



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

Item # _____
MCPB 4/26/07

MEMORANDUM

DATE: April 3, 2006

TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Robert Kronenberg, Acting Supervisor
 Development Review Division

FROM: Joshua Sloan *JS*
 Development Review Division
 (301) 495-4597



REVIEW TYPE: Limited Site Plan Amendment
 PROJECT NAME: Arlington East
 CASE #: 82004014A

APPLYING FOR: Site plan amendment to redesign several site features and details.
 REVIEW BASIS: Div. 59-D-3.7.

ZONE: C-2
 LOCATION: Arlington Road between Bethesda Avenue and Elm Street.
 MASTER PLAN: Bethesda CBD Sector Plan

APPLICANT: Federal Realty Investment Trust
 FILING DATE: May 15, 2006
 HEARING DATE: April 26, 2007

STAFF RECOMMENDATION: Approval of the proposed amendments to Site Plan 820040140.

BACKGROUND

Original Preliminary Plan Approval

Preliminary Plan 120040410 was approved with conditions by the Planning Board on July 25, 2004 for 180 housing units and 65,000 square feet of retail on 2.5 acres in the C-2 Zone.

Original Site Plan Approval

Site Plan 820040140 was approved with conditions by the Planning Board on July 25, 2004 for 180 housing units, including 23 MPDUs, and a maximum of 65,000 square feet of commercial use. The proposed building, currently under construction, is five stories with the first floor devoted to retail and restaurant use, including a mezzanine retail space. The second through fifth floor are devoted to residential units and recreation amenities. Parking for the development is provided in a two-level garage below grade and is accessed from Elm Street. The primary entrance to the residential units is located on Arlington Road and an interior street, Festival Street, provides additional access and loading space for the residences as well as further retail and café areas. The Bethesda Row Streetscape is provided along the Bethesda Avenue and Elm Street frontages, while the Bethesda Streetscape is provided along Arlington Road.

Conformance to Conditions of Approval

The proposed development shall comply with the conditions of approval for Preliminary Plan 120040410 and Site Plan 820040140 as listed in the Planning Board opinion dated July 25, 2004 except as modified by this amendment. Further, the applicant shall construct the proposed development in accordance with the Certified Site Plan and Site Plan Enforcement Agreement except as modified by this amendment.

PROPOSED AMENDMENTS

Attachments

- A. Vicinity Map
- B. Site Plan

The applicant, Federal Realty, filed the subject site plan amendment 82004014A on May 15, 2006. The proposed amendment requests the following modifications:

Revisions triggered by aesthetic and operational factors:

1. Revise bollard design to replace retractable bollards with removable bollards.
2. Redesign fountain at the corner of Arlington Road and Bethesda Avenue.
3. Replace overhead light fixtures with a more stylish fixture.
4. Revise photometrics to reflect new fixture.

5. Replace brick paving on Festival Street with granite cobbles in a fan pattern.
6. Revise width of lanes and sidewalks in Festival Street to provide for 10-foot sidewalk, 10-foot drive aisle, and 8-foot sidewalk.
7. Expand Festival Street driveway apron on Bethesda Avenue to allow for truck parking when Festival Street is closed.
8. Revise loading dock on Festival Street to be a man door.
9. Remove tower feature at corner of Elm Street and Arlington Avenue to reduce height at corner.
10. Reduce main elevator penthouse height by 8 feet, 6 inches.
11. Decrease projection of residential units above the retail stores along the west side of Festival Street approximately 6 feet from the face of the retail to open the street more to the sky.
12. Widen the pedestrian corridor between Festival Street and Garage 57 from 10 feet to approximately 12 feet.
13. Add light fixture and elevation embellishment at eastern façade opening of Festival Street and Garage 57.
14. Straighten Festival Street loading area and reduce size of roll-up door.
15. Establish Café Zones on Elm Street, Bethesda Avenue, and Arlington Road.
16. Install light post on Bethesda Avenue within right-of-way.
17. Include “Environmental Graphics”.
18. Refine facades and provide detail of materials.
19. Replace one of the four loading docks in the Elm Street loading area with retail space and restrict the loading time to 7am to 5pm M-F and 10am to 5pm S-S on Festival Street.

Revisions triggered by County requirements:

1. Eliminate two trees on Elm Street to accommodate storm drain structures.
2. Revise materials of lay-by on Arlington Avenue.
3. Relocate Stair No.6 egress (at southwest corner of building) from Bethesda Avenue to Festival Street.
4. Delineate northern (private) terrace on Arlington Road on the 2nd floor with permanent fencing per fire egress code.
5. Reduce radius of curve of building at corner of Elm Street and Arlington Avenue to ensure that the balconies are within the property line boundary.
6. Depress curb between existing loading dock and proposed loading dock on Elm Street and replace concrete with brick pavers.
7. Add “No Stopping” signs on Elm Street.

Revised Development Standards

The only change to the approved development standards is an increase of 0.2% to the Green Area provided.

SITE PLAN REVIEW ISSUES

Café Zones and Site Distance

A member of the community, Jim Humphry, has raised a concern about pedestrian safety in and around the café zones, particularly where they are adjacent to vehicular ingress and egress points on Elm Street. This has brought about a further concern that the drivers themselves might not have sufficient site distance to safely exit the site onto Elm Street.

Site distance diagrams have been reviewed by MNCPPC staff and the Montgomery County Department of Permitting Services (DPS) staff and the site distances exceed the requirements for safe egress from the parking garage.

To mitigate the potential vehicular/pedestrian conflicts the applicant has added signage notifying drivers coming out of the garage that pedestrians are present; has limited turns onto Elm Street to right only; has maintained the pedestrian sidewalk patterning across all vehicular crossings; and, added signage so that no vehicles will be allowed to stop along the southern side of Elm Street, which would only aggravate the situation. Staff has analyzed the issue and other sites with similar conditions and is of the opinion that the plan is safe and adequate.

Loading & Deliveries on Elm Street

Attachments

C. Letter from Holland & Knight

Condition 3.c.iii. of the original Site Plan Opinion dated June 25, 2004 requires that the applicant, “Work with the owner of the property on the north side of Elm Street in an effort to develop a schedule for staggered loading and delivery times for business on Festival Street and for vehicles requiring use of the loading docks.” Staff has met with the applicant, the adjacent property owner, Mr. Draiman, and DPS to discuss this schedule. After months of negotiations, MNCPPC and DPS staff believe the attached proffer by the applicant is sufficient to address the adjacent property owner’s concerns, while maintaining a safe, efficient, and viable development.

The key points of the applicant’s proposal:

1. Create and appropriately post Loading and Service maps which illustrate the loading and service areas for each entity’s properties, including applicable County regulated restrictions on loading and delivery times.
2. Require designated on-site staff for the respective Draiman [adjacent property owner] and Federal Realty properties to periodically inspect Elm Street on a daily basis to identify and respond to any problems that arise from truck delivery use.
3. Provide information to all commercial tenants outlining authorized delivery hours, as well as specific procedures for the use of Hagar Lane [which is on land owned

- by Federal Realty] for queuing if all loading bays are full.
4. Restrict tractor trailer deliveries to between the hours of 5:00 p.m. and 2:00 a.m. and deliveries on Festival Street to Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday through Sunday from 10:00 a.m. to 5:00 p.m.
 5. Require all residential move-ins for the Project to be scheduled with the on-site residential manager.

These are among other measures taken by Federal Realty to address the loading issues and potential congestion on Elm Street.

PUBLIC NOTICE

Attachments

- D. Notice of Application

A Notice of Application regarding the subject site plan amendment was sent to all parties of record by the Applicant on May 21, 2005. Staff had meetings with the adjacent property owner to the north and one member of the community as described in the Site Plan Issues Section above. We did not receive any other inquiries or comments regarding this amendment.

STAFF RECOMMENDATION

Attachments

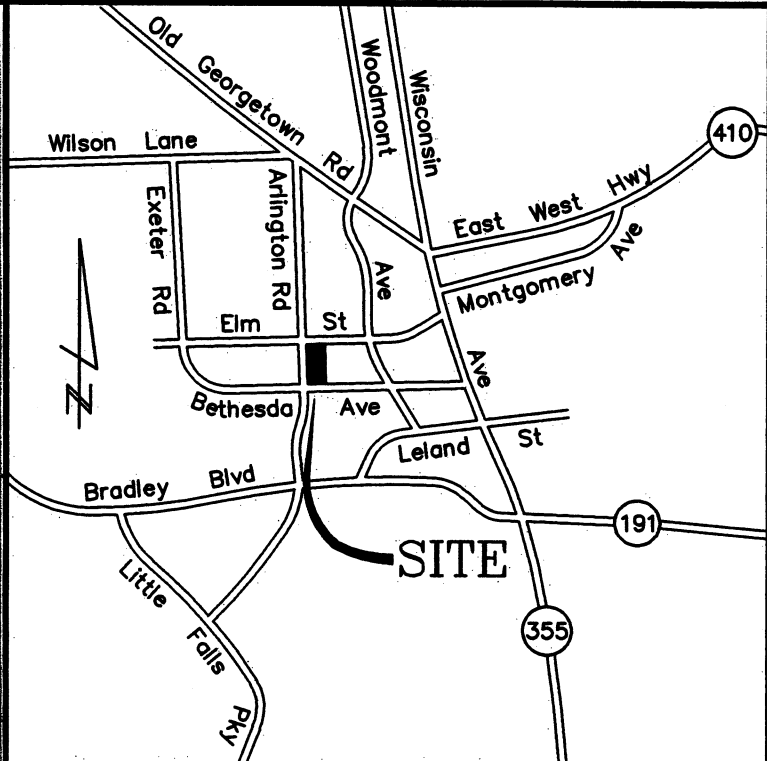
- E. Community Based Planning Memorandum
- F. Department of Permitting Services Stormwater Management Concept Approval
- G. Fire Marshall Approval

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval. In fact many of the cosmetic and artistic enhancements will greatly benefit the final aesthetics of the project and the Café Zones will enhance street life in the vicinity. Further, the measures taken with regard to the loading areas and delivery schedules will ensure that the proposed development is safer and more efficient. Staff, therefore, regards these amendments as acceptable given the intent and initial objectives of the approved site plan. Last, these modifications do not affect the compatibility of the development to its surrounding neighborhood. Staff, therefore, recommends **approval** of Site Plan Amendment 82004014A.

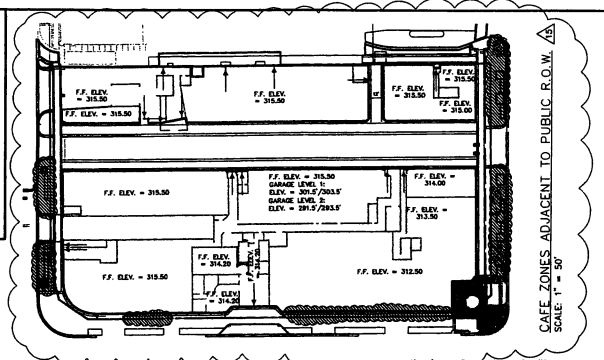
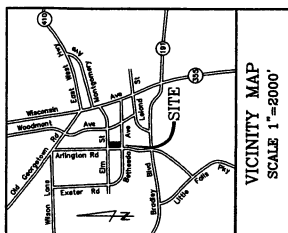
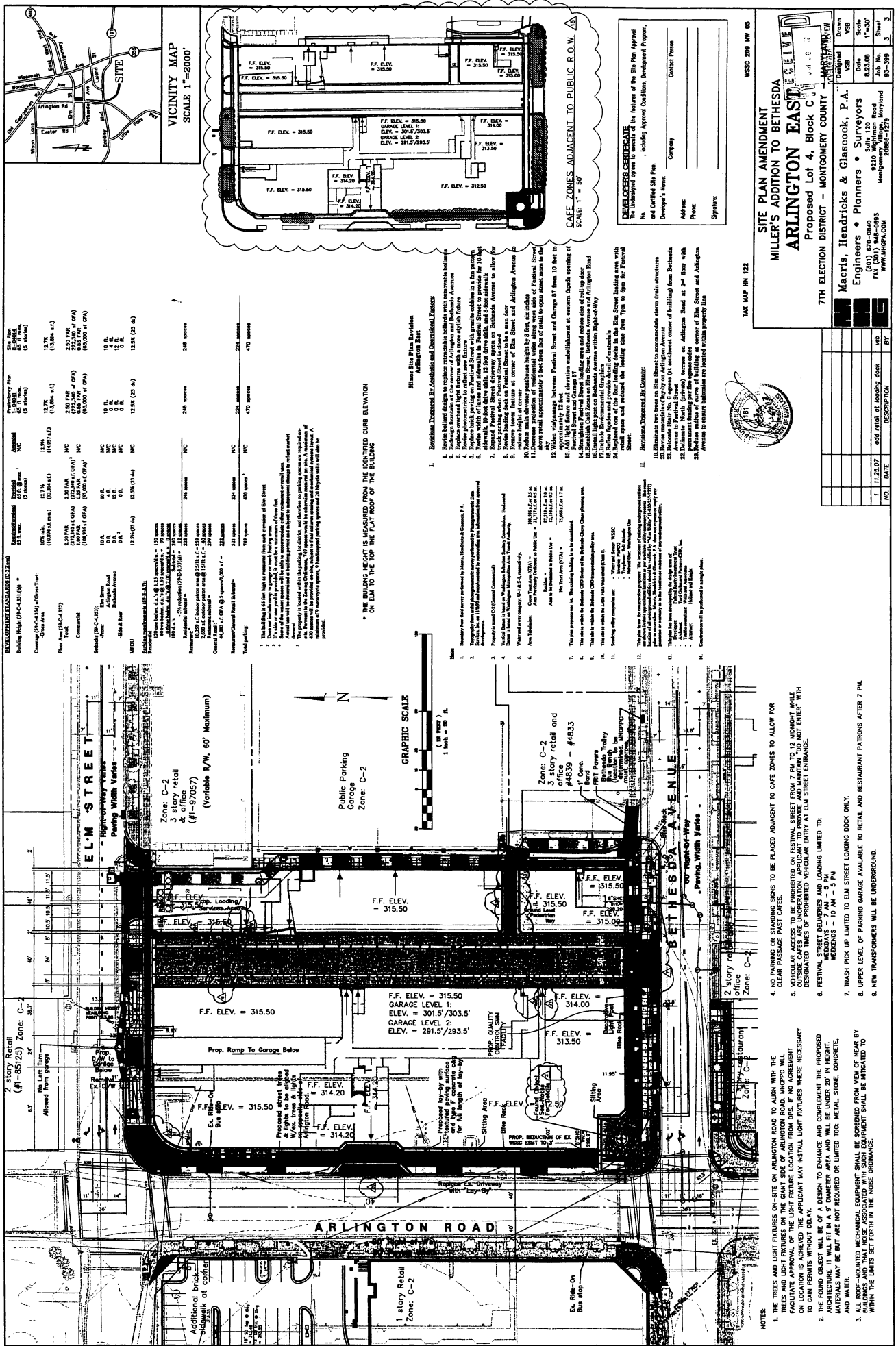
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VICINITY MAP
SCALE 1"=2000'



PERFORMANCE STANDARDS (S.D.S.)

Building Height (ft) - (ft) (ft)	Wind Speed (ft/min)	Wind Pressure (psf)	Seismic Zone	Seismic Coefficient	Seismic Force (kips)	Seismic Moment (k-ft)	Seismic Displacement (in)	Seismic Drift (in)
100 ft	127.4	12.74	MC	0.12	12.74	12.74	12.74	12.74
150 ft	152.8	15.28	MC	0.15	15.28	15.28	15.28	15.28
200 ft	178.2	17.82	MC	0.18	17.82	17.82	17.82	17.82
250 ft	203.6	20.36	MC	0.21	20.36	20.36	20.36	20.36
300 ft	229.0	22.90	MC	0.24	22.90	22.90	22.90	22.90
350 ft	254.4	25.44	MC	0.27	25.44	25.44	25.44	25.44
400 ft	279.8	27.98	MC	0.30	27.98	27.98	27.98	27.98
450 ft	305.2	30.52	MC	0.33	30.52	30.52	30.52	30.52
500 ft	330.6	33.06	MC	0.36	33.06	33.06	33.06	33.06
550 ft	356.0	35.60	MC	0.39	35.60	35.60	35.60	35.60
600 ft	381.4	38.14	MC	0.42	38.14	38.14	38.14	38.14
650 ft	406.8	40.68	MC	0.45	40.68	40.68	40.68	40.68
700 ft	432.2	43.22	MC	0.48	43.22	43.22	43.22	43.22
750 ft	457.6	45.76	MC	0.51	45.76	45.76	45.76	45.76
800 ft	483.0	48.30	MC	0.54	48.30	48.30	48.30	48.30
850 ft	508.4	50.84	MC	0.57	50.84	50.84	50.84	50.84
900 ft	533.8	53.38	MC	0.60	53.38	53.38	53.38	53.38
950 ft	559.2	55.92	MC	0.63	55.92	55.92	55.92	55.92
1000 ft	584.6	58.46	MC	0.66	58.46	58.46	58.46	58.46

MINOR SITE PLAN REVISIONS

Revised	Original	Description
1	1	Revised building design to include accessible building with accessible entrance.
2	2	Revised building design to include accessible building with accessible entrance.
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REVISIONS

1. Revised building design to include accessible building with accessible entrance.
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DEVELOPER'S CERTIFICATE

No. _____

City of Bethesda, Maryland

County of Montgomery, Maryland

Address: _____

City: _____

State: _____

Zip: _____

Project Name: _____

Site Plan No. _____

Scale: _____

Date: _____

Job No. _____

Sheet No. _____

Project No. _____

Project Name: _____

City: _____

State: _____

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Project Name: _____

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State: _____

Zip: _____

SITE PLAN AMENDMENT

MILLER'S ADDITION TO BETHESDA ARLINGTON EAST

Proposed Lot 4, Block C, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

7TH ELECTION DISTRICT - MONTGOMERY COUNTY, MARYLAND

Mactris, Hendricks & Glascock, P.A.

Engineers • Planners • Surveyors

(301) 970-0840
1400 Rockville Road
Montgomery Village, Maryland 20884-1275
WWW.MHPA.COM

WSSC 200 NW 03
TAX MAP HM 122

NO. DATE DESCRIPTION

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NOTES

1. THE TREES AND LIGHT FIXTURES ON-SITE ON ARLINGTON ROAD TO ADJACENT TO ALLOW FOR CLEAR PASSAGE PAST CAR.
2. VEHICULAR ACCESS TO THE GARAGE SHALL BE PROHIBITED ON FESTIVAL STREET FROM 7 PM TO 12 MIDNIGHT WHILE DESIGNATED TIMES OF PROHIBITED VEHICULAR ENTRY AT ELM STREET ENTRANCE.
3. FESTIVAL STREET DELIVERIES AND LOADING LIMITED TO: WEDNESDAYS - 10 AM - 5 PM
4. TRASH PICK UP LIMITED TO ELM STREET LOADING DOCK ONLY.
5. UPPER LEVEL OF PARKING GARAGE AVAILABLE TO RETAIL AND RESTAURANT PATRONS AFTER 7 PM.
6. NEW TRANSFORMERS WILL BE UNDERGROUND.
7. ALL ROOF-MOUNTED MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW OF NEARBY ADJACENT PROPERTY. SCREENING SHALL BE INITIATED 10' WITHIN THE LIMITS SET FORTH IN THE WASTE ORDINANCE.
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Patricia A. Harris
301 215 6613
patricia.harris@hklaw.com

February 2, 2007

VIA E-MAIL AND FIRST CLASS MAIL

Mr. Lewis R. Schumann
Miller, Miller & Canby
200 B Monroe Street
Rockville, MD 20850

Re: Site Plan Amendment No. 82004014A

Dear Mr. Schumann:

Thank you for your recent e-mail following up on our January 9, 2007 meeting attended by representatives of Federal Realty Investment Trust ("Federal Realty") and Draiman Properties LLC ("Draiman"), wherein the Draiman concerns regarding the loading conditions on Elm Street were discussed.

The purpose of this letter is to proffer as you noted "**a workable plan**" in an effort to address certain concerns and ensure to our best collective abilities that the thriving Elm Street corridor will not unnecessarily be congested as a result of loading requirements. Through the implementation of specific cooperative measures described below, we believe that the concerns expressed regarding the loading can be addressed to the mutual benefit of both ownership parties. These measures will also take into consideration the safety and welfare of those driving the streets and walking the sidewalks.

As we discussed during the meeting, the Arlington East Project is approved for 180 residential units and 65,000 square feet of commercial space of which only 44,000 square feet is being built. In connection with the Site Plan approval, five loading docks were approved (which include two full-sized docks with direct access to Elm Street, and a fifth loading dock located on Festival Street). By way of comparison, the guidelines of the Montgomery County Department of Permitting Services require that only four loading docks (with one full-sized dock) be provided for the Project's uses. Because the loading area along Elm Street, which spans approximately 64 feet (inclusive of the loading bay on the Federal Realty owned property immediately to the east of Arlington East), would detract from the otherwise lively urban street experience that will be created by the future Arlington East Project and the existing Draiman Shoppes of Bethesda, we discussed amending the Site Plan to convert the westernmost loading bay into street retail space. Not only will this alteration help to create a more pedestrian-friendly

experience on Elm Street, it will significantly improve both sides of Elm Street from a visual standpoint.

Given that the Project will provide four loading bays, consistent with the County's guidelines, and given further that approximately 70 percent of the commercial uses in the Project will be "dry uses" with minimal loading needs, Federal Realty is more than confident that there will be adequate loading on-site with no or only minimal, loading conflict on Elm Street. Nonetheless, in an effort to address a remote "worst case scenario" and to assist in the prevention of congestion on Elm Street, the following measures on behalf of both Federal Realty and Draiman are suggested:

1. Create and appropriately post Loading and Service Maps which illustrate the loading and service areas for each entity's properties, including applicable County regulated restrictions on loading and delivery times;
2. Require designated on-site staff for the respective Draiman and Federal Realty properties to periodically inspect Elm Street on a daily basis to identify and respond to any problems that arise from truck delivery use;
3. Relocate loading for all Draiman tenants with access from Hampden Lane to Hampden Lane – only those Draiman tenants without Hampden Lane loading access would be permitted to load from Elm Street;
4. Federal Realty to improve Hager Lane to accommodate truck queuing by striping designated truck loading and lay-over zones, subject to County approval; and
5. Provide information to all commercial tenants outlining authorized delivery hours, as well as specific procedures for the use of Hager Lane for queuing if all loading bays are full. As a matter of practice, Federal Realty currently issues to their tenants Rules and Regulations for loading and other operational issues and will be doing so for all of its Arlington East tenants. It would be helpful to the district loading needs if Draiman would do the same with their tenants in the future. Federal is also willing to deliver on a quarterly basis to their tenants a "Loading Location Reminder Notice" as a means to proactively manage the loading needs of tenants and minimize loading issues on Elm Street. Likewise, it would be helpful for Draiman to provide the same quarterly notice.

These measures are in addition to the following measures previously agreed to by Federal Realty:

1. Restrict tractor trailer deliveries between the hours of 5:00 p.m. and 2:00 a.m.;

Mr. Lewis R. Schumann

February 2, 2007

Page 3

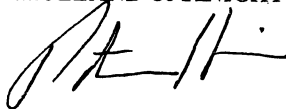
2. Restrict other deliveries on Festival Street to Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday through Sunday from 10:00 a.m. to 5:00 p.m. pursuant to the previously approved Site Plan;
3. Provide signage on Elm Street and Festival Street indicating hours for commercial deliveries; and
4. Require all residential move-ins for the Project to be scheduled with the on-site residential manager.

As all the parties agreed at our meeting that minimizing loading congestion on Elm Street is in the mutual best interest of both Draiman and Federal Realty. We believe that the measures outlined herein will enhance Elm Street's vitality, minimize loading congestion, and provide a safer place for visitors of Bethesda. Should you have any questions or require additional information, please do not hesitate to contact us.

We look forward to hearing from you on this matter.

Sincerely,

HOLLAND & KNIGHT LLP



Patricia A. Harris

cc: Mr. John Tschiderer
Ms. Emily Groome

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Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

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NOTICE OF APPLICATION
ADJACENT AND CONFRONTING PROPERTY OWNERS
APPLICATION TO BE CONSIDERED BY
THE MONTGOMERY COUNTY PLANNING BOARD

Name of Plan Arlington East

Plan Number [REDACTED]

Current Zoning C-2

Number of Proposed Lots/Area Included 1

Geographical Locations NE intersection of Arlington Road &
Bethesda Avenue

The above referenced plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code.

A copy of the proposed plan is enclosed. This plan may change because of specific reviews and changes suggested by M-NCPPC and other county and state agencies. If you have any comments, please send them to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910-3760.

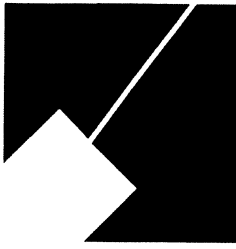
The Montgomery County Planning Board will hold a public hearing on the above referenced plan application to obtain public comment. Written notification of the public hearing date will be sent to you no later than ten days before the hearing

If you have any questions, please contact the Park and Planning Commission's Development Review Division at (301) 495-4595.

Sincerely,

Vic Bryant

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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

September 5, 2006

MEMORANDUM

TO: Laxmi Srinivas, Development Review Division

FROM: Marilyn Clemens, Community-Based Planning Division

SUBJECT: Arlington East Amendment
82004014A

Community-Based Planning supports the proposed changes to the approved site plan for Arlington East. The amendment will authorize necessary changes to the site plan approval.

Members of the community have raised concerns about pedestrian passage along the Elm Street frontage. It is very important to assure clear access for all pedestrians along this side of the project and to provide as many shade trees as possible. Because of the presence of many utilities and two driveways, the locations for trees are at a minimum. We give a higher priority to safe, shaded and comfortable sidewalks for all pedestrians than the ability to have another café zone between a driveway entrance and a loading dock.

MC:tv: G\Clemens\Arlingtoneastamendment.doc

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: August 25, 2006

MEMO TO: Michael Ma, Supervisor
Development Review Committee, MNCPPC

FROM: David Kuykendall
Senior Permitting Services Specialist
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 82004014A, Arlington East
Project Plan #
Preliminary Plan # 1-99088, DPS File # 1-99088
Subdivision Review Meeting of August 28, 2006

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both
- CPv < 2cfs, not required
- On-site/Joint Use Central (Regional): waived to
 - Existing Concept Approved June 16, 1999
- Waiver: CPv WQv Both
 - Approved on June 16, 1999

Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
- Separator Sand Filter Non Structural Practices Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site Yes No Possibly

- Provide source of the 100Year Floodplain Delineation for DPS approval:
- Source of the 100-Year Floodplain is acceptable.
- Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
- Dam Breach Analysis: Approved Under Review:
- 100-Year Floodplain study: Approved Under Review:

SUBMISSION ADEQUACY COMMENTS:

- Provide verification of Downstream notification.

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter)
- Incomplete; recommend not scheduling for Planning Board at this time.
- Hold for additional information. See below
- Comments/Recommendations: Site is under construction per permit # 207207.

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01



FIRE MARSHAL COMMENTS

DATE: 9-22-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240 777 2436
RE: ARLINGTON EAST #8-2004014A

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 9-22-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services