



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**REVISED Staff Report: Site Plan 820080180 North Bethesda Center, Parcels A and C, and Infrastructure**

**ITEM #:** \_\_\_\_\_

**MCPB HEARING**

**DATE:** July 24, 2008  
September 11, 2008

**REPORT DATE:** March 24, 2008  
August 29, 2008

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Robert Kronenberg, Supervisor *RAK*  
Development Review Division

**FROM:** Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EM*  
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**APPLICATION**

**DESCRIPTION:** A total of 527,655 gross square feet of commercial and retail uses on two blocks comprising 15.63 acres, plus public site infrastructure, including roadways and a vehicular bridge over the metro tracks, in the TS-M Zone; located on the east side of Rockville Pike (MD 355) between Old Georgetown Road and Marinelli Road, in the North Bethesda/Garrett Park Master Plan

**APPLICANT:** LCOR North Bethesda Phase II, LLC

**FILING DATE:** February 1, 2008

**RECOMMENDATION:** Denial

**EXECUTIVE**

**SUMMARY:** At the July 24, 2008, Planning Board hearing, staff recommended denial of the Site Plan on the grounds that it does not meet all of the requirements for approval of a Site Plan. At that hearing, the Planning Board indicated that the Sense of the Board was to approve the project, and that staff should prepare conditions of approval. This revised report amends to the original staff recommendation the Board's findings and those conditions of approval.

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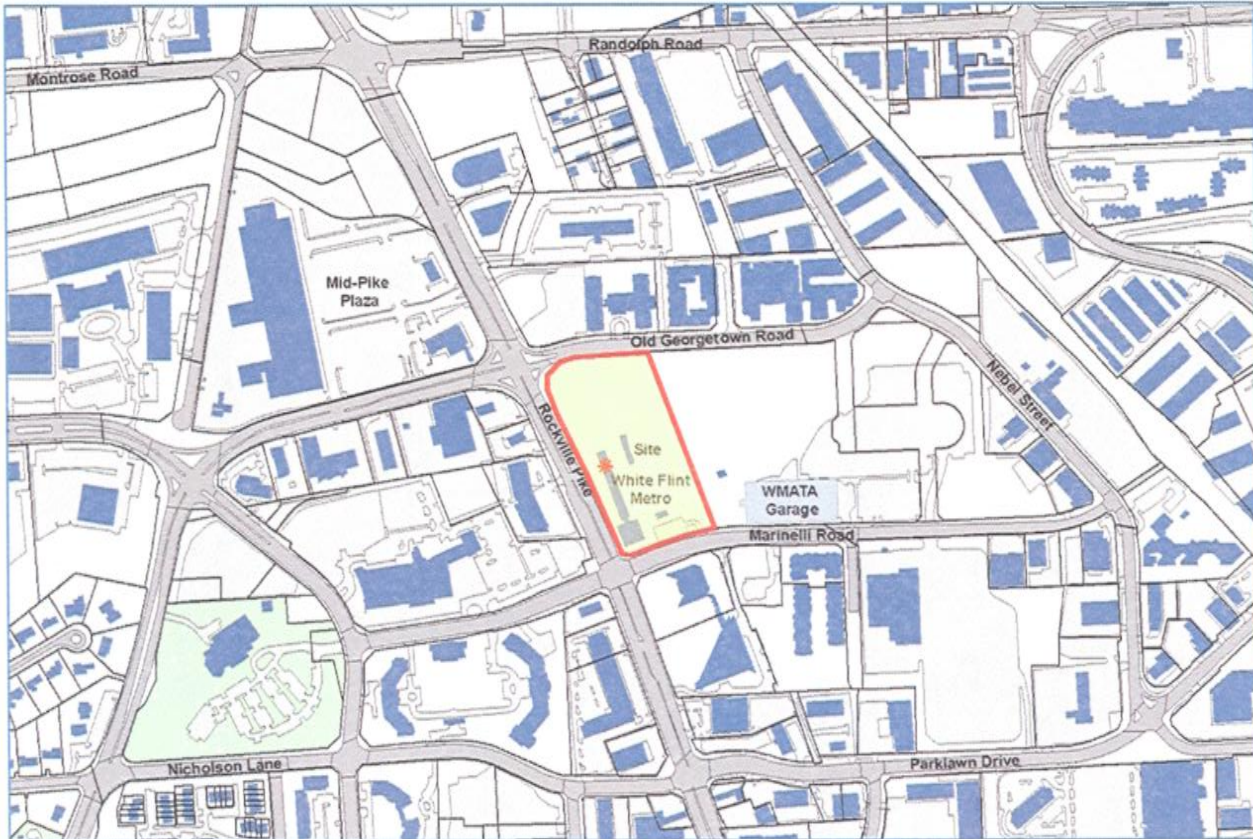
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**PROJECT DESCRIPTION: Site Vicinity**

The subject parcels are located on the east side of Rockville Pike between Old Georgetown Road and Marinelli Road in North Bethesda, and are part of the larger North Bethesda Center property. North Bethesda Center is bounded by Old Georgetown Road on the north, Marinelli Road on the south, Rockville Pike on the west, and Nebel Street on the east. There are train tracks one block to the east and a metro station, the White Flint stop, in the southwest corner of the site at the intersection of Rockville Pike and Marinelli Road. Rockville Pike is a significant regional destination retail corridor, and the White Flint area is currently under study for a new sector plan.



*Vicinity Map*

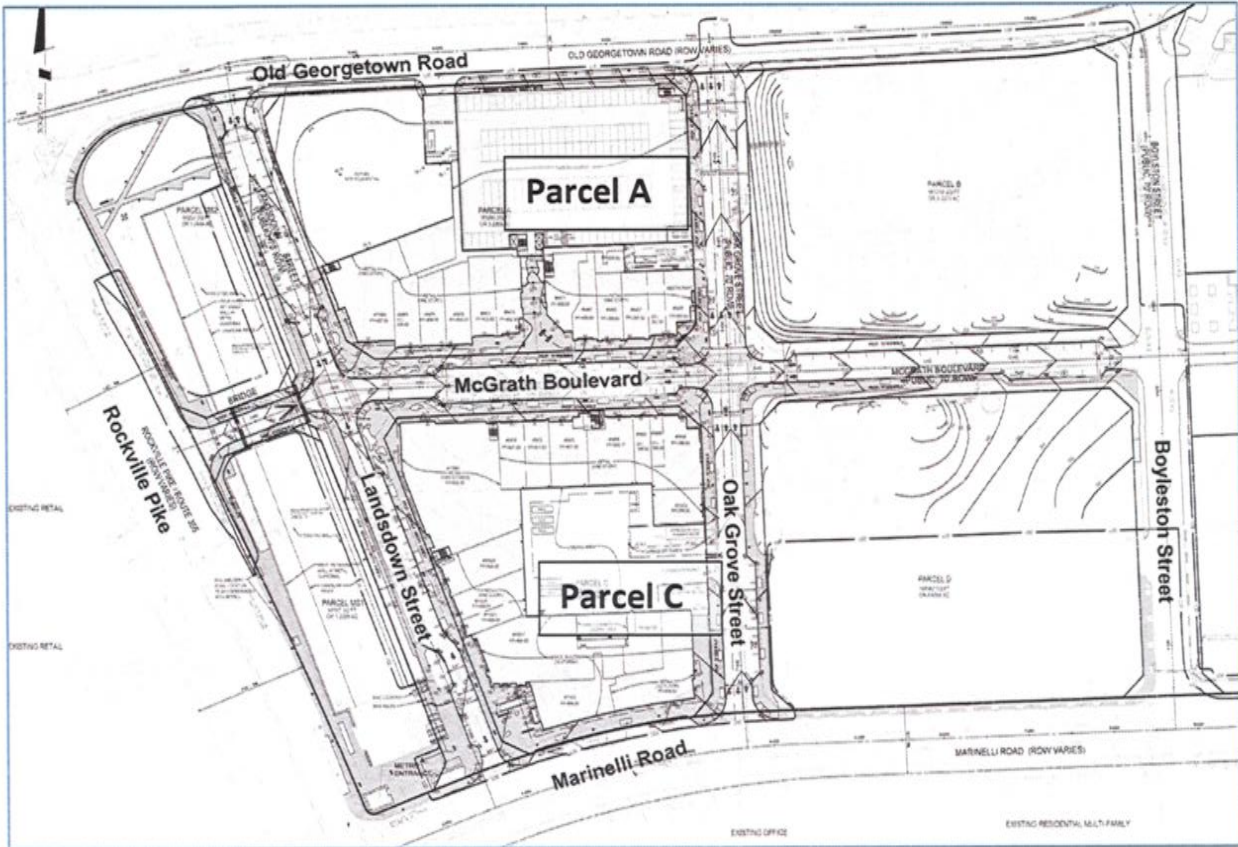
The North Bethesda Master Plan designates the White Flint area, straddling Rockville Pike from roughly White Flint Mall to the south, Randolph Road to the north, approximately Old Georgetown Road to the west and the train tracks to the east, as the center of the future redevelopment of North Bethesda. The subject site is centrally located within this redevelopment area and will include a mix of residential, office, retail, and civic uses within a new street-and-block system. The Planning Board has already approved an 18-story multi-family building with 312 residential units and 61,246 square feet of supermarket retail, currently under construction on Parcel E, a 19-story multi-family building with 327 multi-family dwelling units on Parcel F, and a roughly 60,000 square-foot Community Green.



Overall Site Plan

**PROJECT DESCRIPTION: Proposal**

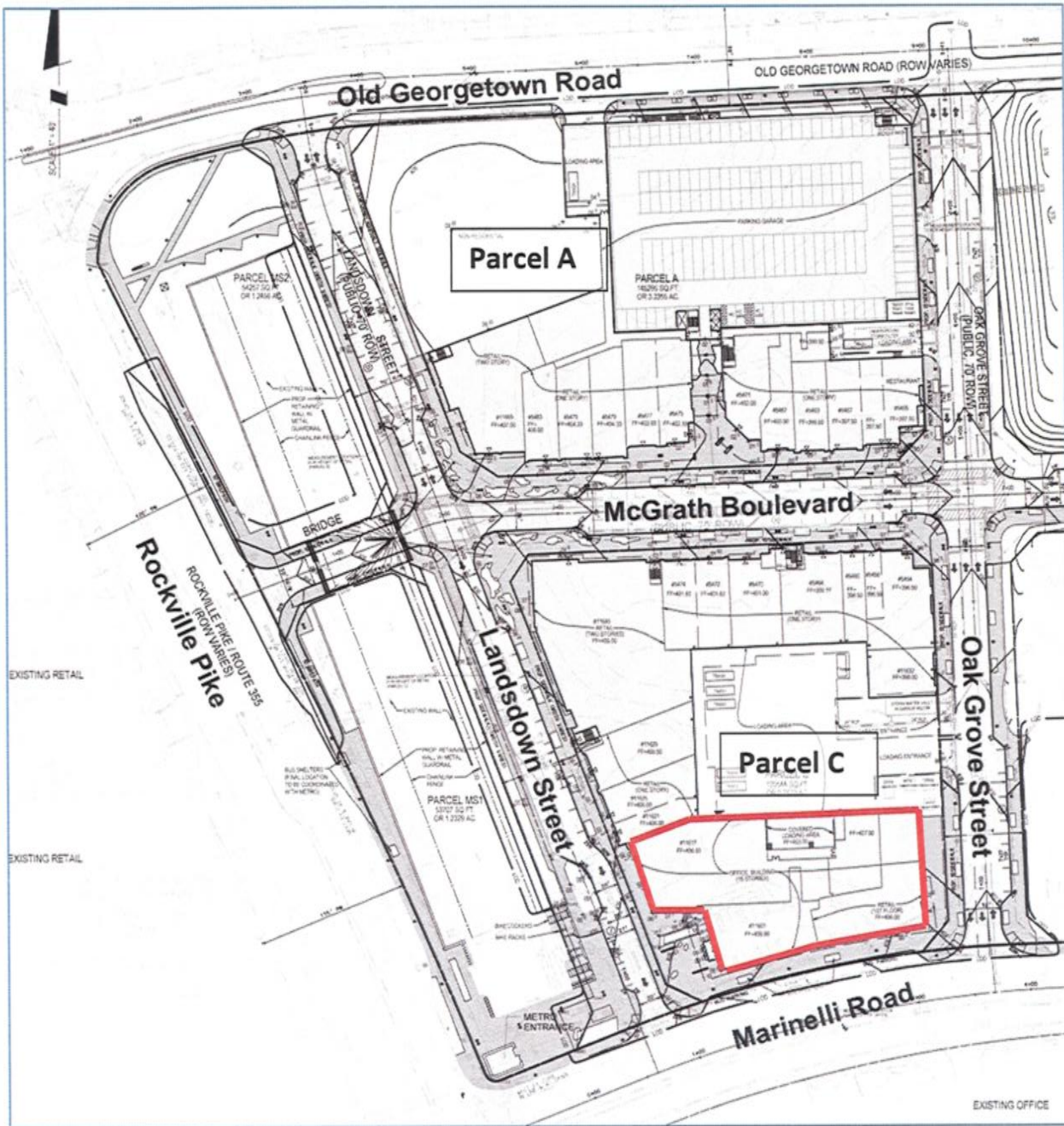
The Applicant's proposal consists of 352,622 gross square feet of commercial office uses and 175,033 gross square feet of retail uses, including a 320-seat below-grade movie theatre, to be distributed between Parcels A and C. Part of Parcel A, at the intersection of Old Georgetown Road and Landsdown Street, has not been included with this application for a future proposal. Parcel A provides 698 parking spaces in a structured garage at the corner of Old Georgetown Road and Oak Grove Street. Parcel C provides over 1,000 parking spaces below grade. Both of these parking facilities will be accessed from Oak Grove Street.



*Site Plan*

The bulk of the commercial space is located within an 14-story office building at the corner of Landsdown Street and Marinelli Road, outlined in the Site Plan detail below. The remaining retail and commercial square footage is located in one-story buildings, with two-story buildings at the intersection of McGrath Boulevard and Landsdown Street.

Staff has reviewed this application and the elements proposed with this Site Plan and contends that the application does not satisfy the finding needed to support the Site Plan.



Site Plan Detail (w/ 14-story Building Highlighted)

**PROJECT DESCRIPTION: Prior Approvals**

Zoning/Development Plan

The subject property was rezoned from the R-90 to the TS-M zone by Local Map Amendment G-801. As part of the Development Plan, the District Council set limits for the residential and commercial development on the entire North Bethesda Center site, parsing the total amount of buildable area between the blocks. The limits imposed by this

plan largely segregate commercial/retail and residential uses, eliminating some opportunities for more street-activating mixed-use buildings. Parcel I remains zoned I-1.

#### Preliminary Plan

On September 30, 2004, the Planning Board approved the Preliminary Plan for the entire North Bethesda Center site (120040490), creating nine lots and two parcels on 32.42 acres. The March 22, 2005, resolution limits development to 1,350 multi-family residential units, including 169 MPDUs, 1.148 million square feet of commercial office, 202,037 square feet of general retail and supermarket, and an 80,000 square-foot theatre.

#### Related Site Plans

On July 21, 2005, the Planning Board approved a Site Plan for the adjacent Parcel E (820050340), including a 18-story multi-family building with 312 residential units and 61,246 square feet of supermarket retail. On May 22, 2008, the Board also approved a Site Plan for Parcels F and J, for 327 multi-family dwelling units in a 19-story building and approximately 63,100 square feet of public use space.

### **PROJECT ANALYSIS**

As currently proposed, the Site Plan does not meet all of the requirements necessary for the Planning Board to approve the plan.

### **STAFF FINDINGS**

1. *The Site Plan does not conform to all non-illustrative elements of the applicable development plan or diagrammatic plan, and all binding elements of a schematic development plan.*

In the opinion for Local Map Amendment G-801, the District Council stated its expectations for the redevelopment of this area. Foremost, the Council expected that the 2.7 million square feet of mixed use development to be approved would “enhance pedestrian movement by locating density closer to Metro” (p. 3), a notion that echoes the expectations of the Urban Design guidelines in the approved North Bethesda/Garret Park Master Plan<sup>1</sup> that the Council found the original proposal to meet:

- Develop the image of a single node straddling the Pike by locating the tallest buildings along the Pike and stepping down in height to the east and west;
- Use equivalent streetscape treatments, block sizes, and building scale to visually link the east and west halves of the district;
- Place the tallest buildings next to the Pike.

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<sup>1</sup> p. 127-131

Further, the resolution stated that the application would provide, among other things (p. 4):

- a main urban center for North Bethesda (emphasis added)
- encourage significant Metro use
- promote a lively pedestrian environment.

As proposed, this Site Plan for Parcels A and C, comprised of the buildings fronting directly onto Rockville Pike, does not meet the expectations of the District Council as stated in their approval. This project places relatively little building height and density along the primary frontage for Rockville Pike, locating primarily one- and two-story buildings where significantly taller buildings should be, with only one 14-18-story office building on the southern edge of Parcel C. The low buildings along this main thoroughfare will not create the image of a single urban node of redevelopment in a new urban center, but will only reinforce the existing automobile-oriented sub-urban development patterns along Rockville Pike.

The proposed plan will not promote a lively enhanced pedestrian environment and experience that encourages significant Metro Use. The pedestrian patterns supported by the proposal would produce significant traffic between the Metro and the office building directly across Landsdown Street, but not along the remainder of the block, with its solely retail uses. The primarily single-story retail uses are designed to be serviced by vehicular traffic from Rockville Pike, such that the pedestrian traffic for these areas will center on the parking garage on Parcel A, and not the Metro. A more integrated mix of uses, with office above the retail spaces, would bring pedestrians from the Metro deeper within the block, enlivening the street activity and retail spaces. Such strong segregation of pedestrian traffic between the metro and the residential parking lot is antithetical to an integrated urban pedestrian environment.

Nor will these highway-retail-scale buildings visually link the east and west halves of the White Flint District. The taller buildings at the intersections of Landsdown Street with Old Georgetown Road and Marinelli Road will begin to relate to the taller buildings north and south of the site. But the dramatic drop in building height and scale at the center of the block, especially along the “main” axial and retail streets, McGrath Boulevard and Landsdown Street, will seem anachronistic in their lack of urban center place-making.

As proposed, the Site Plan does not meet the expected creation of a transit- and pedestrian-oriented urban center clearly specified in the District Council’ approval of the Development Plan.

2. *The Site Plan does not meet all of the requirements of the zone in which it is located.*

In order to allow the Site Plan process greater flexibility in producing a well-designed project, the TS-M zone does not have many technical requirements,



leaving these to Planning Department Staff to recommend and the Planning Board to ultimately decide. The few technical requirements mean that staff and the Board must look to the intents and purposes of the zone, to ensure compatibility. Thus while the Site Plan meets the minimum technical requirements of the TS-M Zone, it does not meet the intents and purposes of that zone. The intent of the TS-M Zone states that in order

to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division. (emphasis added) (59-C-8.21(d))

In order to achieve “innovative and creative design” for the “most compatible and desirable pattern of land uses”, the Development Plan echoed the Master Plan Urban Design Guidelines and established maximum building heights of 20 stories, looking for taller buildings along Rockville Pike. The buildings north of the site include 16-story multi-family apartment buildings. To the south are 18- and 10-story office buildings. To the west are 18-story multi-family apartment buildings. The disparity in building height between the primarily one-story retail buildings on Parcels A and C and the proposed 14-18-story office tower on Parcel C and the taller buildings surrounding the site demonstrate that the proposed building heights for Parcels A and C are not the most compatible and desirable pattern of land uses for this block.

Further, the higher densities of the development surrounding these Parcels would suggest the need to redevelop the one- and two-story retail buildings in the not-too-distant future, disrupting the area as a transit-oriented live-work-play development, and failing to meet the first purpose of the TS-M Zone, “to promote the optimum use of the transit facilities by assuring the orderly development of land in transit station development areas...” (59-C-8.23). A more orderly and prudent course of action would be to (re)develop the subject site to its fullest potential the first time. This Site Plan does not achieve that objective.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are not adequate or efficient.*

In two dimensions, the location of the buildings and structures, open spaces, landscaping, and pedestrian circulation systems would appear to be adequate, safe, and efficient. In three dimensions, while certainly safe, they are neither adequate nor efficient. A transit- and pedestrian-oriented Town Center development such as this one must create a public realm that includes streets, sidewalks, and seating areas with a clear vertical definition and enclosure of that public space. A predominance of one-story buildings, with an occasional two-story “accent”

building, in the proposed Site Plan will create an automobile-oriented development that is inconsistent with the promotion of adequate and efficient pedestrian circulation. A more adequate and efficient development would include a base of at least five- or six-story buildings, with accent buildings in the form of residential or commercial towers up to twenty stories, and will clearly define the public space that creates an urban town center. As proposed, the location of the buildings and structures, open spaces, landscaping, and pedestrian circulation systems is not adequate or efficient.

4. *Each structure and use is not compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The buildings proposed in the Site Plan include one 14-18-story office building, a small number of two-story buildings and an abundance of one-story retail buildings. Surrounding the parcels included in this Site Plan are numerous buildings of greater – and consistent – height. Two blocks to the east, within the larger North Bethesda Center, are two multi-family apartment buildings, one 18 stories with a supermarket (Parcel E) and the other 19 stories; to the west, across Rockville Pike, are 18-story multi-family apartment buildings; to the north, 16-story multi-family apartment buildings; and, to the south, 10- and 18-story office buildings. With only one building on one block of this two-block Site Plan approaching the scale of the neighboring buildings in this redevelopment area, the proposed structures are not compatible with the other uses and other Site Plans, nor with existing and proposed adjacent development.

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 development as a whole, including this proposed Site Plan, has an approved Forest Conservation Plan. The development also has an approved stormwater management plan, which the Applicant is working with County Agencies to modify to include a curb-side bio-filtration system.

## **STAFF SITE PLAN RECOMMENDATION**

Based on the above findings, staff recommends denial of Site Plan 820080180 as currently proposed. If the Planning Board votes in favor of the staff recommendation, review of the Site Plan application will be concluded and the Applicant will need to begin a new Site Plan review process at their discretion. Should the Board vote to approve the Site Plan against the staff recommendation, the Applicant and staff will have to appear before the Board again to discuss conditions of approval.

## **PLANNING BOARD FINDINGS & CONDITIONS**

At the July 24, 2008, Planning Board Hearing, the Board indicated that, while in principle it was not unsympathetic to the staff recommendation, under the circumstances of this particular Site Plan, denying the proposal was not an appropriate action. The Board voted 5-0 that the “Sense of the Board” was to approve the plan, subject to formulation and review of conditions. Below are the proposed revised findings and conditions.

## BOARD FINDINGS

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.*

The Planning Board finds that the site plan conforms to all non-illustrative elements of Development Plan G-801.

2. *The Site Plan meets all of the requirements of the TS-M Zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Planning Board finds the site plan to meet the intents and purposes of the TS-M Zone, as well as the technical requirements, as demonstrated below.

### Requirements of the TS-M Zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the TS-M Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

### Data Table

Development Standards Approved by  
the Board and Binding on the Applicant

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Gross Tract Area (Site Plan)	15.36 acres
Development Density, Max.	
Parcel A (total)	103,910 sf.
Retail	34,370 sf.
Restaurant	11,900 sf.
Movie Theatre (above ground)	3,650 sf.
Movie Theatre (below ground, not included in FAR)	50,870 sf.

Parcel C (total)	423,745 sf.
Office/Bank	352,622 sf.
Retail	58,720 sf.
Restaurant	12,403 sf.

Parcels A and C (gross total) 527,655 sf.

Building Height, Max.\*

Parcel A	
Parking Garage	58 ft.
Retail	50 ft.

Parcel C

Office	185 ft. 20 stories
Retail	52 ft.

\* as measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof. On a corner lot exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may be measured from either curb grade.

Building Setbacks, Min.

Front	0 ft.
Side	0 ft.
Rear	0 ft.

Public Use Space, Min. 42,900 sf.

Parking Spaces, Max. 700

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

a. Buildings and Structures

The site plan locates the buildings directly on the street frontage, wrapping each block to define a street edge for the pedestrian realm. The Planning Board finds the locations of all buildings and structures to be adequate, safe, and efficient.

- b. Open Spaces  
The open spaces consist primarily of a generous well appointed public streetscape, with a secondary arcade connecting the structured parking garage on Parcel A to the retail street. The Planning Board finds the open spaces to be adequate, safe, and efficient.
- c. Landscaping and Lighting  
The landscape and lighting provide visual interest to the public streetscape and provide a safe and comfortable pedestrian environment. The Planning Board finds the landscaping and lighting to be adequate, safe, and efficient.
- d. Recreation Facilities  
As this site plan does not contain a residential component, no recreation facilities are required.
- e. Vehicular and Pedestrian Circulation  
Vehicular circulation may enter the site from Rockville Pike, Old Georgetown Road, and Marinelli Road. Both Parcels A and C provide structured and on-street parking as well as loading and service areas. Pedestrian circulation throughout the site is provided on an attractive pedestrian network, connecting the residential, retail, and office uses to the White Flint metro station as well as nearby landscaped open spaces. The Planning Board finds the vehicular and pedestrian circulation to be adequate, safe, and efficient.

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

The buildings proposed in the Site Plan include one 14-story office building, a small number of two-story buildings and an abundance of one-story retail buildings. Surrounding the parcels included in this Site Plan are numerous buildings of greater – and consistent – height. Two blocks to the east, within the larger North Bethesda Center, are two multi-family apartment buildings, one 18 stories with a supermarket (Parcel E) and the other 19 stories; to the west, across Rockville Pike, are 18-story multi-family apartment buildings; to the north, 16-story multi-family apartment buildings; and, to the south, 10- and 18-story office buildings. The Planning Board finds each structure and use to be compatible with other uses and other site plans and with existing and proposed development.

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 development as a whole, including this proposed Site Plan, has an approved Forest Conservation Plan. The development also has an approved stormwater management plan, which the Applicant is working with County Agencies to modify to include a curb-side bio-filtration system.

## CONDITIONS

1. Development Plan Conformance  
The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-801 and associated Development Plan;
2. Preliminary Plan Conformance  
The proposed development shall comply with the conditions of approval for Preliminary Plan 120040490 as listed in the Planning Board opinion dated March 22, 2005;
3. Site Design
  - a. All buildings must have a minimum parapet height or architectural base reading of 25 feet, measured from the sidewalk along the street frontage at each building entrance;
  - b. The above-grade parking structure on Parcel A must present a pedestrian-friendly design, to include pedestrian entrances on each facing street and a minimum two-story architectural base, measured from the sidewalk in front of each building facade;
  - c. Except as shown on the Certified Site Plan, streetscape improvements must extend to the building face;
4. Landscaping  
While the Planning Board and staff support the special paving treatments within the right-of-way, the Applicant must coordinate all non-standard elements with MC DPS and MCDOT;
5. Lighting
  - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development;
  - b. All private exterior onsite down-lighting fixtures shall be full cut-off fixtures;
  - c. Deflectors shall be installed on all up-lighting fixtures causing potential glare or excess illumination;
  - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads;
  - e. The height of the light poles, including the mounting base, shall not exceed that shown on the Certified Site Plan;
6. LEED Certification
  - a. For the office building on Parcel C, the Applicant must achieve LEED-NC certification under the Montgomery County Green Building Regulation, with, at a minimum, a LEED (Leadership in Energy and Environmental Design) “Certified” Rating, as defined by the U.S. Green Building Council (USGBC) under the LEED Standard for New Construction & Major Renovation (LEED-NC), or other standard approved by MCDPS;
  - b. For the retail/restaurant buildings on Parcels A and C, the Applicant commits to utilizing sustainable design strategies equivalent to ten building-specific (not site-oriented) LEED points, as defined by the U.S. Green Building Council

- (USGBC) under the LEED Standard for New Construction & Major Renovation (LEED-NC);
- c. By Certified Site Plan, the Applicant must submit to M-NCPPC a LEED-NC checklist enumerating the strategies intended to meet condition 6.b. above;
7. Maintenance Responsibility  
The Applicant is responsible for maintaining all non-standard elements, as defined by MCDPS or MCDOT, within the public right-of-way, except where a Maintenance and Liability agreement approved by the appropriate County agency (e.g., MCDPS, MCDOT) assigns such responsibility to another party;
  8. Transportation  
The Applicant must provide dual handicapped ramps at each on-site corner of all site cross-intersections, unless otherwise agreed to by MCDPS;
  9. Forest Conservation  
The proposed development shall comply with the conditions of the approved final forest conservation plan;
  10. Stormwater Management
    - a. The proposed development is subject to Stormwater Management Concept approval conditions dated May 26, 2004, unless amended and approved by the Montgomery County Department of Permitting Services (DPS);
    - b. By issuance of Building Permit, the Applicant shall obtain DPS approval for a revised Stormwater Management Concept that removes all stormwater quality and quantity management structures, excluding necessary conveyance infrastructure, from Parcel I;
    - c. The Applicant shall not further amend this approved revised Stormwater Management Concept without M-NCPPC approval;
  11. Development Program
    - a. The 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. Development Program shall include a phasing schedule as follows:
    - b. Street tree planting and streetscape improvements shall progress as street construction is completed, but no later than the issuance of the last building use and occupancy permit for Parcels A and C;
    - c. Landscaping associated with Parcels A and C shall be completed as construction of each Parcel is completed;
    - d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion;
    - e. Clarify the phasing of infrastructure, buildings, dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features;
  12. Clearing and Grading  
No clearing or grading prior to M-NCPPC approval of the Certified Site Plan.

13. 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, site plan index, and site plan resolution;
- b. Minor plan modifications necessary to comply with all conditions of approval;
- c. Include FAR in development data table density calculations;
- d. Limits of disturbance;
- e. Provide details for all street furniture and street lighting;
- f. Provide a diagram sheet illustrating the location of the proposed 42,900 square feet of public use space;
- g. Provide diagrams illustrating compliance with Conditions 3.a. and 3.b. above.