I thank you, Jim Lystad and Kevin Lewis for meeting with us yesterday to discuss our development and landscape plans. The purpose of this letter is to memorialize the substance of our discussion and agreement so that our respective expectations are clear. We mutually agree as follows.

1. Edson's new building shall be constructed along the common property line of Edson and BECO and shall not be offset from the property line.
2. BECO shall grant to Edson a temporary construction easement, and an agreement whereby Edson would be allowed access, from time to time, onto BECO's property for maintenance of Edson's building (subject, of course, to conditions protective of BECO such as those addressing notice, damage and liability).
3. At Edson's expense at a cost not to exceed \$34,000, BECO shall purchase and install on BECO's property along the common property line, twenty (20) Leyland Cypress trees, 18 feet in height and 10 feet on center. After installation of the Leyland Cypress trees (and after expiration of any landscaper warranty), BECO shall assume responsibility for maintenance of the trees.
4. Edson shall reseed areas of BECO's property that are disturbed by Edson's construction process, unless trees or other landscaping are planned for such areas. During construction and continuing for six months after completion, Edson shall be responsible for removal of trees on BECO's property that are critically

damaged by the construction process. Thereafter, BECO shall assume responsibility to maintain all trees and landscaping on its property.

If the foregoing terms are consistent with your understanding, please so indicate your agreement by countersigning and returning the enclosed copy of this letter. Upon receipt of your countersignature, we will forward this letter to Robert Kronenberg at Park and Planning confirming to him that BECO now supports our development plan subject to the terms contained in this letter.

Thank you.

Edson Land Associates, LLC

By: 

Gary Mulkins,
Manager

AGREED:

BRIT-BECO Building LLC

By: BECO Management, Inc., Authorized Agent

By: 

Jeffrey Lee Cohen, President
Date: 6/15/06

APPENDIX C

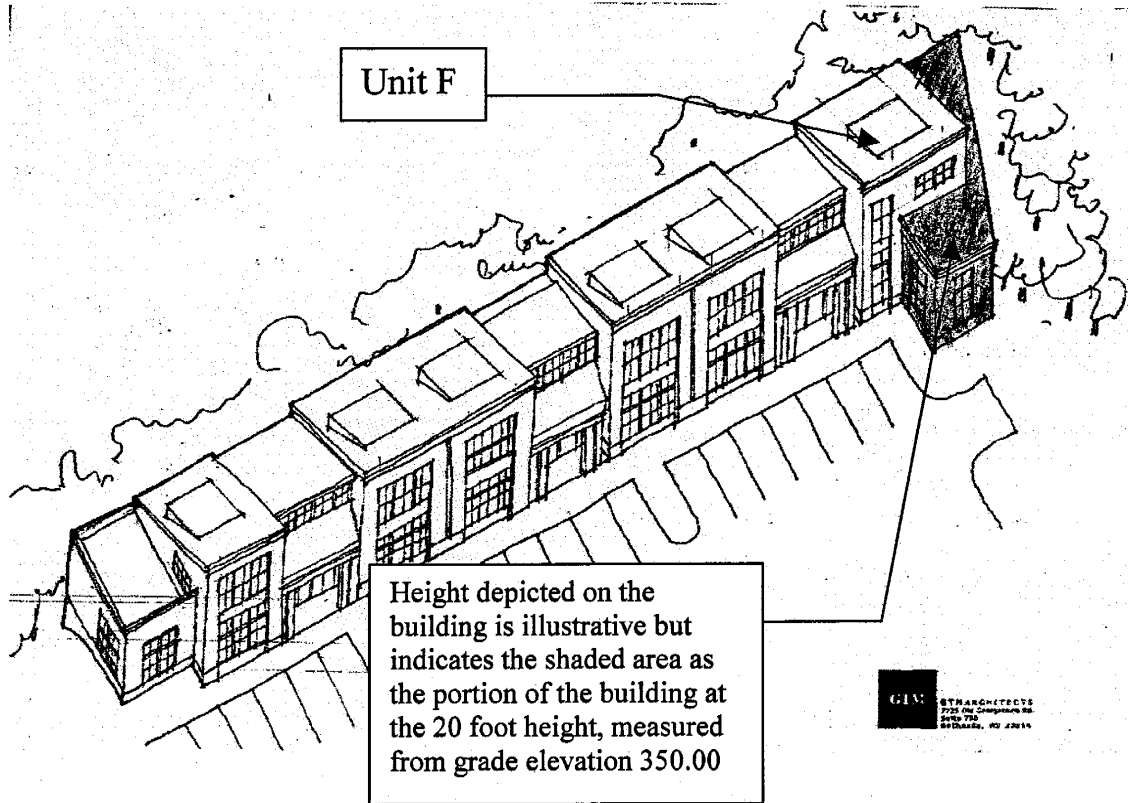



Exhibit 1-Illustrative View of the proposed building

APPENDIX D

 Development Review Division
Montgomery County Department of Park and Planning

CHECKLIST Site Plan / Project Plan Review

Plan # **B20060050** Name: **5420 EDSON LANE**
 Zone: **C-T** Tract Area: **29,574 SF** Proposed Use: **OFFICE**
 Number of Units: **N/A** Square Footage: **13,150 SF.**
 Development Method: **OPTIONAL** Other: _____

Referral Comments:

M-NCPPC	Staff	Date	Other Agencies	Staff	Date
Transportation	EA	3.6.06	SHA	SF	10.26.05
Environmental	AL	6.15.06	DPS (SWM)	RB	6.29.05
Community Planning	KO	6.12.06	DPS (Traffic)	CC	9.26.05
Historic Planning	N/A	_____	Public School	N/A	_____
Park Planning	N/A	_____	Utility	N/A	_____
Research/Housing	N/A	_____	Fire & Rescue	JP	2.15.06
			DPW & T	GL	2.23.06

Development Standards / Requirements

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Zoning Requirements | <input checked="" type="checkbox"/> MPDU Calculation | <input checked="" type="checkbox"/> Building Restriction Lines |
| <input checked="" type="checkbox"/> Development Data Table | <input checked="" type="checkbox"/> TDR Calculation | <input checked="" type="checkbox"/> Building Height |
| <input checked="" type="checkbox"/> Recreation Calculation | <input checked="" type="checkbox"/> Timing/Phasing Conditions | <input checked="" type="checkbox"/> Master Plan Conformance |

Prior Approvals

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Development Plan | <input checked="" type="checkbox"/> Preliminary Plan | <input checked="" type="checkbox"/> Prior Site Plan Approvals |
| <input checked="" type="checkbox"/> Record Plat | | |

Community Input

- Civic Association _____
- Individuals **BRIT-BECO, ANDREW CASSIDY**

Supervisor Review _____

Chief Review _____

Ma **6/23/06**
Rey **6/23/06**