



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

**Staff Report:**       **Fishers Place at Twinbrook Metro**  
                             **Preliminary Plan Amendment 11999043C**  
                             **Site Plan Amendment 82001025C**

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

**MCPB HEARING**

**DATE:** June 18, 2009

**REPORT DATE:** June 8, 2009

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Cathy Conlon, Supervisor *CC*  
Robert Kronenberg, Supervisor *PK*  
Development Review Division

**FROM:** Neil Braunstein *NB*  
Coordinator  
Development Review Division  
301.495.4532  
neil.braunstein@mncppc-mc.org

Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EH*  
Coordinator  
Development Review Division  
301.495.2115  
[elza.hisel-mccoy@mncppc-mc.org](mailto:elza.hisel-mccoy@mncppc-mc.org)

**APPLICATION**

**DESCRIPTION:** Four lots comprised of 444,915 square feet of office, 288,105 square feet of research and development, and 5,450 square feet of retail, including two new buildings, on 11.82 acres in the I-1 Zone; located on Fishers Lane, 300 feet southeast of Twinbrook Parkway, in the Twinbrook Sector Plan Amendment to the North Bethesda/Garrett Park Master Plan area.

**APPLICANT:** JBG/Twinbrook Metro, LLC

**FILING DATE:** October 3, 2008

**RECOMMENDATION:** Approval with conditions

**EXECUTIVE**

**SUMMARY:** Staff reviewed the Preliminary Plan and Site Plan Amendments concurrently. The proposed Preliminary Plan Amendment redistributes density among the various land uses. The Site Plan Amendment includes two new office buildings indicated as "future buildout" in the original Site Plan, one of which includes a small amount of eatery retail.

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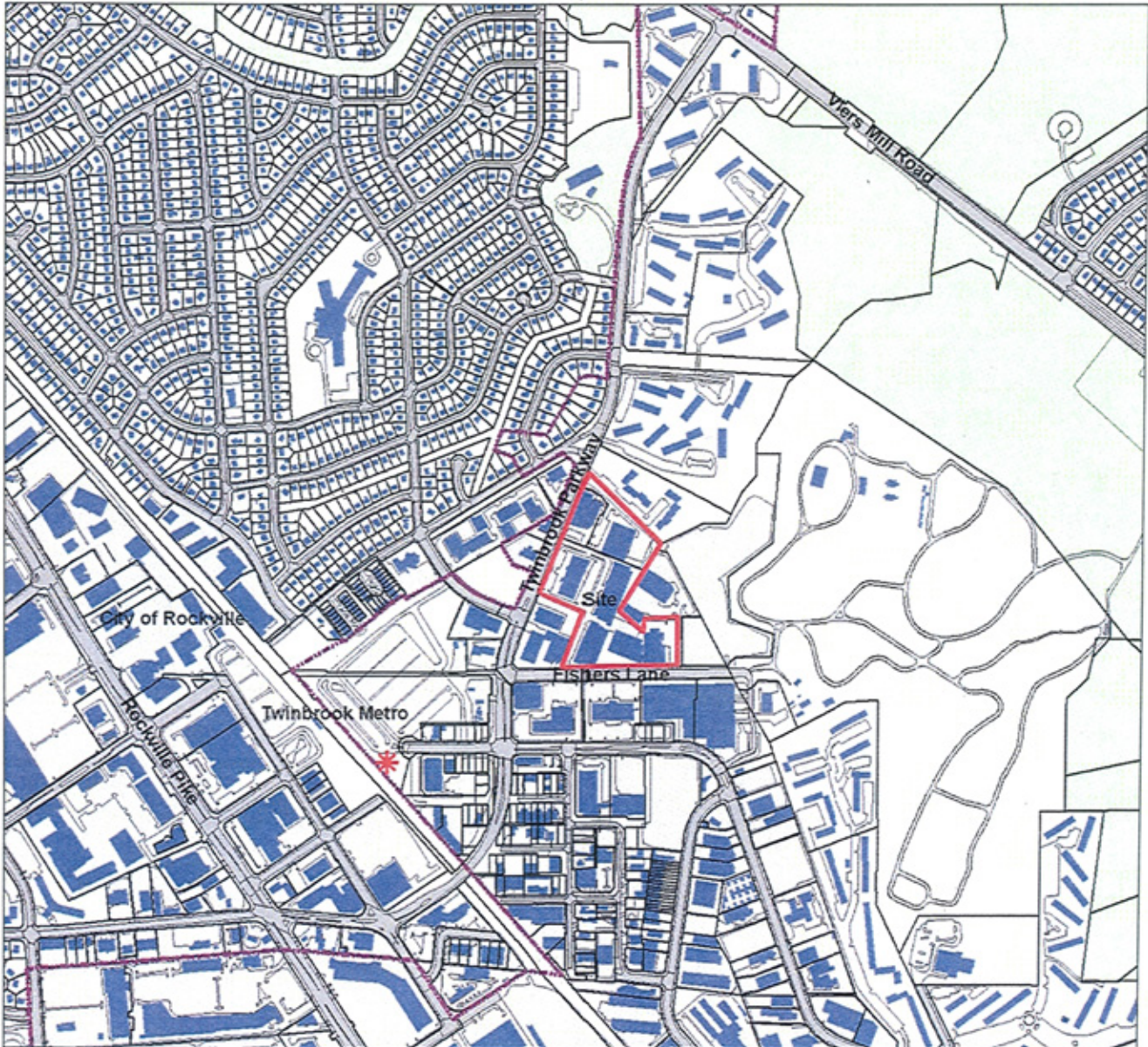


## SECTION 1: CONTEXT AND PROPOSAL

### SITE DESCRIPTION

#### Vicinity

This site is located near the Twinbrook Metro Station, between Veirs Mill Road to the north and Rockville Pike to the south. North of the site are garden apartments and single-family housing. East and south of the site is low-density warehouse and industrial development, with a large office building, currently occupied by a Federal Agency. West of the site is the border with the City of Rockville and metro station, which will be surrounded by the Twinbrook Commons mixed-use development. Immediately adjacent to the site is the headquarters for US Pharmacopeia.



*Vicinity Map*



### Site Analysis

The subject property, shown below, consists of four platted lots, the combined area of which is approximately 11.82 acres. The sizes of the existing lots are as follows: Lot 13 – 1.16 acres, Lot 14 – 2.53 acres, Lot 16 – 2.17 acres, and Lot 17 – 5.96 acres. The property is zoned I-1 and is located on the north side of Fishers Lane, 300 feet east of the intersection of Twinbrook Parkway. The site is developed with office and research and development buildings. Surrounding uses include office buildings in the I-1, I-4, C-O, and O-M zones, multiple-family dwellings in the R-30 zone, and a cemetery in the R-200 zone.

The subject property is located within the Rock Creek watershed and is entirely developed. There are no streams, wetlands, steep slopes, forests, or other significant environmental features on the site.



*Site Aerial Photo*

## PROJECT DESCRIPTION

### Previous Approvals

#### Preliminary Plan

The application proposes to amend a previously approved preliminary plan by altering the floor area assigned to a number of previously approved uses. This application is the third amendment to the originally approved preliminary plan. Preliminary Plan 119990430, which was approved on May 27, 1999, entitled 564,000 square feet of research and development and office uses. Preliminary Plan Amendment 1199043A, which was approved on June 21, 2001, entitled 401,000 square feet of research and development uses, 306,200 square feet of office uses, and 8,000 square feet of retail uses. Preliminary Plan Amendment 1199043B, which was approved on November 4, 2004, entitled 586,000 square feet of research and development uses, 186,000 square feet of office uses, and 8,000 square feet of retail uses. The current application, Preliminary Plan Amendment 11999043C, proposes to once again alter the floor area of the proposed uses, with the proposed floor areas being 285,105 square feet of research and development, 444,915 square feet of office uses, and 5,540 square feet of retail uses. The following table presents the floor areas of the various uses in each of the applications:

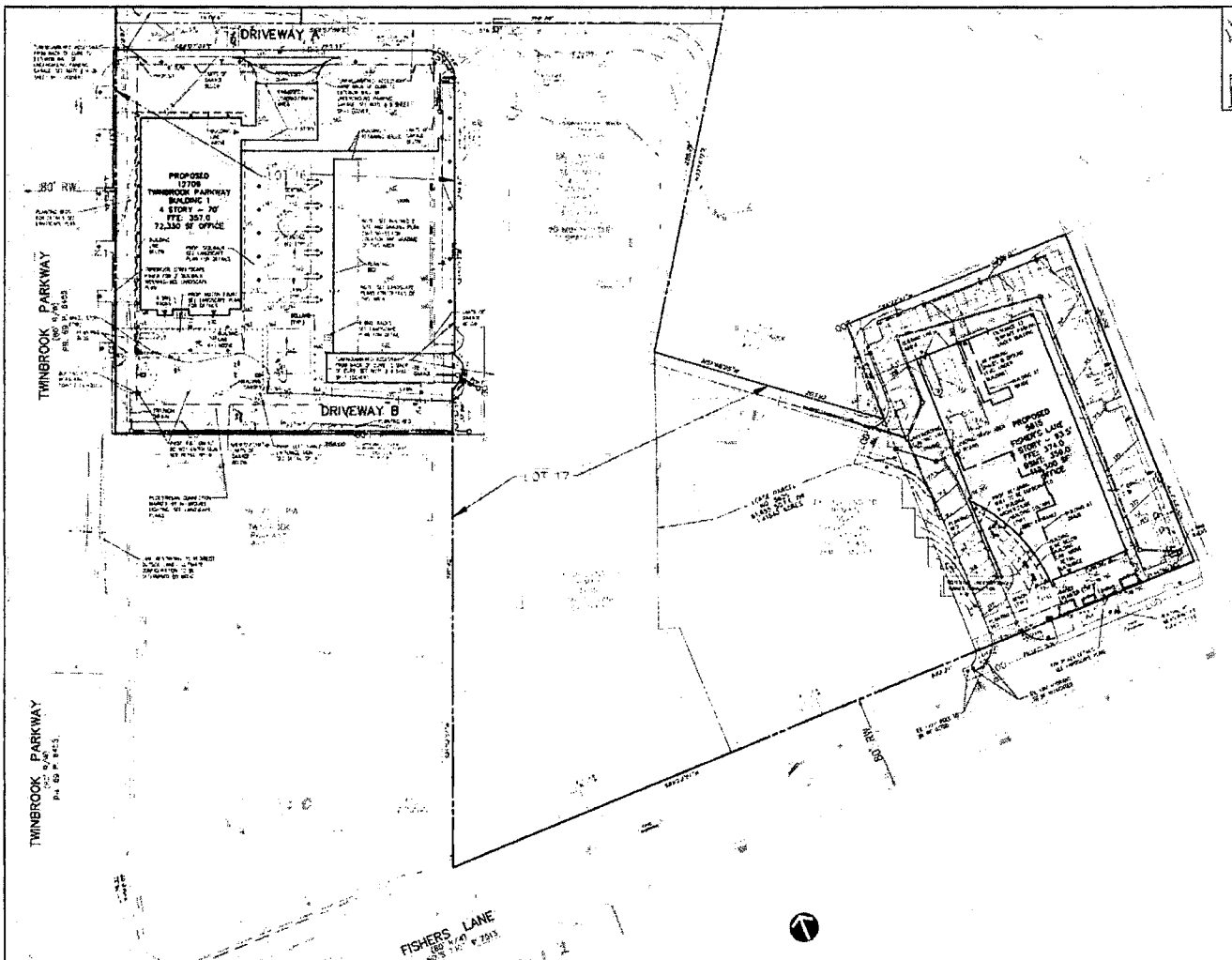
Land Use	119990430 (5/27/99)	11999043A (6/21/01)	11999043B (11/4/04)	11999043C (current application)
R&D	75,845	401,000	586,000	288,105
Office	355,438	306,200	186,000	444,915
Retail	0	8,000	8,000	5,540
Totals	431,283	715,200	780,000	738,560
existing	132,717			
Total	564,000			

#### Site Plan

The Planning Board approved the original Site Plan, 820010250, on September 20, 2001, for the 715,200 gross square feet of development included in the first amendment to Preliminary Plan 11999043A. This total gross floor area included “placeholder” areas for the two buildings shown in the current proposed revision: 36,000 square feet for 5615 Fishers Lane and 206,000 square feet for 12709 Twinbrook Parkway. On June 28, 2002, the Applicant submitted a Site Plan Amendment, 82001025A, to flesh out these two buildings, but the proposal never went to the Board. A second, Administrative, Site Plan Amendment provided for the temporary use of 5615 Fishers Lane as overflow parking for the Twinbrook Metro. The Planning Department Director approved this Administrative Amendment on November 21, 2008.

#### Proposal

The total buildable area is proposed to decrease by approximately 40,000 square feet and the distribution of uses within that overall area shifts, significantly increasing the amount of office use and decreasing the amount of space devoted to R&D uses. The proposed land uses will be contained in four existing and two proposed buildings. While many aspects of the previously approved plans will remain unchanged Vehicular and pedestrian access is provided via existing driveways from Twinbrook Parkway and Fishers Lane. Parking is provided in existing parking structures and surface parking lots.



*Overall Preliminary/Site Plan highlighting proposed buildings*

The two proposed buildings are located at 12709 Twinbrook Parkway and 5615 Fishers Lane. The office building at 12709 Twinbrook Parkway is expected to be built in two phases around a central landscaped courtyard, and has decreased in density from the 206,000 square feet of the original Site Plan to 150,000 square feet. The main building entrance is accessed from an attractive and inventive pedestrian plaza/motor court off Driveway B, but the Applicant has articulated the Twinbrook Parkway façade and landscaping to provide visual interest, if not actual pedestrian activation. Vehicular entrance to the underground parking garage is facilitated from Driveway A.

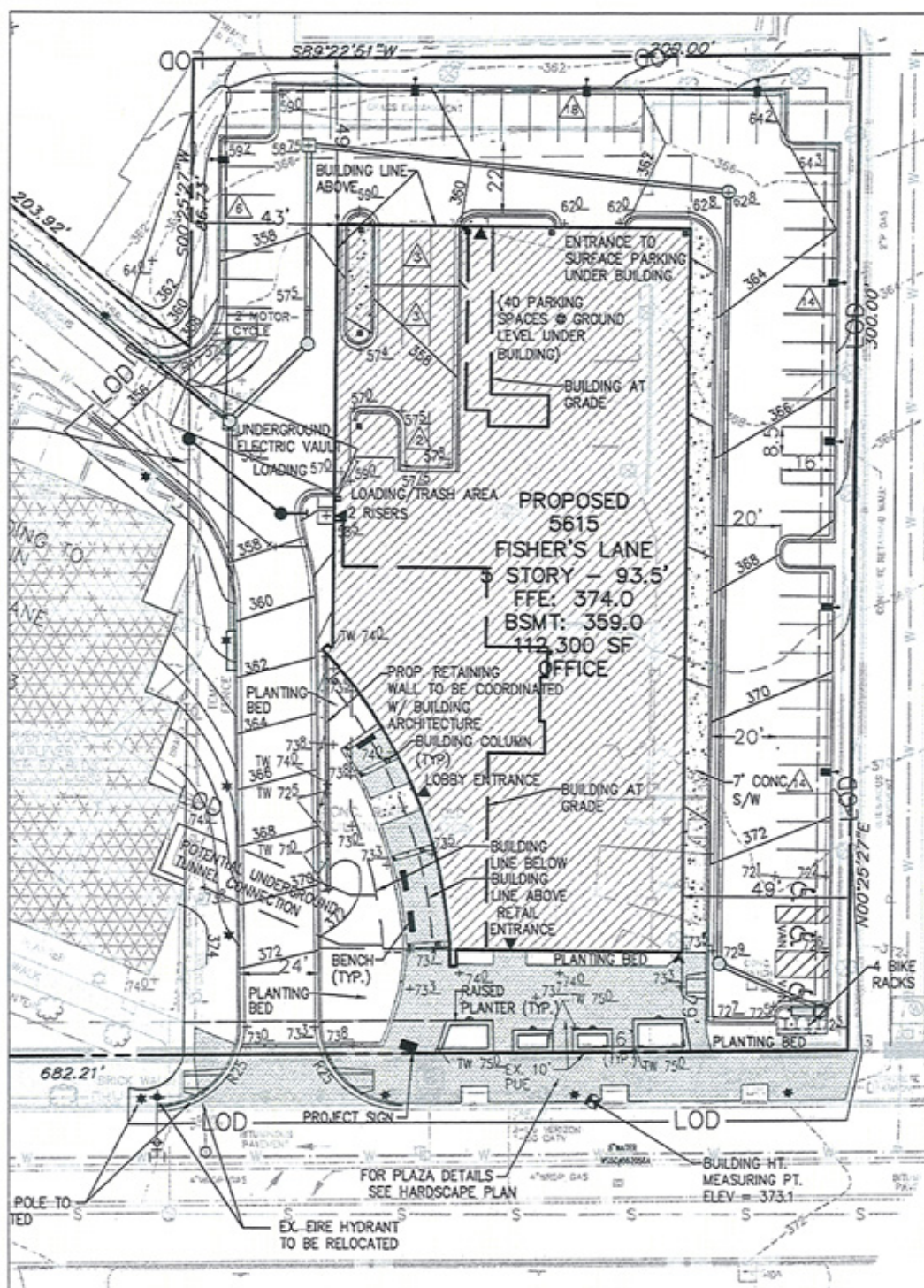
The office building at 5615 Fishers Lane includes 111,100 square feet of office and 1,200 square feet of retail for a small eatery on Fishers Lane. This area is a significant increase from the 33,000 square feet of office and 3,000 square feet of retail originally approved, but the overall project would remain within the maximum density in the amended Preliminary Plan. The building has been designed to conform to the GSA Force Protection guidelines to help attract Federal tenants. The building entrance is located on the left side of the building at the end of an entry court defined by a dramatic curved façade at the southwest corner of the building. The swoop of this curve has been picked up in the design of the public space/eating area located between the building and the sidewalk. The eatery



[illegible]

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## **COMMUNITY OUTREACH**

The applicant conducted a pre-submission community meeting on July 29, 2008. No concerns were raised by citizens at the meeting. In addition, the Applicant and staff provided written notice of the plan submittal and the public hearing date. As of the date of this report, no citizen letters have been received.

## **SECTION 2: PRELIMINARY PLAN REVIEW**

### **Master Plan Compliance**

The 2008 Twinbrook Sector Plan Amendment to the 1992 North Bethesda/Garrett Park Master Plan recommends that the area along Fishers Lane, including the subject property, be developed as a technology employment area with mixed uses including advanced technology and biotechnology. The sector plan recommends that the subject property be rezoned from I-1 to TMX. The zoning ordinance, however, includes a provision that allows development to proceed under the standards of the previous I-1 zone. Nonetheless, the proposed subdivision substantially conforms to the sector plan because the subject property contains existing office and research and development uses and will contain additional proposed office and research and development uses as recommended in the sector plan. The subdivision proposes buildings that are oriented towards the street, also as recommended in the sector plan.

The sector plan also recommends that two streets, Washington Avenue and Wilkins Avenue, be extended from their current termini at Parklawn Drive to Twinbrook Parkway. The alignments for one or both of these future streets may ultimately traverse the subject property. In order to protect the future alignments of these streets, conditions are included in the staff recommendation that require establishment of two areas, one for each of the streets, into which buildings or other structures may not project. As conditioned, these future street connections will be protected until such time as right-of-way is dedicated or acquired in the future, and the subdivision substantially conforms to the sector plan.

### **Public Facilities**

#### **Roads and Transportation Facilities**

##### *Site Location and Vehicular Site Access Points*

The site is located in the northeastern quadrant of the intersection of Twinbrook Parkway and Fishers Lane. The four access points for the site are from Twinbrook Parkway and Fishers Lane.

##### *Master-Planned Roadways and Bikeways*

In accordance with the Twinbrook Sector Plan and North Bethesda/Garrett Park Master Plan, the classified roadways and bikeways are as follows:

1. Twinbrook Parkway is designated as an arterial, A-37. In the North Bethesda/Garrett Park Master Plan, the recommended right-of-way is 80 feet east and 104 feet west of Ardennes Lane with a Class II bikeway. In the Twinbrook Sector Plan, the recommended right-of-way is 120 feet. According to the Sector Plan and the Countywide Bikeways Functional Master

Plan, bike lanes, BL-26, are designated along Twinbrook Parkway between Rockville Pike and Veirs Mill Road.

2. Fishers Lane is designated as an arterial, A-81, with a recommended 80-foot right-of-way and a Class I bikeway in the North Bethesda/Garrett Park Master Plan and a shared use path, LSP-1, in the Twinbrook Sector Plan.
3. In the Twinbrook Sector Plan, Washington Avenue Extended is a business district street, B-12, with a recommended 60-foot right-of-way. The alignment of sector-planned B-12 extends north of Fishers Lane and follows the alignment of existing Driveway A. The preliminary plan delineates 60 feet of unencumbered accessway along existing Driveway A, and no additional buildings or structures are permitted within this area. Right-of-way dedication will be required when the existing buildings fronting sector-planned B-12 are redeveloped in the future.
4. In the Twinbrook Sector Plan, Wilkins Avenue is a business district street, B-16, with a recommended 60-foot right-of-way with “bike lane or a shared use path”, B-1. The preliminary plan delineates 40 feet of unencumbered accessway from the northern property line of Lots 13 and 14, and no additional buildings or structures are permitted within this area. Right-of-way dedication will be required when the existing buildings on existing Lots 13 and 14 are redeveloped in the future.

#### *Traffic Mitigation Requirements*

The subject commercial development is located within the boundary of the North Bethesda Transportation Management District (TMD). Therefore, the applicant must enter into an amended Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the North Bethesda TMD to assist the County in achieving and maintaining the 39% non-automobile-driver mode share for employees.

#### *Pedestrian Facilities*

Pedestrian facilities would not be adversely impacted by the proposed additional commercial development. The existing sidewalks along the property frontage of Twinbrook Parkway and Fishers Lane are proposed to be upgraded to current standards.

#### *Available Transit Service*

Ride-On routes 10, 26, and 45, and 93 and Metrobus routes C-4 and J-5 operate on Twinbrook Parkway, Fishers Lane, or nearby Parklawn Drive.

#### *Local Area Transportation Review (LATR)*

Table 1 below shows the trip credit for the unutilized site-generated trips generated by the unbuilt development that was approved under Preliminary Plan No. 1199043A. The trip credit is shown in peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).



**Table 1: Unutilized Capacity from the APF Approval for Preliminary Plan No. 1199043A**

<i>Land Uses</i>	<i>Square Feet</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
R& D Office	401,000	458	423
General Office	306,200	513	461
General Retail	8,000	10	40
Approved 1199043A Land Uses	715,200	981	924
R& D Office	288,105	343	321
General Office	189,535	314	293
General Retail	4,340	5	21
Existing Built Land Uses	481,980	662	635
Unutilized Traffic Capacity	-----	319	289

Table 2 below shows the projected net increase in peak-hour trips generated by the proposed additional commercial development within the weekday morning and evening peak periods.

**Table 2: Additional Site-Generated Peak-Hour Trips generated by the subject Preliminary Plan No. 1199043C's proposed Land Uses**

<i>Land Uses</i>	<i>Square Feet</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
General Office	255,380	418	408
General Retail	1,200	2	8
Proposed 1199043C Land Uses	256,580	420	416
Unutilized Traffic Capacity in Table 1	-----	319	289
Added Impact by 1199043C Land Uses	-----	101	127

In accordance with the Local Area Transportation Review and Policy Area Mobility Review Guidelines, a traffic study was submitted to satisfy Local Area Transportation Review (LATR) because the existing and proposed land uses generates 30 or more peak-hour trips within the weekday morning and evening peak periods. Table 3 below shows the calculated Critical Lane Volume (CLV) values at studied intersections for existing, background (approved but un-built developments in the study area), and total traffic conditions:

**Table 3: Calculated Critical Lane Volumes at Analyzed Intersections**

<i>Intersection</i>	<i>Congestion Standard</i>	<i>Peak Hour</i>	<i>Traffic Condition</i>		
			<i>Existing</i>	<i>Background</i>	<i>Total</i>
Veirs Mill Road & Robindale Drive	Aspen Hill 1,475	Morning	1,084	1,113	1,118
		Evening	1,062	1,093	1,098
Aspen Hill Road & Arctic Avenue	Aspen Hill 1,475	Morning	1,343	1,448	1,453
		Evening	967	1,082	1,087
Veirs Mill Road & Aspen Hill Road	Aspen Hill 1,475	Morning	1,250	1,325	1,333
		Evening	1,127	1,197	1,201
Twinbrook Parkway & Veirs Mill Road	North Bethesda 1,550	Morning	1,757*	1,843*	1,855*
		Evening	1,811*	2,002*	2,009*
Twinbrook Parkway & Northern Site Access	Twinbrook 1,800	Morning	923	1,138	1,150
		Evening	1,065	1,332	1,346
Twinbrook Parkway & Southern Site Access	Twinbrook 1,800	Morning	649	802	810
		Evening	983	1,246	1,259
Twinbrook Parkway & Ardennes Avenue	Twinbrook 1,800	Morning	872	1,046	1,057
		Evening	1,008	1,346	1,359
Twinbrook Parkway & Fisher's Lane	Twinbrook 1,800	Morning	716	876	917
		Evening	1,127	1,346	1,431
Fisher's Lane & Western Site Access	Twinbrook 1,800	Morning	237	345	359
		Evening	439	355	656
Fisher's Lane & 5615 Fisher's Lane Site Access	Twinbrook 1,800	Morning	N/A	N/A	136
		Evening	N/A	N/A	228
Parklawn Drive & Wilkins Avenue North	Twinbrook 1,800	Morning	385	485	488
		Evening	512	662	675
Twinbrook Parkway & Parklawn Drive	Twinbrook 1,800	Morning	883	1,453	1,481
		Evening	1,138	1,598	1,628
Twinbrook Parkway & Chapman Avenue	North Bethesda 1,550	Morning	803	1,133	1,171
		Evening	1,083	1,388	1,395
Rockville Pike (MD 355) & Twinbrook Parkway	North Bethesda 1,550	Morning	964	1,267	1,269
		Evening	1,183	1,677*	1,698*

\* This CLV value exceeds the applicable congestion standard

As indicated with an asterisk, the CLV value exceeds the congestion standard of 1,550 CLV for the North Bethesda Policy Area at two intersections – Twinbrook Parkway/Veirs Mill Road and Rockville Pike/Twinbrook Parkway. The applicant proposes to satisfy LATR by mitigating 100% of site-generated trips with a non-automobile transportation improvement. The applicant will contribute \$261,000 towards M-NCPPC's CIP Project No. 048703, Rock Creek Trail Pedestrian Bridge over Veirs Mill Road. This bridge project will provide a safe grade-separated crossing of the Rock Creek Trail over Veirs Mill Road, a multilane major highway. The Rock Creek Trail is an off-road regional



path extending from the District of Columbia boundary line to Rock Creek Regional Park. The pedestrian overpass bridge is located adjacent to the North Bethesda Policy Area and the regional trail leads towards the Twinbrook Policy Area.

### *Policy Area Mobility Review*

Under the current Growth Policy, the Policy Area Mobility Review (PAMR) test requires the applicant to mitigate 40% of the net 127 new peak-hour trips generated by the proposed additional commercial development within the weekday morning and evening peak periods. The proposed non-automobile transportation improvement to mitigate the LATR impact will also satisfy PAMR.

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed improvements.

### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service, who has determined that the property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical, gas, and telecommunications services are also available to serve the Property.

### Extension of Adequate Public Facilities Review

The current adequate public facilities determination for this subdivision was approved with Preliminary Plan Amendment 11999043C on August 3, 2001 with an expiration date of June 16, 2011. Subsequently, the approval period was extended to June 16, 2013 by Subdivision Regulation Amendment 09-1, adopted by the County Council on March 31, 2009. The applicant is now requesting a four year extension of the APF validity period to June 16, 2017.

Pursuant to Section 50-20(c)(5) of the Subdivision Regulations, the Planning Board may approve one or more additional extensions of a determination of adequate public facilities, up to six years, if:

- (A) at least 40% of the approved development has been built, is under construction, or building permits have been issued;
- (B) all of the infrastructure required by the conditions of the original preliminary plan approval has been constructed, or payments for its construction have been made; and
- (C) occupancy permits have been issued for at least 5 percent of the project within the 4 years before an extension request is filed.

This application qualifies for approval of the extension because, as the attached Fishers Place Adequate Public Facilities Extension Request (Appendix D) shows, approximately 481,980 square feet (62%) of the total density approved pursuant to the preliminary plan (780,000 square feet), have been built, and use and occupancy permits for approximately 118,905 square feet (15%) of the total

were issued in the last four years. Finally, all of the infrastructure requirements of the preliminary plan have been satisfied.

The applicant proposes the following phasing schedule, in compliance with Section 50-20(c)(7)(A) of the Subdivision Regulations:

- Phase I – The first four buildings at 12725 and 12735 Twinbrook Parkway and 5625 and 5635 Fishers Lane, which have been completed.
- Phase II – 5615 Fishers Lane and 12709 Twinbrook Parkway, which will be completed by June 16, 2017.

As indicated above, the proposed extension of the APF validity period is consistent with Section 50-20(c)(5) of the Subdivision Regulations, and, therefore, staff recommends that the Planning Board extend the APF validity period to June 16, 2017.

### **Environment**

The subject property is entirely developed and contains no forest, streams, wetlands, steep slopes, or other environmentally significant features. The property is the subject of an approved forest conservation plan, which required 1.77 acres of afforestation. The afforestation requirement was met on-site with a credit for existing tree cover and proposed landscaping, totaling 1.92 acres. The proposed limits of disturbance in the subject application do not conflict with the approved forest conservation plan.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on April 25, 2001, and reconfirmed the approval on August 7, 2008. The stormwater management concept includes on-site water quantity control via underground storage and on-site water quality control via “stormfilter” and “stormceptor” structures.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections.

This application does not propose the creation of any new lots. However, the lots created by the original preliminary plan application, Preliminary Plan No. 119990430, were found to have lot sizes, widths, shapes and orientations that are appropriate for the location of the subdivision. In the previous review of Preliminary Plan No. 119990430, the lots were reviewed for compliance with the dimensional requirements for the I-1 zone as specified in the Zoning Ordinance. The lots meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The latest amendment application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

### **CONCLUSION**

The proposed preliminary plan amendment meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Twinbrook Sector Plan. Access and public facilities will be adequate to serve the proposed land uses, and the



application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

## RECOMMENDATION

Staff recommends Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four lots for 444,915 square feet of office, 288,105 square feet of research and development, and 5,540 square feet of retail uses.
- 2) The certified preliminary plan must delineate an unencumbered accessway over Driveway A. On the portion of Driveway A that is adjacent to the northeast side of proposed Buildings 1 and 2, the delineated accessway must encompass the area between the back of the curb to the exterior wall of the underground parking garage; on the portion of Driveway A that is adjacent to the southeast side of proposed Building 2, the delineated accessway must encompass the area between the back of curb to the back of curb on each side of the driveway. A note must be placed on the plan that refers to the delineated unencumbered accessway as follows: "No buildings or other additional structures, other than those shown on the approved preliminary plan, may project over, under, or within this area." The delineated unencumbered accessway and the accompanying note must be shown on any site plan that is approved pursuant to this preliminary plan.
- 3) The certified preliminary plan must delineate an unencumbered area for a future extension of Wilkins Avenue. The delineated area must encompass the portions of Lots 13 and 14 that are bounded by the northern lot line of Lots 13 and 14, the eastern lot line of Lot 14, the western lot line of Lot 13, and a line that is parallel to and 40 feet from the northern lot line of Lots 13 and 14. A note must be placed on the plan that refers to the delineated area as follows: "No buildings or other additional structures, other than those shown on the approved preliminary plan, may project over, under, or within this area." The delineated area and the accompanying note must be shown on any site plan for Lots 13 or 14 that is approved pursuant to this preliminary plan.
- 4) Prior to certification of the preliminary plan, the "Proposed Development Program" chart on the plan must be revised to accurately reflect the approved land uses in Condition 1 above.
- 5) The applicant must satisfy the Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests by contributing \$261,000 towards M-NCPPC's Capital Improvements Program (CIP) Project No. 048703, Rock Creek Trail Pedestrian Bridge over Veirs Mill Road. The contribution must be made in full towards the M-NCPPC's CIP Project prior to certification of the site plan.
- 6) The applicant must amend the existing Traffic Mitigation Agreement to participate in the North Bethesda Transportation Management District (TMD) to reflect the proposed additional commercial space. This amended Traffic Mitigation Agreement must be executed prior to certification of the site plan.
- 7) The applicant must provide the following bicycle parking:
  - a. Four (total) inverted-U bike racks (each accommodating two bicycles). Two racks are to be placed near the main entrance of proposed Buildings 1 and 2 and two racks are to be placed at the main entrance of proposed Building 3.
  - b. Twelve bike lockers (each holding one bicycle) located in the garage on Lot 16, in a well-lit location.

- The ultimate locations will be shown on the certified site plan.
- 8) The applicant must comply with the conditions of the MCDPS stormwater management approval dated April 25, 2001. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
  - 9) The applicant must comply with the conditions of the MCDOT letter dated May 15, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
  - 10) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to issuance of access permits.
  - 11) No clearing or grading prior to certified site plan approval.
  - 12) Final approval of the number and location of buildings, floor area, on-site parking, site circulation, and sidewalks will be determined at site plan.
  - 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid until June 16, 2017.
  - 14) All other conditions of Preliminary Plan 119990430, Preliminary Plan Amendment 11999043A, and Preliminary Plan Amendment 11999043B that were not modified herein, as contained in the Planning Board's opinions dated June 16, 1999, August 3, 2001, and January 19, 2005, remain in full force and effect.

### **SECTION 3: SITE PLAN AMENDMENT REVIEW**

#### **INTRODUCTION**

As discussed above, this Site Plan Amendment addresses only the two buildings at 12709 Twinbrook Parkway and 5615 Fishers Lane. The following analysis, findings, and conditions reflect this. The other buildings and features on the site are unchanged from the original Site Plan, as amended by 82001025B.

#### **MASTER PLAN**

While this proposed Site Plan Amendment is not taking advantage of the additional density recommended in the re-zoning of this site (from I-1 to TMX), the proposed uses and location of the proposed buildings conform to the recommendations of the Technology Employment Area in the Twinbrook Sector Plan:

- The Design Guidelines call for a “connected system of public green open spaces along pedestrian routes, including parks along Fishers Lane...” This project extends the public open space from 5635 Fishers Lane further to the east, increasing the variety of available public space along that street.
- The location of buildings close to the street, both on Fishers Lane and Twinbrook Parkway, as well as enhanced and expanded public space and streetscaping fulfill the recommendation that “Streets and Street Character” focus on the pedestrian experience.

#### **DEVELOPMENT STANDARDS**

The proposed development is located in an industrial zone (I-1), which was created to accommodate light industrial uses such as research and development, light manufacturing, and other similar uses. This site plan proposes a design that meets these goals and objectives while also looking forward to the further redevelopment of the Twinbrook Metro area. The table below demonstrates the proposed development's compliance with the Zoning Ordinance.



*Project Data Table for the I-1 Zone*

Development Standard	Permitted/ Required	Approved per Site Plan 820010250	Proposed per Preliminary Plan Amendment 11999043C	Proposed for Approval Site Plan Amendment 82001025C
<b>Overall Site</b>				
Gross tract area (sf.)	n/a	11.82	11.82	11.82
Max. development density (sf.) – includes all buildings in the original Site Plan	n/a	715,200	738,560	738,560
Max. R&D density (sf.)	n/a	401,000	288,105	288,105
Max. office density (sf.)	n/a	306,200	444,915	444,915
Max. retail density (sf.)	n/a	8,000	5,540	5,540
Min. green area (% of net lot area) per 59-C-5.41(b)(2)	10 + [(5% NLA) x (GFA /Footprint) for each story above 3]			
Min. green area (sf.)	114,937*	112,111	not spec.	175,699
* under current proposal				
<b>NOTE: For allowable buildable area for buildings not included in this amendment, see Site Plan</b>				
<b>5615 Fishers Lane</b>				
Max. total density (sf.)	n/a	36,000	112,300	112,300
Max. office density (sf.)	n/a	33,000	111,100	111,100
Max. retail density (sf.)	n/a	3,000	1,200	1,200
Max. building height** (feet)	120	not spec.	n/a	93.5
Max. building height (stories)	10	2	n/a	5 + cellar
Min. building setbacks (ft.)				
Fishers Lane	10	not spec.	n/a	29
Side (***if provided)	0/10***	not spec.	n/a	43
<b>12709 Twinbrook Parkway</b>				
Max. total density (sf.)		206,000	150,000	150,000
Max. office density (sf.)	n/a	52,000	150,000	150,000
Max. R&D density (sf.)	n/a	154,000	0	0
Max. building height** (feet)	120	not spec.	n/a	70
Max. building height (stories)	10	4	n/a	4
Min. building setbacks (ft.)				
Twinbrook Parkway	10	not spec.	n/a	16
Side (***if provided)	0/10***	not spec.	n/a	16
Max. Parking (spaces)	1,567	1,657	n/a	1,576
**as measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof.				

## 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.*

This project has neither a development or diagrammatic plan nor a development plan.

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 I-1 zone as demonstrated in the Project Data Table. The building height, density, and setbacks conform to the limits of the zone.

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

- a. Locations of buildings and structures

The proposed buildings are located directly along their adjacent streets, reinforcing the street edge and enhancing the pedestrian realm with activating entrances and uses and attractive spaces and landscaping. Both the use and the architectural design elements provide an adequate, safe, and efficient building on the subject site.

- b. Open Spaces

The open spaces for the two buildings provide attractive and welcoming places of repose for both the building tenants and the general public. The space on Fisher's Lane provides an intimate setting to enjoy a shared lunch with colleagues at the adjacent eatery. Another space, near Twinbrook Parkway provides a seamless integration with the proposed building design and reinforces the functional and spatial relationship with its sister building to the south. The open spaces are more than adequate, safe, and efficient.

- c. Landscaping and Lighting

The proposed landscaping, which includes foundation plantings and ornamental trees and grasses, reflects and reinforces the character of each the open spaces, providing as appropriate an intimate sense of enclosure and expressing a more spacious, tranquil feeling. The landscaping also improves the attractiveness of adjacent public and private sidewalks, improving the pedestrian experience. The landscaping is adequate, safe, and efficient.

The lighting plan consists of full cut-off site lighting that will provide adequate, safe, and efficient site illumination.

- d. Recreation Facilities

This site plan does not have a residential component and is not required to provide recreation facilities.

e. Pedestrian and Vehicular Circulation Systems

This plan improves the quality of an already extensive and inviting pedestrian circulation system between and along Twinbrook Parkway and Fishers Lane. Vehicular access to the site will come from Twinbrook Parkway and Fishers Lane, with parking accessed from the internal street system. The pedestrian and vehicular circulation systems are 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 are compatible with the constructed and planned development in the Technology Employment Area of the Twinbrook Sector Plan in terms of massing, scale, detailing, and layout.

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 site is entirely developed and contains no forest, streams, wetlands, steep slopes, or other environmentally significant features. The property is the subject of an approved forest conservation plan, which required 1.77 acres of afforestation. The afforestation requirement was met on-site with a credit for existing tree cover and proposed landscaping, totaling 1.92 acres. The proposed limits of disturbance in the subject application do not conflict with the approved forest conservation plan.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on April 25, 2001, and reconfirmed the approval on August 7, 2008. The stormwater management concept includes on-site water quantity control via underground storage and on-site water quality control via “stormfilter” and “stormceptor” structures.

## **SITE PLAN RECOMMENDATION AND CONDITIONS**

Approval of a maximum 150,000-square-foot office building at 12709 Twinbrook Parkway and a maximum 112,300-square-foot mixed use building, including 111,100 square feet of office development and 1,200 square feet of retail, on a multi-lot development totaling 11.82 acres. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on June 1, 2009, are required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 11999043C, unless amended and approved by the Planning Board.

2. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any building permit, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of any building permit the Applicant must provide to staff a written report from the Applicant’s LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited



Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost.

3. Site and Landscape Plans

- a. The combined built area of 5615 Fishers Lane and 12709 Twinbrook Parkway, when combined with the built area of the existing buildings included in the original Site Plan, may not exceed the overall maximum development area specified in amended Preliminary Plan 11999043C.
- b. Provide, for staff approval and inclusion in the Certified Site Plan, an interim landscape plan for the second phase of 12709 Twinbrook Parkway.
- c. Provide, for staff approval and inclusion in the Certified Site Plan, final details for the landscape elements, including raised planters, bollards, seating elements, etc., for the public space in front of 5615 Fishers Lane.
- d. Provide an alternative plant list for substitutions of plant material due to availability.
- e. Provide full streetscape along site frontage consistent in appearance with that installed per Site Plan 820010250, but installed per the Bethesda Streetscape standard detail.

4. Lighting

- a. All private on-site down-lighting fixtures must be full cut-off fixtures;
- b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination;
- c. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development;
- d. The height of the light poles, including the mounting base, shall not exceed the height shown in the Certified Site Plan;

5. Development Program

The Applicant must construct the proposed development in accordance with Development Program. A 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. Sidewalk and required related improvements along Twinbrook Parkway and Fishers Lane must be completed as building construction is completed;
- b. Site lighting and outdoor hardscaping must be completed before issuance of any use and occupancy permits;
- c. All on-site landscaping must be completed within six months of the issuance of any use and occupancy permits;
- d. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities, must be installed prior to release of any building occupancy permit;
- e. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan and Sediment Control Plan;
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

6. Clearing and Grading

The Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan

7. Maintenance

The Applicant is responsible for maintenance of on-site landscaping and green space.

8. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
- b. Provide details for all custom paving, seat walls, and other elements of the landscape and hardscape plans;
- c. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution;
- d. Final Green Space location diagram, including internal parking lot landscaping and green areas;

**APPENDICES**

- A. Previous Approval Decisions
- B. Subdivision Data Table
- C. Agency Approval Letters
- D. APF Extension Request







MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation. Mc  
of Comm. Perdue, seconded by Comm. Bryant  
with a vote of 5-0. Comms. Perdue, Bryant, He  
Richardson and Hussmann voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-99043

NAME OF PLAN: SPRING LAKE PARK

On 12-11-98, TRIZEC HAIN TWINBROOK METRO LP submitted an application for the approval of a preliminary plan of subdivision of property in the I-1 zone. The application proposed to create 1 lot on 6.98 acres of land. The application was designated Preliminary Plan 1-99043. On 05-27-99, Preliminary Plan 1-99043 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-99043 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-99043, subject to the following conditions:

- (1) Prior to recording of plat(s), applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum to 344,000 square feet, an increase of 227,510 square feet over existing development, including 151,665 square feet of general office use and 75,845 square feet of research and development office use under Preliminary Plan 1-99043. In addition, agreement to include the transfer of development (as depicted on Pre- Preliminary Plan 7-99026) from the adjoining Lot 5, for a total potential development of 564,000 square feet, which includes an increase of 431,328 square feet over existing development, including 355,438 square feet of general office use and 75,845 square feet of research and development use. Agreement to also reference a recorded covenant stating the transfer of development to adjoining properties with reference to the covenant noted on all record plats. The applicant must provide for the road improvements and participation in the North Bethesda Transportation Management District as outlined in the Transportation Planning Division memo dated 3-18-99.
- (2) Prior to recording of plats, applicant to submit site plan application for plan review and approval. Final building locations, parking facilities plan and internal circulation plan to be reviewed and approved with site plan. Internal landscape and streetscape plan to be submitted and approved with site plan.

Preliminary Plan 1-99043

Page 2 of 2

- (3) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to issuance of sediment and erosion control permit or recording of plats, as appropriate
- (4) Terms and conditions of access to be approved by MCDPW&T prior to recording of plat(s)
- (5) Conditions of MCDPS stormwater management approval dated 01-20-99
- (6) No clearing, grading or recording of plats prior to site plan approval
- (7) Necessary easements
- (8) This preliminary plan will remain valid until July 16, 2002 (37 months from date of mailing, which is June 16, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Date Mailed: August 3, 2001

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by  
Comm. Perdue with a vote of 4-0;

Comms. Bryant, Holmes, Perdue and  
Wellington voting in favor

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-99043A

NAME OF PLAN: SPRING LAKE PARK

On 04/03/01, TRIZECHAHN TWINBROOK METRO LP submitted an amendment to the previously approved preliminary plan in the I-1 zone. The previous application proposed to create 1 lot previously approved (564,000 square feet of Research and Development and Office Previously Approved; 715,200 square feet of Research and Development, Office and Retail Requested) on 11.82 acres of land. The application was designated Preliminary Plan 1-99043A. On 06/21/01, Preliminary Plan 1-99043A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-99043A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-99043A.

Approval, to revise the previous conditions of approval as follows:

- (1) Submit amended Adequate Public Facilities (APF) agreement with the Planning Board limiting development under this approval to a maximum of 715,200 square feet of General Office, Research and Development (R & D) Office and Retail use (707,200 square feet of general office and R & D office (maximum 306,200 square feet of general office and minimum of 401,000 square feet of R & D office)) and 8,000 square feet of general retail use
- (2) Retain the transportation-related conditions of Preliminary Plan No. 1-99043 as approved by the Planning Board on May 27, 1999, and described in Transportation Planning staff's memoranda dated March 25, and March 19, 1999. The applicable conditions as modified for the current plan are as follows:
  - (A) In the event that the applicant desires to convert any portion of the 401,000 square feet of the research and development use to general office use, further APF review would be required.



- (B) At the intersection of Parklawn Drive and Randolph Road, participate in providing a second southbound left-turn lane on Parklawn Drive and reconfiguring the northbound combination left-turn and (second) through lane to an exclusive left-turn lane on Parklawn Drive. The improvement is one identified to be funded associated with Zoning Case G-745 for the Montgomery County Conference Center which is funded within five years.

Coordinate with the Maryland State Highway Administration's (SHA) project planning study for an interchange at Rockville Pike (MD 355) and Randolph/Montrose Road whose project limits terminate at this intersection. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) regarding the project study for the Montrose Parkway.

- (C) At the intersection of Twinbrook Parkway and Veirs Mill Road, convert the southbound exclusive right-turn lane on Veirs Mill Road to a combination (third) through lane and right-turn lane including a third through receiving lane.

Coordinate with DPWT and SHA, Office of Planning and Preliminary Engineering, regarding a possible "Bus Rapid Transit" project along Veirs Mill Road. The transit project is proposed currently as a conceptual design to add a right-most bus "queue jumper" lane.

Coordinate with SHA regarding a possible future interchange which is currently being considered in lieu of an intersection improvement. No at-grade improvement was found feasible as part of SHA's Congestion Relief Study. The intersection is designated as "candidate intersection" M-20 in category III with no funding for planning or construction.

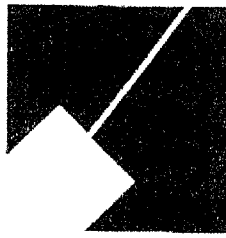
- (D) Coordinate with DPWT regarding traffic control at the two site accesses from Twinbrook Parkway and the two site accesses from Fishers Lane. Prepare a traffic signal warrant study for the northern site access from Twinbrook Parkway.
- (E) Enter into an agreement with DPWT and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) to satisfy traffic mitigation requirements for both the *North Bethesda/Garrett Park Master Plan* and the APF test of the registered loophole property included in the previously approved Pre-Preliminary Plan No. 7-9902.

Participation includes appointing an employee transportation coordinator who would assist in disseminating information on transportation programs and services and participating in the annual employee survey. Coordination is needed to assist the North Bethesda TMD in achieving and maintaining the traffic mitigation goal of the *North Bethesda/Garrett Park Master Plan*.

- (3) Prior to recording of plats, applicant to submit site plan application for plan review and approval. Final building locations, parking facilities plan and internal circulation plan to be reviewed and approved with site plan. Internal landscape and streetscape plan to be submitted and approved with site plan.

- (4) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate
- (5) Access and improvements, as required to be reviewed and approved by MCDPW&T prior to recording of plat(s)
- (6) No clearing grading or recording of plat(s) prior to site plan approval
- (7) Conditions of MCDPS stormwater management approval
- (8) Other necessary easements
- (9) This preliminary Plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (10) The Adequate Public Facilities (APF) review for this preliminary plan will remain valid until June 16, 2011

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-493-4200, [www.mncppc.org](http://www.mncppc.org)

JAN 19 2005

Date Mailed:

Action: Approved Staff  
Recommendation

Motion of Commissioner Bryant,  
seconded by Commissioner Wellington,  
with a vote of 5-0;  
Chairman Berlage and Commissioners  
Perdue, Bryant, Wellington and  
Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-99043B  
NAME OF PLAN: Fisher Place

JAN 19 2005

The date of this written opinion is JAN 19 2005 (which is the date that this opinion is mailed to all parties of record). ~~Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).~~

On 6/29/04, The JBG Companies submitted an application for the approval of an amendment to the previous conditions of approval for a preliminary plan of subdivision of property in the I-1 zone. The preliminary plan includes 2 lots on 11.82 acres of land located at northeast quadrant of the intersection of Fisher's Lane and Twinbrook Parkway, in the North Bethesda Garrett Park master plan area. The application was designated Preliminary Plan 1-99043B. On 11/4/04, Preliminary Plan 1-99043B was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the

application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

The applicant was represented by its attorney at the public hearing, and was in agreement with the staff recommendation and concurred with all of the conditions as proposed by staff. Nobody presented written evidence or testimony at the public hearing in opposition to the plan, and the record of this application does not contain any contested issues.

### **FINDINGS**

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies;<sup>1</sup> the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that with the conditions of approval:

- a) The Preliminary Plan No. 1-99043B substantially conforms to the North Bethesda Garrett Park master plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

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<sup>1</sup> The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.



## **CONDITIONS OF APPROVAL**

Finding Preliminary Plan No. 1-99043B in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-99043B, subject to the following conditions:

- 1) Limit the preliminary plan amendment to and amend the APF Agreement to reflect 780,000 square feet of non-residential development (or 64,800 additional square feet) consisting of the following:
  - a. A maximum of 586,000 square feet of R&D office space;
  - b. A maximum of 186,000 square feet of general office space; and
  - c. A maximum of 8,000 square feet of general retail space.
- 2) Retain the transportation-related conditions of Preliminary Plan No. 1-99043A as approved by the Planning Board on June 21, 2001, and described in Transportation Planning staff's memoranda dated June 15, 2001. The applicable conditions as modified for the current plan are as follows:
  - a. In the event that the applicant desires to convert any portion of the 586,000 square feet of the R&D office use to general office use, further APF review would be required.
  - b. At the intersection of Parklawn Drive and Randolph Road, participate in providing a second southbound left-turn lane on Parklawn Drive and reconfiguring the northbound combination left-turn and (second) through lane to an exclusive left-turn lane on Parklawn Drive. The improvement is one identified to be funded associated with Zoning Case G-745 for the Montgomery County Conference Center which is funded within five years.  
  
Coordinate with the Maryland State Highway Administration's (SHA) project planning study for a grade separated crossing and interchange at Rockville Pike (MD 355) and Randolph/Montrose Road, the project limits terminate at this intersection. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) regarding the project study for the Montrose Parkway.
  - c. At the intersection of Twinbrook Parkway and Veirs Mill Road, convert the southbound exclusive right-turn lane on Veirs Mill Road to a combination (third) through lane and right-turn lane including a third through receiving lane.

Coordinate with DPWT and SHA, Office of Planning and Preliminary Engineering, regarding a possible "Bus Rapid Transit" project along Veirs

Mill Road. The transit project is proposed currently as a conceptual design to add a right-most bus "queue jumper" lane.

Coordinate with SHA regarding a possible future interchange which is currently being considered in lieu of an intersection improvement. No at-grade improvement was found feasible as part of SHA's Congestion Relief Study. The intersection is designated as "candidate intersection" M-20 in category III with no funding for planning or construction.

- d. Coordinate with DPWT regarding traffic control at the two site accesses from Twinbrook Parkway and the two site accesses from Fishers Lane. Prepare a traffic signal warrant study for the northern site access from Twinbrook Parkway.
- e. Enter into an agreement with DPWT and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) to satisfy traffic mitigation requirements for both the *North Bethesda/Garrett Park Master Plan* and the APF test of the registered loophole property included in the previously approved Pre-Preliminary Plan No. 7-99026.

Participation includes appointing an employee transportation coordinator who will assist in disseminating information on transportation programs and services and participating in the annual employee survey.

Coordination is needed to assist the North Bethesda TMD in achieving and maintaining the traffic mitigation goal of the *North Bethesda/Garrett Park Master Plan*.

- 3) Prior to recording of plats, applicant to submit site plan application for plan review and approval. Final building locations, parking facilities plan and internal circulation plan to be reviewed and approved with site plan. Internal landscape and streetscape plan to be submitted and approved with site plan.
- 4) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate.
- 5) Access and improvements, as required to be reviewed and approved by MCDPW&T prior to recording of plat(s).
- 6) No clearing grading or recording of plat(s) prior to site plan approval.
- 7) Conditions of MCDPS stormwater management approval.
- 8) The Adequate Public Facilities (APF) review for this preliminary plan will remain valid until June 16, 2011.

9) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

\* \* \* \* \*

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

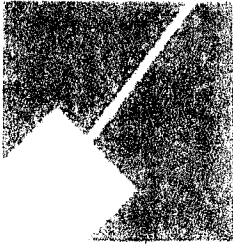
12/10/11  
Approved for legal sufficiency  
M-NCPPC Office of General Counsel

## **CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

At its regular meeting, held on **Thursday January 13, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of **Commissioner Wellington, seconded by Commissioner Perdue, with Chairman Berlage and Commissioners Perdue and Wellington** voting in favor of the motion, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan 1-99043B, Fisher Place.**



\_\_\_\_\_  
Certification As To Vote of Adoption  
M. Clara Moise, Technical Writer



## MONTGOMERY COUNTY PLANNING BOARD

## O P I N I O N

**DATE MAILED:** November 21, 2001

**SITE PLAN REVIEW:** #8-01025

**PROJECT:** Fisher's Place [Spring Lake Park]

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*Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Bryant, with a vote of 4-0, Commissioners Bryant, Holmes, Perdue and Wellington voting for.*

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The date of this written opinion is November 21, 2001. Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before December 20, 2001 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-99043A is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On September 20, 2001, Site Plan Review #8-01025 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on 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;



2. The Site Plan meets all of the requirements of the zone in which it is located;
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;
4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-01025 which consists of 715,200 sf, including 401,000 sf research facility space, 306,200 sf office space, 8,000 sf retail space and structured parking, subject to the following conditions:

1. Conditions of MCDPS stormwater management concept approval dated April 25, 2001.
2. Conditions of Transportation Planning Division memo, dated September 14, 2001.

Prior to signature set approval of the site/landscape plans, the following revisions shall be made and/or information provided, for review and approval by planning staff:

3. General Streetscape
  - a. Provide street trees at 4.5-inch caliper at the time of planting;
  - b. Provide amended soil panel for all street trees, or soil panel acceptable to staff, including both tree rows on double-row streets per recommendations of Staff, DPS and DPWT;
  - c. Align all crosswalks and handicap ramps at 90-degree angle to curbing.
4. Streetscape: Twinbrook Parkway
  - a. Provide Zelkova street trees at curb within planting strip and locate sidewalk, with special paving materials streetscape plan, on east side of street trees, subject to staff, DPS and DPWT review and approval;
  - b. Provide east-west cross walks on Twinbrook at the intersection of Street A; subject to review of the traffic signal warrant study by DPW, DPWT and Transportation Planning.
5. Streetscape: Fishers Lane
  - a. Provide additional north-south cross walk at intersection of Fishers Lane and Street A, subject to DPS and DPWT approval;
  - b. Provide double row of Willow Oaks evenly spaced along the entire property frontage, per Staff recommendation.

6. Streetscape: Street A

- a. Enlarge pedestrian island north of loading dock for Bldg 5635 to provide aligned pedestrian crosswalk;
- b. Show pedestrian path through garage to pedestrian promenade; Provide details, dimensions, and materials for path, paving and lighting;
- c. Show dimensions and details for recessed entrances proposed for Buildings 5635 and the parking garage 12721; show slopes and number of risers as necessary; show revised locations of entrances;
- d. Shift cross walk leading from Building 12709-11 to parking garage to allow one additional street tree on each side of Street A.

7. Phasing

- a. Provide demolition plan showing phasing for demolition of each structure subject to demolition, including Building 5615;
- b. Provide diagram for Phase I employee/visitor traffic and circulation;
- c. Provide installation of all streetscaping adjacent to buildings proposed for Phase II upon the completion of Phase II, provided that the development of Phase II commences within two years of issuance of the final Certificate of Use and Occupancy for the last building to be constructed in Phase I. In the event Phase II does not commence within this period, the streetscaping for Phase II shall commence and be completed within two years of issuance of final Certificate of Use and Occupancy for the last building to be constructed in Phase I.

8. Other

- a. Provide a program for ensuring access to surrounding streets and buildings with details regarding reconstruction of the streets and/or public utilities;
- b. All retaining walls to be constructed of masonry materials.

Applicant shall provide the following supplemental drawing information in the signature set submission:

9. a. Details, specifications, design dimensions and/or materials for the following:

- i. Handrails, fencing, guardrails, throughout
- ii. Planting urns and bases, tree boxes;
- iii. Monuments and signage, including attached lighting;
- iv. Garage doors, loading dock gates, transformer enclosures and architectural screening elements;
- v. Garage (Bldg. 12721) façade trellis with landscaping materials;
- vi. Site fixtures and furnishings, including seating, bike racks and trash bins;
- vii. Garage, driveway and loading dock opening dimensions and centerlines;

- viii. Footprint, dimensions and materials for all signage structures;
  - ix. Interior noise levels to be abated to 45 dba.
- b. Landscaping elements:
- i. Plantings for all boxes, planters trellis throughout (excluding seasonal), including species and spacing.
- c. Lighting, power, and signage:
- i. Performance specifications for all wall mounted exterior lighting on elevations;
  - ii. Roof lighting and parapet signage details, including lighting levels;
  - iii. Performance specifications for exterior building lighting fixtures;
  - iv. Performance specifications for any supplemental storefront lighting at retail space;
  - v. Specifications for lighting at exterior public walkways and stairs;
  - vi. Specifications for exterior building lighting at garage entrances and garage stairwells;
  - vii. Garage lighting photometric plans;
  - viii. Power supply for exterior public use space.
- d. Elevations and Illustrative Plans:
- i. Elevations of all streets, including pedestrian passages showing building heights, windows, door openings and lighting fixtures;
  - ii. Elevations for all structures showing steps, windows and doors shall be submitted for staff review and approval as part of a supplemental signature set, prior to building permit.
10. Applicant shall submit below items requiring DPS, DPWT and/or staff review to the relevant agencies not later than 60 days after submission of Signature Set. Applicant shall submit final Supplemental Signature Set for streetscape within 30 days of DPWT, DPS and staff approval of streetscape plan.
- a. Submit coordinated streetscape drawing showing street lighting, existing and future bus stops, all benches;
  - b. Show crosswalks and handicap ramps in the public right-of-way, subject to staff, DPS and DPWT review and approval;
  - c. Elevations and details for all street front retail space;
  - d. Provide for each building plans showing the following: location and dimensions of all roof top mechanical intake/exhaust equ including mechanical room/penthouse height, openings, footprint, setback, and materials; show expected noise levels on plan.
11. Standard Conditions dated October 10, 1995, Appendix A:
- A. Submit a Site Plan Enforcement Agreement, Development Program, for

review and approval prior to approval of the signature set as follows:

1. Development Program to include a phasing schedule as follows:
    - i) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
    - ii) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
    - iii) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
    - iv) Coordination of each section of the development and roads;
    - v) Phasing of dedications, stormwater management, sediment/erosion control, pedestrian/bike paths, trip mitigation or other features.
  2. Site Plan Enforcement Agreement to delineate Transportation Management Program and other conditions of approval or staff correspondence.
- B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
- a) Limits of disturbance;
  - b) Methods and location of tree protection;
  - c) Conditions of DPS Stormwater Management Concept approval (waiver) letter dated April 25, 2001;
  - d) Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - e) The development program inspection schedule;
  - f) Street trees along all streets;
  - g) Certification from a professional acoustical engineer that the building shell(s) will attenuate noise at a level not to exceed 45 dBA Ldn.
- C. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
- D. Clearing or grading prior to M-NCPPC approval of signature set of plans shall be permitted; No excavation, sheeting or shoring prior to approved signature set of plans



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

**Memorandum**

**TO:** Rollin Stanley, Planning Director

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

**FROM:** Elza Hisel-McCoy, Assoc. AIA, LEED-AP *Em*  
Coordinator  
Development Review Division  
301.495.2115  
[Elza.Hisel-McCoy@mncppc-mc.org](mailto:Elza.Hisel-McCoy@mncppc-mc.org)

**RE:** Fishers Place at Twinbrook  
SITE PLAN #82001025B

**DATE:** November 20, 2008

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On October 2, 2008, JBG/Twinbrook Metro, LLC, ("Applicant") filed a site plan amendment application designated Site Plan No. 82001025B ("Amendment") for approval of a 126-space surface parking lot at 5615 Fishers Lane as an interim use between December 15, 2008, and no later than June 30, 2010, of as to accommodate WMATA commuter parking during the first phase of construction for JBG's Twinbrook Station development; and

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on September 22, 2008. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.



Given their limited nature, Staff endeavors to review Administrative Amendments within two weeks. However, the review of this amendment had to be extended to resolve an apparent potential conflict. The I-1 zone, within which this property is located, lists two categories of off-street parking within the permitted use table at section 59-C-5.21(c). The first, "Parking of motor vehicle, off-street, in connection with any use permitted" is a permitted use. The second, "Parking of motor vehicle, off-street, in connection with any use permitted in a commercial zone" is permitted only through a special exception. Development Review staff, including the Zoning Review Team, in consultation with the Applicant, determined that the interim use proposed in this amendment, which is a service in support of a public transit agency, falls into the first description, "in connection with any use permitted" and is thus a permitted use. Upon this determination, staff completed its review.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



---

Rollin Stanley, Planning Director

11-21-08

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Date Approved

## APPENDIX B: Subdivision Data Table

<b>Plan Name: Fishers Place at Twinbrook Metro</b>				
<b>Plan Number: 11999043C</b>				
<b>Zoning: I-1</b>				
<b># of Lots: 4</b>				
<b># of Outlots: N/a</b>				
<b>Dev. Type: Commercial</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Setbacks				
Front	10 ft. Min.	Must meet minimum <sup>1</sup>		6/5/09
Side	10 ft. Min. adjacent to R-30; 0 ft. Min elsewhere	Must meet minimum <sup>1</sup>		6/5/09
Rear	10 ft. Min. adjacent to R-30; 0 ft. Min elsewhere	Must meet minimum <sup>1</sup>		6/5/09
Height	120 ft. Max.	May not exceed maximum <sup>1</sup>		6/5/09
Max Comm'l s.f. per Zoning	N/a	738,560		6/5/09
Green Area	10% of site area	33% of site area		6/5/09
MPDUs	N/a			6/5/09
TDRs	N/a			6/5/09
Site Plan Req'd?	Yes			6/5/09
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes			6/5/09
Road dedication and frontage improvements	Yes	Agency letter		5/15/09
Environmental Guidelines	N/a	Staff memo		11/17/08
Forest Conservation	Yes	Staff memo		11/17/08
Master Plan Compliance	Yes	Staff memo		5/28/09
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes	Agency letter		4/25/01
Water and Sewer (WSSC)	Yes	Agency comments		11/17/08
10-yr Water and Sewer Plan Compliance	Yes	Agency comments		11/17/08
Well and Septic	N/a	Agency comments		11/17/08
Local Area Traffic Review	Yes	Staff memo		
Policy Area Mobility Review	Yes or N/a	Staff memo		
Transportation Management Agreement	Yes or No	Staff memo		
School Cluster in Moratorium?	No			6/5/09
School Facilities Payment	No			6/5/09
Fire and Rescue	Yes	Agency letter		5/29/08

<sup>1</sup> As determined by MCDPS at the time of building permit.





DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

April 25, 2001

Robert C. Hubbard  
Director

Michael J. Kay  
Vika, Inc.  
20251 Century Boulevard, Suite 130  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for Fisher's Place  
Preliminary Plan #: 1-99043  
SM File #: 203192  
Tract Size/Zone: 11.8 Ac/I-1 & I-4  
Total Concept Area: 11.8 Ac  
Tax Plate: GQ563 & HQ123  
Lots/Block: 2, 5, 6, 9 & 10/B and 2/I  
Parcel(s): 164  
Liber/Folio: 9711/635  
Montg. Co. Grid: 29; H-10  
Watershed: Lower Rock Creek

Dear Mr. Kay:

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 quantity control via under ground storage, on-site water quality control via "Stormfilter" and "Stormceptor" structures, and a waiver request for water quantity control for part of lot 9 (building #12725).

Based upon the site grading and space constraints due to underground utilities, a **conditional** waiver of on-site water quantity control for part of lot 9 (building #12725) is hereby granted.

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

1. Design all stormwater management BMPs to the latest design criteria in effect at time of plan submittal.
2. Provide easements around all stormwater management BMPs and flow splitters.
3. Reduce the low flow orifice to a minimum of three inches to provide some compensation for the waived area. The Stormwater Waiver Contribution will be adjusted during detailed review to reflect partial control.
4. Rooftop parking area must drain to the stormwater management structures. All covered parking areas must drain to WSSC sewer system. Provide a copy of mechanical drawings at the time of plan submittal.
5. Please include the area draining to Fisher Lane with waived area.
6. A complete review of the computations will be done at time of plan submittal.

RECEIVED APR 27 2001

Michael J. Kay  
April 25, 2001  
Page 2

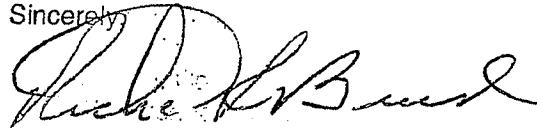
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required. Stormwater management fee computations are to be submitted for verification during the sediment control/stormwater management review process.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. 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

cc: M. Shaneman  
S. Federline  
SM File # 203192

QN - Onsite/waived; Acres: 8.62/3.18  
QL - onsite; Acres: 11.8



August 5, 2008

Richard R. Brush, Manager  
Department of Permitting Services  
Water Resources Section  
255 Rockville Pike,  
Rockville, MD 20850-4166

Re: MCDPS File #203192  
Fisher's Place at Twinbrook Metro  
VIKA #M6442G

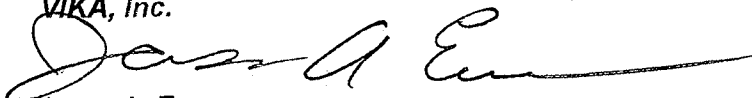
Dear Mr. Brush,

On behalf of our client, JBG/Twinbrook Metro L.L.C., we hereby request confirmation that the proposed phase of construction involving the development of 12709 Twinbrook Parkway and 5615 Fisher's Lane conforms to the approved concept stormwater management. The Stormwater Management concept for the current development was approved on April 25, 2001, as SM File #203192. Based on this concept, the stormwater management was designed for the entire site and approved on November 11, 2001. This stormwater plan called for water quality treatment via StormFilter structures and water quantity controls via an underground detention facility. The two lots in question were approved with a proposed impervious area of 90%. A phasing request was sent to and approved by MCDPS on September 10, 2001.

This stormwater management facility has been constructed, the as-built has been approved, and bond has been released. Based on earlier conversations between Chuck Irish and David Kuykendall, we would like to confirm that the proposed developments of these two areas are in conformance with the previously approved stormwater management concept provided that the impervious area does not exceed what was previously approved under SM File #203192.

Your signature below indicates acceptance by the Department of Permitting Services. If you have any questions, suggested changes, or require any additional information, please give us a call.

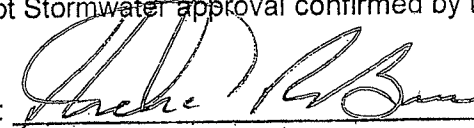
Sincerely,  
VIKA, Inc.



Jason A. Evans  
Project Engineer

cc: Mike Geier, David Kuykendall - Montgomery County Department of Permitting Services

Concept Stormwater approval confirmed by the Department of Permitting Services

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

Date: 8/7/08

K:\5001-9999\6442\documents\6442G\engineering\sec & swm\SWM concept Confirmation\_08.04.08.doc

**VIKA Incorporated**

20251 Century Boulevard, Suite 400 ■ Germantown, MD 20874 ■ (301) 916-4100 ■ Fax (301) 916-2262  
McLean, VA ■ Germantown, MD



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

May 15, 2009

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 #1-1999043C  
Fishers Place at Twinbrook Metro,  
Amended

Dear Ms. Conlon:

We have reviewed the amended preliminary plan dated March 11, 2009. We recommend approval of the amended plan subject to the following comments:

1. Our earlier approval letters dated March 12, 1999 and June 18, 2001 remain in effect unless modified below.
2. We have accepted the applicant's storm drain capacity and impact analysis. No additional improvements will be required of this applicant under this amended plan.
3. The proposed brick-paved sidewalks are to be designed and constructed in accordance with Montgomery County Council resolution no. 16-931.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Sam Farhadi or Dewa Salihi at (240) 777-2197.

Sincerely,

Gregory M. Leck, P.E., Manager  
Development Review Team

Enclosure

**Division of Traffic Engineering and Operations**

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX  
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon  
Preliminary Plan No. 1-1999043C  
Date May 15, 2009  
Page 2

m:/subdivision/farhas01/preliminary plans/ 1-1999043C. Fishers Place at Twinbrook Metro.doc

cc: Tony Greenberg, JBG/Twinbrook Metro, LLC  
Patricia Harris, Holland & Knight  
Kathleen Kulenguski, VIK A, Inc.  
Jagdish Mandavia, VIK A, Inc.  
Joseph Y. Cheung; DPS RWPPR  
Henry Emery; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Sam Farhadi, DOT TEO  
Dewa Salihi, DOT TEO  
Preliminary Plan Folder  
Preliminary Plans Note Book



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

June 3, 2009

**MEMORANDUM**

TO: Neil Braunstein, Planner/Coordinator  
Elza Hisel-McCoy, Site Planner  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Ed Axler, Planner/Coordinator EA  
Transportation Planning

SUBJECT: Preliminary Plan No. 11999043-C  
Site Plan No. 82001015-D  
Fishers Lane (Spring Lake Park)  
Twinbrook (Metro Station) Policy Area

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This memorandum is Transportation Planning staff Adequate Public Facilities (APF) review of the subject preliminary plan amendment and site plan amendment to add commercial development to the previously APF approval under Preliminary Plan No. 1-99043A. Preliminary Plan No. 1-99043A approved on June 21, 2001, will remain valid until June 16, 2011, for the following land uses:

1. A maximum total of 707,200 square feet of general and R&D office use -- broken down as a maximum of 306,200 square feet of general office and a minimum of 401,000 square feet of R&D office.
2. A maximum of 8,000 square feet of general retail space.

Attached is the Planning Board's opinion dated August 3, 2001 for Preliminary Plan No. 1-99043A. Preliminary Plan No. 1-99043B was approved on November 4, 2004, after Preliminary Plan No. 1-99043A was effectively withdrawn, by not being implemented. The subject Preliminary Plan 11999043-C does not require the Applicant to re-record the existing Lots 13, 14, 16, and 17 with the subject Spring Lake Park site.

**RECOMMENDATIONS**

We recommend the following conditions as part of the APF test for transportation requirements related to approval of the subject preliminary plan amendment and site plan amendment:

1. The Applicant must limit the preliminary plan amendment and site plan amendment for an additional 23,360 square feet of commercial development totaling a maximum of 738,560 square feet consist of the following land uses :
  - a. An additional 138,715 square feet of general office space for a total of 444,915 square feet consist of 255,380 square feet of new space and 189,535 square feet of existing space to be retained.
  - b. A reduction of 112,895 square feet of R&D office space for a total of 288,105 square feet consist of no new space and all existing space to be retained.
  - c. A reduction of 2,460 square feet of general retail space for a total of 5,540 square feet consist of 1,200 square feet of new space and 4,340 square feet of existing space to be retained.
2. The Applicant must satisfy the Local area transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests by contributing \$261,000 towards M-NCPPC's Capital Improvements Program (CIP) Project No. 048703, Rock Creek Trail Pedestrian Bridge over Veirs Mill Road (refer to the attached CIP page). The contribution must be made in full towards the M-NCPPC's CIP Project prior to certification of the site plan.
3. The applicant must amend the existing Traffic Mitigation Agreement to participate in the North Bethesda Transportation Management District (TMD) to reflect the proposed additional commercial space. This amended Traffic Mitigation Agreement must be executed prior to certification of the site plan.
4. The applicant must not locate additional buildings and structures within the required 60-foot right-of-way for Washington Avenue Extended, a business district street (B-12) within the *Twinbrook Sector Plan*.
5. The applicant must not locate additional buildings and structures within 40 feet from the center line Wilkins Avenue that include the required 30-foot right-of-way from the centerline of the road designated as a business district street (B-16) in the *Twinbrook Sector Plan* and a 10-foot setback for the building restriction line.
6. The Applicant must provide the following bicycle parking:
  - a. Four (4) inverted-U bike racks (each accommodating two bicycles) near the main entrances of the new building for visitors.
  - b. Twelve (12) bike lockers (each holding one bicycle) located in the garage in a well-lit location for employees of the new buildings.

The ultimate location(s) will be shown on the certified site plan.

## DISCUSSION

### Site Location and Vehicular Site Access Points

The site is located in the northeastern corner of Twinbrook Parkway and Fishers Lane. The four access points for the overall site are from Twinbrook Parkway and Fishers Lane.

### Master-Planned Roadways and Bikeways

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

1. Twinbrook Parkway is designated as an arterial, A-37. In the *North Bethesda/Garrett Park Master Plan*, the recommended right-of-way is 80 feet east and 104 feet west of Ardennes Lane with a Class II bikeway. In the *Twinbrook Sector Plan*, the recommended right-of-way is 120 feet. According to the *Sector Plan* and the *Countywide Bikeways Functional Master Plan*, a bike lanes, BL-26, are designated along Twinbrook Parkway between Rockville Pike and Veirs Mill Road.
2. Fishers Lane is designated as an arterial, A-81, with a recommended 80-foot right-of-way and a Class I bikeway (not specified which side of the street) in the *North Bethesda/Garrett Park Master Plan* and a share use path, LSP-1, in the *Twinbrook Sector Plan*.
3. In the *Twinbrook Sector Plan*, Washington Avenue Extended is a business district street, B-12, with a recommended 60-foot right-of-way. The alignment of sector-planned B-12 extends north of Fishers Lane and follows the existing Driveway A. The plan has 60 feet of right-of-way along existing internal Driveway A and no additional buildings and structures within this right-of-way area. Right-of-way dedication would be required when the existing buildings fronting sector-planned B-12 are redeveloped in the future.
4. In the *Twinbrook Sector Plan*, Wilkins Avenue is a business district street, B-16, with a recommended 60-foot right-of-way with "bike lane or a shared use path", B-1. The plan indicates 30 feet of right-of-way from the centerline of sector-planned B-16 and building restriction line of 10 feet along the subject property's northern boundary. No additional buildings and structures within 40 feet of the northern property line. Right-of-way dedication would be required when the existing buildings on existing Lots 13 and 14 are redeveloped in the future.

### Traffic Mitigation Requirements

The subject commercial development is located within the boundary of the North Bethesda Transportation Management District (TMD). Therefore, the Applicant must enter into an amended Traffic Mitigation Agreement with Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the North Bethesda TMD to assist the County in achieving and maintaining the 39% non-auto-driver mode share for employees.



### Pedestrian Facilities

Pedestrian facilities would not be adversely impacted by the proposed additional commercial development. The existing sidewalks along the property frontage of Twinbrook Parkway and Fishers Lane are proposed to be upgraded to the current standards.

### Available Transit Service

Ride-On routes 10, 26, and 45, and 93 and Metrobus routes C-4 and J-5 operate on the Twinbrook Parkway, Fishers Lane, or nearby Parklawn Drive.

### Local Area Transportation Review (LATR)

Table 1 below shows the trip credit for the unutilized site-generated trips generated by the unbuilt development that was approved under Preliminary Plan No. 1-99043-A. The trip credit is shown in peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Table 1: Unutilized Capacity from the APF Approval for Preliminary Plan No. 1-99043-A

<i>Land Uses</i>	<i>Square Feet</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
<b>R&amp; D Office</b>	<b>401,000</b>	<b>458</b>	<b>423</b>
<b>General Office</b>	<b>306,200</b>	<b>513</b>	<b>461</b>
<b>General Retail</b>	<b>8,000</b>	<b>10</b>	<b>40</b>
<b>Approved 1-99043-A Land Uses</b>	<b>715,200</b>	<b>981</b>	<b>924</b>
<b>R&amp; D Office</b>	<b>288,105</b>	<b>343</b>	<b>321</b>
<b>General Office</b>	<b>189,535</b>	<b>314</b>	<b>293</b>
<b>General Retail</b>	<b>4,340</b>	<b>5</b>	<b>21</b>
<b>Existing Built Land Uses</b>	<b>481,980</b>	<b>662</b>	<b>635</b>
<b>Unutilized Traffic Capacity</b>	<b>-----</b>	<b>319</b>	<b>289</b>

Table 2 below shows the projected net increase in peak-hour trips generated by the proposed additional commercial development within the weekday morning and evening peak periods.

Table 2: Additional Site-Generated Peak-Hour Trips generated by the subject Preliminary Plan No. 1-99043-C's proposed Land Uses

<i>Land Uses</i>	<i>Square Feet</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
<b>General Office</b>	<b>255,380</b>	<b>418</b>	<b>408</b>
<b>General Retail</b>	<b>1,200</b>	<b>2</b>	<b>8</b>
<b>Proposed 1-99043-C Land Uses</b>	<b>256,580</b>	<b>420</b>	<b>416</b>
<b>Unutilized Traffic Capacity in Table 1</b>	<b>-----</b>	<b>319</b>	<b>289</b>
<b>Added Impact by 1-99043-C Land Uses</b>	<b>-----</b>	<b>101</b>	<b>127</b>

In accordance with the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, a traffic study was submitted to satisfy Local Area Transportation Review (LATR) because the existing and proposed land uses generates 30 or more peak-hour trips within the weekday morning and evening peak periods. Table 3 below shows the calculated Critical Lane Volume (CLV) values at studied intersections for existing, background (approved but un-built developments in the study area), and total traffic conditions:

Table 3: Calculated Critical Lane Volumes at Analyzed Intersections

Intersection	Congestion Standard	Peak Hour	Traffic Condition		
			Existing	Background	Total
Veirs Mill Road & Robindale Drive	Aspen Hill 1,475	Morning	1,084	1,113	1,118
		Evening	1,062	1,093	1,098
Aspen Hill Road & Arctic Avenue	Aspen Hill 1,475	Morning	1,343	1,448	1,453
		Evening	967	1,082	1,087
Veirs Mill Road & Aspen Hill Road	Aspen Hill 1,475	Morning	1,250	1,325	1,333
		Evening	1,127	1,197	1,201
Twinbrook Parkway & Veirs Mill Road	North Bethesda 1,550	Morning	1,757*	1,843*	1,855*
		Evening	1,811*	2,002*	2,009*
Twinbrook Parkway & Northern Site Access	Twinbrook 1,800	Morning	923	1,138	1,150
		Evening	1,065	1,332	1,346
Twinbrook Parkway & Southern Site Access	Twinbrook 1,800	Morning	649	802	810
		Evening	983	1,246	1,259
Twinbrook Parkway & Ardennes Avenue	Twinbrook 1,800	Morning	872	1,046	1,057
		Evening	1,008	1,346	1,359
Twinbrook Parkway & Fisher's Lane	Twinbrook 1,800	Morning	716	876	917
		Evening	1,127	1,346	1,431
Fisher's Lane & Western Site Access	Twinbrook 1,800	Morning	237	345	359
		Evening	439	355	656
Fisher's Lane & 5615 Fisher's Lane Site Access	Twinbrook 1,800	Morning	N/A	N/A	136
		Evening	N/A	N/A	228
Parklawn Drive & Wilkins Avenue North	Twinbrook 1,800	Morning	385	485	488
		Evening	512	662	675
Twinbrook Parkway & Parklawn Drive	Twinbrook 1,800	Morning	883	1,453	1,481
		Evening	1,138	1,598	1,628
Twinbrook Parkway & Chapman Avenue	North Bethesda 1,550	Morning	803	1,133	1,171
		Evening	1,083	1,388	1,395
Rockville Pike (MD 355) & Twinbrook Parkway	North Bethesda 1,550	Morning	964	1,267	1,269
		Evening	1,183	1,677*	1,698*

\* This CLV value exceeds the applicable congestion standard

As indicated with an asterisk, the CLV value exceeds the congestion standard of 1,550 CLV for the North Bethesda Policy Area at two intersections -- Twinbrook Parkway/Veirs Mill Road and Rockville Pike/Twinbrook Parkway. The Applicant proposes to satisfy LATR by mitigating 100% of site-generated trips with a non-automobile transportation improvement. The Applicant would contribute \$261,000 for mitigating 100% of vehicular trips towards M-NCPPC's CIP Project No. 048703, Rock Creek Trail Pedestrian Bridge over Veirs Mill Road. This bridge project would provide a safe grade separated crossing of the Rock Creek Trail over Veirs Mill Road, a multilane major highway. The Rock Creek Trail is an off-road regional path

extending from the DC line to Rock Creek Regional Park. The pedestrian overpass bridge is located adjacent to the North Bethesda Policy Area and the regional trail leads towards the Twinbrook Policy Area.

#### Policy Area Mobility Review

Under the current *Growth Policy*, the Policy Area Mobility Review (PAMR) test requires the applicant to mitigate 40% of the net 127 new peak-hour trips generated by the proposed additional commercial development within the weekday morning and evening peak periods. The proposed non-automobile transportation improvement to mitigate the LATR impact would also satisfy PAMR.

EA: tc  
Attachments

cc: Bill Barron  
Pat Harris  
Nancy Randall

mno to Hisel McCoy Braunstein re Fishers Lane 11999043C 82001015D.doc

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Date Mailed: August 3, 2001

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by  
Comm. Perdue with a vote of 4-0;

Comms. Bryant, Holmes, Perdue and  
Wellington voting in favor

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-99043A

NAME OF PLAN: SPRING LAKE PARK

On 04/03/01, TRIZECHAHN TWINBROOK METRO LP submitted an amendment to the previously approved preliminary plan in the I-1 zone. The previous application proposed to create 1 lot previously approved (564,000 square feet of Research and Development and Office Previously Approved; 715,200 square feet of Research and Development, Office and Retail Requested) on 11.82 acres of land. The application was designated Preliminary Plan 1-99043A. On 06/21/01, Preliminary Plan 1-99043A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-99043A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-99043A.

Approval, to revise the previous conditions of approval as follows:

- (1) Submit amended Adequate Public Facilities (APF) agreement with the Planning Board limiting development under this approval to a maximum of 715,200 square feet of General Office, Research and Development (R & D) Office and Retail use (707,200 square feet of general office and R & D office (maximum 306,200 square feet of general office and minimum of 401,000 square feet of R & D office)) and 8,000 square feet of general retail use
- (2) Retain the transportation-related conditions of Preliminary Plan No. 1-99043 as approved by the Planning Board on May 27, 1999, and described in Transportation Planning staff's memoranda dated March 25, and March 19, 1999. The applicable conditions as modified for the current plan are as follows:
  - (A) In the event that the applicant desires to convert any portion of the 401,000 square feet of the research and development use to general office use, further APF review would be required.

- (B) At the intersection of Parklawn Drive and Randolph Road, participate in providing a second southbound left-turn lane on Parklawn Drive and reconfiguring the northbound combination left-turn and (second) through lane to an exclusive left-turn lane on Parklawn Drive. The improvement is one identified to be funded associated with Zoning Case G-745 for the Montgomery County Conference Center which is funded within five years.

Coordinate with the Maryland State Highway Administration's (SHA) project planning study for an interchange at Rockville Pike (MD 355) and Randolph/Montrose Road whose project limits terminate at this intersection. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) regarding the project study for the Montrose Parkway.

- (C) At the intersection of Twinbrook Parkway and Veirs Mill Road, convert the southbound exclusive right-turn lane on Veirs Mill Road to a combination (third) through lane and right-turn lane including a third through receiving lane.

Coordinate with DPWT and SHA, Office of Planning and Preliminary Engineering, regarding a possible "Bus Rapid Transit" project along Veirs Mill Road. The transit project is proposed currently as a conceptual design to add a right-most bus "queue jumper" lane.

Coordinate with SHA regarding a possible future interchange which is currently being considered in lieu of an intersection improvement. No at-grade improvement was found feasible as part of SHA's Congestion Relief Study. The intersection is designated as "candidate intersection" M-20 in category III with no funding for planning or construction.

- (D) Coordinate with DPWT regarding traffic control at the two site accesses from Twinbrook Parkway and the two site accesses from Fishers Lane. Prepare a traffic signal warrant study for the northern site access from Twinbrook Parkway.
- (E) Enter into an agreement with DPWT and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) to satisfy traffic mitigation requirements for both the *North Bethesda/Garrett Park Master Plan* and the APF test of the registered lot-whole property included in the previously approved Pre-Preliminary Plan No. 7-9901.

Participation includes appointing an employee transportation coordinator who would assist in disseminating information on transportation programs and services and participating in the annual employee survey. Coordination is needed to assist the North Bethesda TMD in achieving and maintaining the traffic mitigation goal of the *North Bethesda/Garrett Park Master Plan*.

- (3) Prior to recording of plats, applicant to submit site plan application for plan review and approval. Final building locations, parking facilities plan and internal circulation plan to be reviewed and approved with site plan. Internal landscape and streetscape plan to be submitted and approved with site plan.

- (4) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate
- (5) Access and improvements, as required to be reviewed and approved by MCDPW&T prior to recording of plat(s)
- (6) No clearing grading or recording of plat(s) prior to site plan approval
- (7) Conditions of MCDPS stormwater management approval
- (8) Other necessary easements
- (9) This preliminary Plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (10) The Adequate Public Facilities (APF) review for this preliminary plan will remain valid until June 16, 2011

## Rock Creek Trail Pedestrian Bridge -- No. 048703

Category	M-NCPPC	Date Last Modified	June 17, 2008
Subcategory	Development	Required Adequate Public Facility	No
Administering Agency	M-NCPPC	Relocation Impact	None
Planning Area	Aspen Hill	Status	Bids Let

### EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY07	Est. FY08	Total 6 Years	FY09	FY10	FY11	FY12	FY13	FY14	Beyond 6 Years
Planning, Design, and Supervision	1,412	422	357	633	218	215	200	0	0	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	6,939	0	800	6,139	2,366	2,973	800	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>8,351</b>	<b>422</b>	<b>1,157</b>	<b>6,772</b>	<b>2,584</b>	<b>3,188</b>	<b>1,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### FUNDING SCHEDULE (\$000)

Program Open Space	1,631	0	400	1,231	100	631	500	0	0	0	0
TEA-21	2,368	0	400	1,968	500	1,468	0	0	0	0	0
Transportation Enhancement Program	1,589	0	0	1,589	0	1,089	500	0	0	0	0
G.O. Bonds	2,763	422	357	1,984	1,984	0	0	0	0	0	0
<b>Total</b>	<b>8,351</b>	<b>422</b>	<b>1,157</b>	<b>6,772</b>	<b>2,584</b>	<b>3,188</b>	<b>1,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

WorkYears											
Maintenance				25	0	21	1	1	1	1	1
Program-Staff				110	0	22	22	22	22	22	22

#### DESCRIPTION

The Rock Creek Hiker-Biker Trail extends 15 miles from Beach Drive at the District of Columbia line to Lake Needwood in Rock Creek Regional Park. The trail currently crosses Veirs Mill Road at grade at its signalized intersection with Aspen Hill Road. To the north of Veirs Mill Road, the trail is on-street for approximately 0.2 miles traversing Aspen Hill Road, Adrian Street, Baltic Avenue, and finally the access drive to Aspen Hill Local Park before continuing northward as a trail. The proposed pedestrian bridge will provide a grade separated crossing for the Rock Creek Hiker-Biker Trail over Veirs Mill Road and remove the need for the on-street section described above. It would also provide the opportunity for local residents of the Aspen Hill community to cross Veirs Mill Road on the bridge to access bus transit or other destinations without crossing at grade at the busy intersection of Veirs Mill Road and Aspen Hill Road.

#### COST CHANGE

Increase due to construction bids higher than estimated as a result of escalating industry-wide costs in steel, concrete and wages.

#### JUSTIFICATION

On February 13, 2001, the County Council adopted Resolution 14-773 pertaining to the improvement of Veirs Mill Road/Aspen Hill intersection. Listed among the County Council's recommendations was "accommodation of a potential Rock Creek Hiker-Biker Trail bridge over Veirs Mill Road. The Council will seek State funding for this pedestrian/bicycle bridge."

The Planning Board approved the facility plan on September 11, 2003. Aspen Hill Master Plan, approved 1994. Countywide Plan of Trails, approved 1998.

#### FISCAL NOTE

An FY09 Special Appropriation for \$1,589,000 was approved. The source of funds is a TEP (formerly TEA-21) Grant. This additional appropriation was necessary because of industry-wide cost increases in steel, concrete and wages.

#### OTHER DISCLOSURES

- A pedestrian impact analysis has been completed for this project.
- M-NCPPC asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP																																										
<table> <tr> <td>Date First Appropriation</td><td>FY05</td><td>(\$000)</td></tr> <tr> <td>First Cost Estimate</td><td>FY05</td><td>5,760</td></tr> <tr> <td>Current Scope</td><td></td><td></td></tr> <tr> <td>Last FY's Cost Estimate</td><td></td><td>6,328</td></tr> <tr> <td>Appropriation Request</td><td>FY09</td><td>434</td></tr> <tr> <td>Appropriation Request Est.</td><td>FY10</td><td>0</td></tr> <tr> <td>Supplemental Appropriation Request</td><td></td><td>1,589</td></tr> <tr> <td>Transfer</td><td></td><td>0</td></tr> <tr> <td>Cumulative Appropriation</td><td></td><td>6,328</td></tr> <tr> <td>Expenditures / Encumbrances</td><td></td><td>621</td></tr> <tr> <td>Unencumbered Balance</td><td></td><td>5,707</td></tr> <tr> <td>Partial Closeout Thru</td><td>FY06</td><td>0</td></tr> <tr> <td>New Partial Closeout</td><td>FY07</td><td>0</td></tr> <tr> <td>Total Partial Closeout</td><td></td><td>0</td></tr> </table>	Date First Appropriation	FY05	(\$000)	First Cost Estimate	FY05	5,760	Current Scope			Last FY's Cost Estimate		6,328	Appropriation Request	FY09	434	Appropriation Request Est.	FY10	0	Supplemental Appropriation Request		1,589	Transfer		0	Cumulative Appropriation		6,328	Expenditures / Encumbrances		621	Unencumbered Balance		5,707	Partial Closeout Thru	FY06	0	New Partial Closeout	FY07	0	Total Partial Closeout		0	<p>Facility Planning: Non-Local Parks PDF 958776</p> <p>Trails: Hard Surface Design and Construction PDF 768673</p> <p>Montgomery County Department of Transportation</p> <p>State of Maryland Department of Transportation</p>	<p>See Map on Next Page</p>
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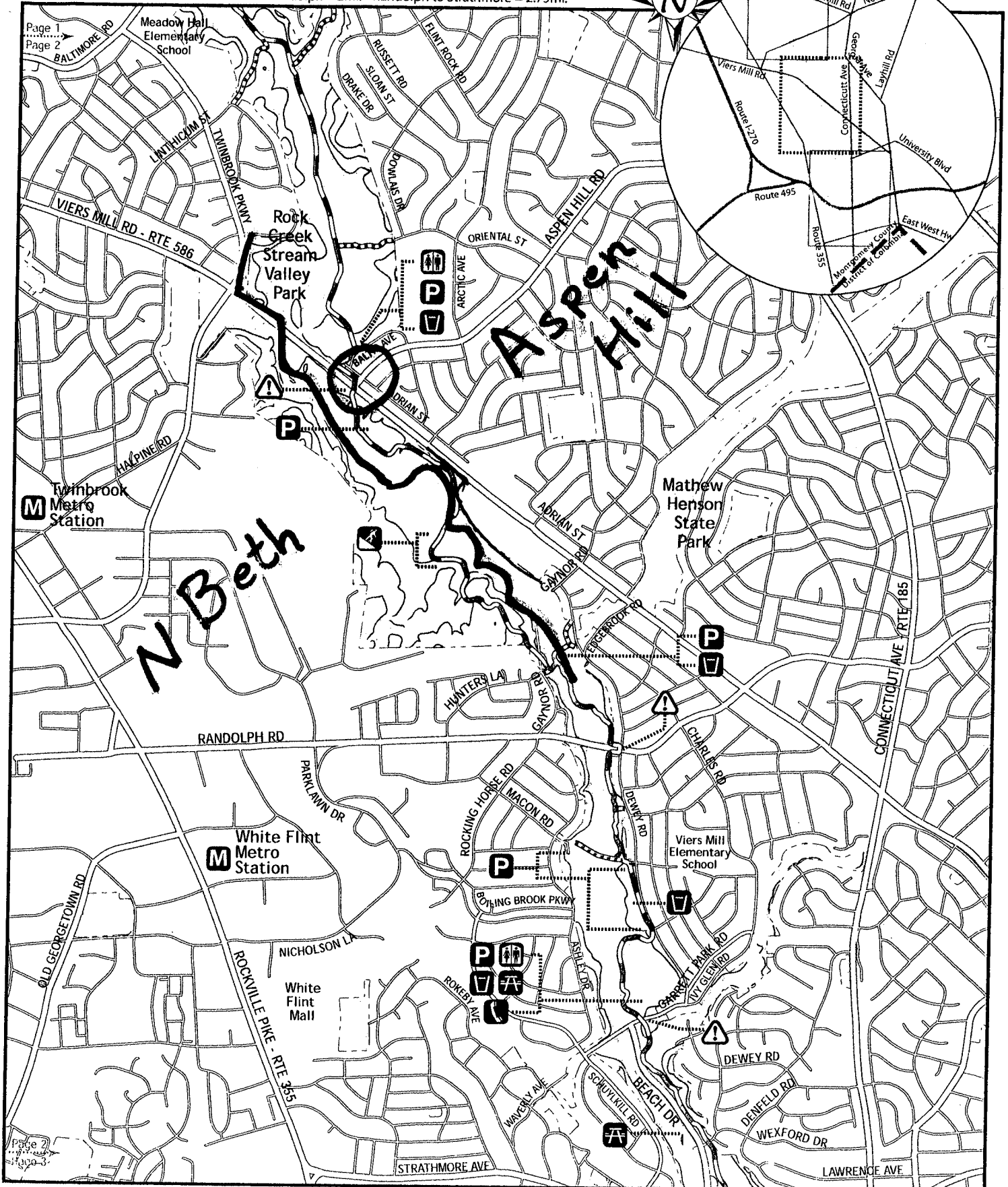


# Rock Creek Trail

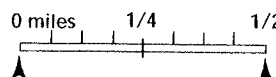
Norbeck to Viers Mill = 2.5mi. Viers Mill to Randolph = 2mi. Randolph to Strathmore = 2.75mi.

Updated: Dec. 02

2 of 3



**Please Note:** Trail Connectors are shown solely for neighborhood access. They may not be part of the main park trail system, and may not be signed or maintained to park standards.



Park Police: 301.949.3010  
(Emergency Only)  
Park Manager: 301.650.2600



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

May 27, 2009

Arthur Holmes, Jr.  
Director

Mr. Edward Axler  
Transportation Planning  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

JUN 02 2009

RE: Local Area Transportation Review/  
Policy Area Mobility Review for  
Fishers Place or Spring Lake Park


Dear Mr. Axler:

We have completed our review of the Traffic Impact Study dated April 23, 2009 for the above referenced project prepared by Wells & Associates, Inc. The site is located in the Twinbrook Policy Area. Based upon the Annual Growth Police map, the studied intersections are in the North Bethesda policy area which has a congestion standard of 1550. We agree that all critical intersections will have acceptable Critical Lane Volumes except for two intersections: Twinbrook Parkway at Veirs Mill Road and Twinbrook Parkway at Rockville Pike. We agree that instead of intersection improvements, LATR is satisfied by mitigating 100% of the primary vehicular peak hour trips generated by the additional development as discussed on page 30 and 31 of the aforementioned TIS, i.e., contributing to MNCPPC's capital improvement program 048703, Rock Creek Trail Pedestrian Bridge, over Veirs Mill Road.

We also agree that Policy Area Mobility Review is satisfied by mitigating 100% of the primary vehicular peak hour trips generated by the additional development which is more than 40% requirement.

Thank you for the opportunity to review this Traffic Impact Study. If you have any questions or comments regarding this letter, please contact Dewa Salihi or Sam Farhadi at (240) 777-2197.

Sincerely,

  
Gregory M. Leck, P.E., Manager  
Development Review Team

M:\subdivision\FARHAS01\TIS\11999043C, Fishers PlaceTIS.doc

cc: Nancy Randall, Wells & Associates  
Sarah Navid, DPS RWPPR  
Gary Erenrich, DOT DO  
Bruce Mangum, DOT TEO  
Sam Farhadi, DOT TEO  
Dewa Salihi, DOT TEO

Division of Traffic Engineering and Operations


101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX  
trafficops@montgomerycountymd.gov




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

**MEMORANDUM**

TO: Neil Braunstein, Planner Coordinator, Development Review/Subdivision  
✓Elza Hisel-McCoy, Planner Coordinator, Development Review/Site Plan

VIA: Stephen D. Federline, Master Planner, Environmental Planning Division 

FROM: Lori Shirley, Planner Coordinator, Environmental Planning Division 

SUBJECT: Preliminary Plan #11999043C and Site Plan Amendment #82001025C  
Fishers Place at Twinbrook Metro, North Bethesda

DATE: June 5, 2009

---

**Recommendation**

Environmental Planning staff recommends **approval** of the above referenced preliminary plan and site plan amendment for Fishers Place at Twinbrook Metro. Plans received on March 12, 2009, contain a slight increase to tree credit in amended Final Forest Conservation Plan (FFCP) in #82001025C. This memorandum supersedes all previous memos from the Environmental Planning Division for Site Plan #82001025C.

**Background, Environmental Resources and Forest Conservation**

The site is located on the east side of Twinbrook Parkway and the south side of Fishers Lane in North Bethesda. The overall site contains 11.82 acres, is zoned I-1 and is improved with several office buildings with integrated parking structures and ground-level parking. The site is also located in the North Bethesda-Garrett Park Master Plan Area.

A Natural Resources Inventory/Forest Conservation Plan (NRI/FSD) #42001251, was approved on March 15, 2001. There are no regulated environmental features on-site such as forest, streams, wetlands, floodplain or steep and severe slopes. The site is located in the Rock Creek watershed, a Use I stream. The site is not located within a Special Protection Area. In 2001, the NRI/FSD showed five trees on-site with diameters at breast-height (dbh) of 24-inches or larger, and one of these trees is a specimen at 30-inches (dbh). All these trees were then in fair or poor condition.

The site has approved Preliminary and Final Forest Conservation Plans in #11999043 and #82001025C, respectively. The site's afforestation requirement is 1.77 acres and was met on-site with credit for existing tree cover and proposed landscaping totaling 1.92 acres. An amended FFCP received by Environmental Planning on March 12, 2009, contains a proposed increase in the landscaping credit to 2.15 acres. Three of 53 proposed shade trees in the public right-of-way on Fishers Lane cannot be counted toward tree credit calculations, since County DPS controls tree species, tree spacing, decisions, etc. Regardless, the site's on-site requirement is met in compliance with the Montgomery County Forest Conservation Law.

SDF:LS



**Fishers Place  
Adequate Public Facilities Extension Request  
Preliminary Plan No. 1-99043C**

**I. Introduction and Background**

In connection with pending Preliminary Plan No. 1-99043C for Fishers Place, the Applicant requests a four-year extension of the Adequate Public Facility (“APF”) validity period. The Resolution approving the first amendment to the Preliminary Plan 1-99043A dated August 3, 2001 provided an initial APF validity period through June 16, 2011. Subsequently, Subdivision Regulation Amendment 09-1, adopted by the District Council on March 31, 2009, automatically extended the APF validity period for two years to June 16, 2013. The requested four-year extension would therefore provide for an APF validity period to June 16, 2017.

**II. Extension Request Complies With Subdivision Ordinance Requirements**

Subdivision Ordinance, Section 50-20(c)(5), sets forth the necessary criteria for an extension request. Set forth below are the relevant provisions and an explanation of how the Applicant satisfies each requirement.

- A. (5)(A) - At least 40% of the approved development has been built  
A total of 62 percent of the approved development (i.e., 481,980 square feet of the 780,000 square feet approved) has been built. Four of the six buildings comprising Fishers Place, as well as the parking structure, have been constructed.
- B. (5)(B) - All of the infrastructure required by the conditions of the original preliminary plan approval has been constructed or payments for its construction have been made.  
All of the required infrastructure improvements have been made, as evidenced by the issuance of the building permits and Use and Occupancy permits for the constructed buildings.
- C. (5)(C) - The development is an “active” project...occupancy permits for at least 5 percent of the project have been issued within the 4 years of the filing of the extension request if 60 percent of the project has been built.

Certificates of Use and Occupancy for at least five percent (i.e., 39,000 square feet) of Fishers Place have been issued since August 29, 2004 (four years prior to the filing of the Preliminary Plan Amendment Application). More specifically:

1. Certificate No. 219757, for 5625 Fishers Lane was issued on October 13, 2004, for floors 2 through 5 of the subject building. Floor 2 contains 23,655 square feet and floors 3-5 each contain 24,215 square feet for a total of 96,300 square feet.
2. Certificate No. 231844, for 5625 Fishers Lane was issued on October 14, 2004, for floor 1 and included 22,605 square feet.

3. A third U&O was issued on April 27, 2005 for the terrace level of 5635 Fishers Lane.<sup>1</sup>

In addition to satisfying the five percent requirement, other activities at Fishers Place provide evidence that the project is an “active project”, including:

1. The demolition permit for 12709/11 issued in September, 2008; and
2. The Fishers Lane street bond released in September, 2008.

### III. Additional Factors Justifying Extension

Other factors to consider justifying the extension request that are not set forth in the Subdivision Ordinance include the following:

- A. The Twinbrook Sector Plan was only just adopted in December, 2008. The Applicant closely followed the process and delayed filing the Preliminary Plan and Site Plan Amendments until the process was complete, in order to ensure that the newly adopted Sector Plan continued to include and support the Fishers Place development as part of its “Technology Employment Area”.
- B. The current state of the economy has made it necessary for U.S. Pharmacopeia (“USP”) as the non-profit contract purchaser of the 12709/11 Twinbrook Parkway site, and JBG in connection with the 5615 Fishers Lane site, to seek greater flexibility in connection with the future development. Both entities are committed to their respective buildings. In the case of 5615 Fishers Lane, JBG needs sufficient time to identify a tenant and most importantly, to secure the necessary financing to construct the respective buildings. In the case of 12709/11 Twinbrook Parkway, USP needs sufficient time to adequately plan, stage and finance the new building that will provide a logical extension of its recently completed research headquarters on the adjacent property.

In terms of the extension request to June 16, 2017, Section 50-20(c)(8) provides that an extension of up to six years is permissible if the development provides at least 150,000 square feet or more. The total approved density for Fishers Place is 780,000 square feet, thus well exceeding this requirement.

### IV. Phasing Plan

The overall Fishers Place phasing plan consists of two phases. The first phase involved the completion of the first four buildings known as 12725 Twinbrook Parkway, 12735 Twinbrook Parkway, 5625 Fishers Lane and 5635 Fishers Lane. The second and final phase will involve the development of 5615 Fishers Lane and 12709 Twinbrook Parkway. The development of both of these buildings will occur after the approval of the Preliminary and prior to the expiration on June 11, 2017 of the proposed extended APF validity period.

---

<sup>1</sup> The Applicant does not have the square footage for this terrace level area readily available, but given that the other two U&Os exceed the 39,000 s.f. requirement, this information does not appear necessary.

The development of 5615 Fishers Lane will require the pre-leasing of approximately 50 percent of the building; securing the necessary financing; preparing the construction documents; and obtaining the building permit. At this time, JBG is actively marketing 5615 Fishers Lane with the goal of securing tenants for the building. To this end, they are responding to Requests for Proposal and approaching both government agencies and government contractors with the goal of relocating an existing establishment to the Property or attracting a newly formed establishment.

With respect to 12709 Twinbrook Parkway, the requested APF extension will allow for USP to conduct thorough and feasible planning and staging and secure financing for the construction of the new space to consolidate (and expand) its research-oriented offices with its existing research, development, lab and meeting space recently completed on the adjacent property. USP needs the certainty of the APF extension request to move forward with its implementation for the 12709/11 Twinbrook Parkway property within this reasonable timeframe for this important and significant headquarters consolidation endeavor in the current economic climate. The development of the 12709/11 Twinbrook Parkway property has been anticipated as the background for this area and included within the projections (and images) for the Twinbrook Sector Plan as future development. This APF extension request is within the public interest because it is consistent with the public expectations regarding the Fishers Place build-out, it provides some certainty and feasibility for the construction and extension of the important USP research office use for this Technology Employment Area, and because the transportation improvements and programs, including Traffic Mitigation Agreements, have already been implemented for the entire Fishers Place project.

#### V. Conclusion

Based on the justification set forth above, we respectfully request approval of the four-year APF extension to June 16, 2017.