



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

**MCPB #**  
**MCPB 9-27-07**

**MEMORANDUM**

DATE: September 14, 2007  
 TO: Montgomery County Planning Board  
 VIA: Rose Krasnow, Chief *RK*  
 Development Review Division  
 FROM: Robert A. Kronenberg, Acting *RKA*  
 Supervisor  
 Development Review Division  
 (301) 495-2187



REVIEW TYPE: **Limited Site Plan Amendment**  
 CASE #: **82001017C**  
 PROJECT NAME: White Flint Place  
 APPLYING FOR: Amendment to 1) convert 2,400 square feet of existing floor area in Phase 2A residential building (The Gallery) to auxiliary retail uses; 2) clarify building setbacks and heights; 3) correct the calculation for public use space in Phase 2B (The Sterling) to account for changes to the property right-of-way; 4) modify the design of the entry monuments; and 5) modify location of light poles along Old Georgetown Road and Rockville Pike; and 6) include one additional handicapped space on the northern side of the Phase 2B building.

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: TS-M

LOCATION: Located in the northeast quadrant of the intersection of Rockville Pike and Old Georgetown Road

MASTER PLAN: North Potomac/Garrett Park Master Plan

APPLICANT: Rock Spring Park, LLC c/o Opus East LLC

FILING DATE: December 11, 2006

HEARING DATE: September 27, 2007

## **BACKGROUND**

### Development Plan

Local Map Amendment Case No. G-726 was approved on September 10, 1996 by the Montgomery County Council sitting as the District Council (Resolution No. 13-654). The property was separated into two phases, including the Windsor Villa Apartments. This development was rezoned from the R-90 Zone to the TS-M Zone.

### Development Plan Amendment

Development Plan Amendment Case No. DPA-01-1 was approved on January 16, 2001 by the Montgomery County Council sitting as the District Council (Resolution No. 14-735). This amendment created Phase 2, approving two 16-story residential towers and one 10-story office building with lower level retail with a total FAR of 2.4.

### Development Plan Amendment

Development Plan Amendment Case No. DPA-04-1 was approved on March 30, 2004 by the Montgomery County Council sitting as the District Council (Resolution No. 15-564). This amendment changed the use of the office/commercial to residential/commercial uses.

### Site Plans

The Site Plan (820010170) for White Flint Place was presented to the Planning Board on April 19, 2001 (Planning Board Opinion dated May 21, 2001) in two phases for approval of 453 multi-family dwellings and related amenities (Phase 2A) in 499,957 square feet, and 252,799 square feet of non-residential development, including office, café and non-FAR commercial space. The Certified Site Plan was approved on December 7, 2001.

Site Plan Amendment (82001017A) for White Flint Place was presented to the Planning Board on February 27, 2003 (Planning Board Opinion dated May 23, 2003) for approval of office/commercial uses to residential/commercial uses, specifically up to 244,55 square feet of residential with 235 dwelling units, plus up to 15,000 square feet of ground floor commercial space.

Site Plan Amendment (82001017B) for White Flint Place was presented to the Planning Board on May 27, 2004 (Planning Board Opinion dated June 1, 2004) for approval of office/commercial uses to residential/commercial uses, specifically up to 249,55 square feet of residential with 235 dwelling units, plus up to 15,000 square feet of ground floor commercial space. The Certified Site Plan was approved on December 3, 2004.

## **STAFF RECOMMENDATION:**

Staff recommends **Approval** of the Site Plan Amendment (82001017C). The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan No. 82001017B remains in full force and effect, except for the following modifications:

- 1) Convert 2,400 square feet of existing floor area in Phase 2A residential building (The Gallery) to auxiliary retail uses;
- 2) Clarify building setbacks and heights;

- 3) Correct the calculation for public use space in Phase 2B (The Sterling) to account for changes to the property right-of-way;
- 4) Modify the design of the entry monuments and tree pit details;
- 5) Relocate light poles along Rockville Pike and Old Georgetown Road; and
- 6) Include one additional handicapped space on the northern side of the Phase 2B building.
- 7) Comply with the recommendations in the Transportation Planning memorandum dated May 25, 2007 (Attachment B).

### **Analysis of the Limited Amendment**

#### **Applicant's Position**

The Applicant has requested several modifications to the approved site plan in order to accommodate a change to the existing floor area for auxiliary ground floor retail use, clarify setbacks and height for two previously approved buildings, correct the calculation of public use space attributed to the site and modify details for site features.

The proposed amendment is a result of the need for additional retail space site design and detail modifications as a result of site conflicts and construction practices associated with the building. The height and setbacks for the two buildings are in compliance with the TS-M Zone and provides detailed accounting for the dimensions and mass.

#### **Staff Position**

The modifications to the plan include the conversion of 2,400 square feet of floor area for auxiliary retail in Phase 2A, which is referenced as The Gallery building. The additional retail will add to the mixed-use vitality of the area and encourage pedestrian interaction among residents. The additional retail was recently approved as part of the preliminary plan.

The public use space along Rockville Pike has been corrected to reflect accurate property right-of-way as a result of a technical error in calculation. The public use space for the overall site was reduced by 1,543 square feet but is still in conformance with the TS-M Zone for 10% public use space. The overall requirement of 30% public use space, including active and passive recreation, is being met as required by the zoning ordinance.

The height of the two buildings was identified on the approved plan as 16-18 stories with no specific height in feet proposed. The amendment clarifies the height of The Gallery (Phase 2A) as being 160 feet for the east and west wing and 175 feet for The Sterling (Phase 2B). The setbacks have been identified for both buildings on the amended plans for the front, side and rear dimensions. The plan is in conformance with the TS-M Zone, which does not specifically call out setbacks or height, rather they are to be determined at site plan. This amendment clarifies in detail the exact height and dimensions for the two buildings.

The entry monuments to the buildings have been replaced with a design that is in keeping with the character of the building and the detail for the light fixtures along Rockville Pike and Old Georgetown Road has been updated to provide consistency for the streetscape. Lastly, the light pole locations along Rockville Pike were relocated as a result of existing overhead wires. The new pole locations are shown on the plan and placed closer to the walkway.

A handicapped parking space was provided at the northern end of The Sterling Building (Phase 2B) for ADA compliance.

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.

Staff recommends **approval** of the requested modifications to Site Plan 82001017C.

#### ATTACHMENTS

- A. Letter from the Applicant dated December 11, 2006 and June 1, 2007
- B. Memoranda from agencies
- C. Site Vicinity Map

**ATTACHMENT A**

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

December 11, 2006

**Emily J. Vaias**  
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**Anne C. Martin**  
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amartin@linowes-law.com

**BY HAND DELIVERY**

Mr. Michael Ma  
Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Ms. Catherine Conlon  
Maryland- National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Site Plan and Preliminary Plan Amendment - White Flint Place  
Proposed Auxiliary Retail/Commercial use of 2,400 square feet

Dear Mr. Ma and Ms. Conlon:

On behalf of the Applicant, the Donohoe Companies (the "Applicant"), we are submitting this Minor Site Plan Amendment and Preliminary Plan Amendment for the White Flint Place project. The proposed amendment is to allow for a total of 2,400 square feet of commercial/retail space in the existing residential buildings in Phase 2A of the project. The proposed amendment will not impact the overall square footage of the buildings nor will it affect traffic or the parking already available in the underground garage. A more detailed discussion for the proposed amendment follows.

We have included herewith the following documents and plans:

1. Completed Application for Minor Site Plan and Preliminary Plan Amendment.
2. Three (3) copies of the Site Plan Amendment.
3. Three (3) copies of the Preliminary Plan Amendment.
4. Check in the amount of \$5,970.00 to cover the filing fees.

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4. List of Adjoining & Confronting Property Owners/Associations with 2 sets of mailing labels.
5. The following Approved Plans and Resolutions:
  - District Council Resolution No. 14-735, approving Development Plan Amendment No. DPA-01-1 (January 16, 2001)
  - Planning Board Site Plan Opinion No. 8-01017 (May 21, 2001)
  - Planning Board Preliminary Plan Opinion No. 1-01039 (June 5, 2001)
  - Signature Set for Site Plan No. 8-01017A, Sheets C1 through C8 (July 11, 2002)
  - District Council Resolution No. 15-564, approving Development Plan Amendment No. DPA-04-1 (March 30, 2004)
  - Certified Plan for DPA-04-01 (April 16, 2004)
  - Planning Board Site Plan Opinion No. 8-01017B (June 1, 2004)
  - Planning Board Preliminary Plan Opinion No. 1-01039A (June 22, 2004)
  - Signature Set for Site Plan No. 8-01017B, Sheet Nos. 1-6 (December 3, 2004)
  - District Council Resolution No. 15-1679, approving Development Pan Amendment No. DPA 06-4 (October 31, 2006)
  - Certified Plan for DPA No. 06-4 (November 16, 2006)

### **STATEMENT OF JUSTIFICATION**

#### **A. Development Approval History for the Subject Property**

The proposed Minor Site Plan and Preliminary Plan Amendment (the "Amendment") deal only with a portion of property previously known as the Montouri Property, consisting of 10.45 acres located between Rockville Pike, Old Georgetown Road, and Nebel Street in Rockville, Maryland. (the "Montouri Property"). The Montouri Property was the subject of a Development Plan approved as part of Local Map Amendment Case No. G-726, approved by the Montgomery County Council sitting as the District Council (the "District Council") by Resolution No. 13-654 approved September 10, 1996 (the "Original Development Plan"). This Original Development Plan rezoned the Montouri Property from the R-90 to the TS-M zone. Thereafter, the Montouri Property was divided into two phases; Phase 1 consisting of the eastern 5.69 acres, now known as the existing Windsor Villa Apartments, containing 261 dwelling units and which is not

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affected by the proposed Amendment; and, Phase 2 consisting of the western 4.76 acres of the Montouri Property and is now known as The Gallery and The Sterling (discussed more fully below).

Phase 2 was further divided in what is now known as Phases 2A and 2B as part of a Development Plan Amendment approved by the District Council on January 16, 2001 by Resolution No. 14-735, approving Development Plan Amendment No. DPA-01-1 ("DPA-01-1"). DPA-01-1 approved a mix of residential and non-residential uses on Phase 2 including: Phase 2A (the eastern part of Phase 2)- two 16-story residential towers of approximately 493,326 square feet, with between 500-525 multi-family dwelling units, related amenities and an underground parking garage; and, Phase 2B (the western part of Phase 2)- a 10-story office building and lower level retail, with a total square footage of 259,430 square feet or an FAR of 0.57, plus mostly underground parking in the garage. DPA-01-1 approved a total FAR for the Montouri Property of 2.4, pursuant to the 1992 North Bethesda-Garrett Park Master Plan (the "Master Plan").

By Site Plan Opinion dated May 21, 2001, the Montgomery County Planning Board (the "Planning Board") approved Site Plan No. 8-01017 for the entire Phase 2 development. Through approval of the Signature Set designated as Site Plan No. 8-01017A, what is now known as Phase 2A (previously shown as Parcels B and C) was approved for 453 multi-family dwellings and related amenities in 499,957 square feet, and Phase 2B (previously shown as Parcel A) was approved for 252,799 square feet of non-residential development, including office, café and non-FAR commercial space, all within the total FAR of 2.4 for the Montouri Property. Preliminary Plan No. 1-01039 covered all of Phase 2 and approved development that would not exceed 407 peak-hour trips in the morning peak period and 727 peak-hour trips in the evening peak period. Phase 2A, also known as The Gallery at White Flint, has been constructed pursuant to the Signature Set approval of Site Plan No. 8-01017A to include two 16-story towers with 453 multi-family units, a connecting community building, an underground parking garage, and related amenities.

Subsequent to Site Plan No. 8-01017A, another Development Plan Amendment was approved changing the use of Phase 2B (the western part of Phase 2 fronting on Rockville Pike), from office/commercial uses to residential/commercial uses. This Development Plan Amendment was titled DPA-04-01 ("DPA-04-01"). DPA-04-01 confirmed the existing development for Phase 1 (Windsor Villas) as 340,302 square feet, 0.75 FAR with 261 residential units, and for Phase 2A (The Gallery) as 498,201 square feet, 1.09 FAR with 453 residential units. The proposal for Phase 2B was for the remaining development of up to 244,555 square feet of residential with 235 dwelling units, plus up to 15,000 square feet of ground floor commercial space for a total FAR of 0.56 (254,555 square feet). DPA-04-01 also approved the public use space for the entire



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Montouri Property (Phases 1, 2A and 2B) at 43,312 square feet (10%) and the active/passive recreation space at 121,050 square feet (27.9%).

Consistent with DPA-04-01, Site Plan No. 8-01017B was approved by the Planning Board by Opinion dated June 1, 2004 and the accompanying Signature Set was signed December 3, 2004. Phase 2B (now known as The Sterling condominiums) recently finished construction pursuant to the Signature Set approval for 249,555 square feet of residential (up to 253 dwelling units) and up to 15,000 square feet of commercial space (5,000 square feet of first floor FAR and 10,000 square feet of cellar/non-FAR space). The Signature Set also confirmed a total public use space for the entire Montouri Property (Phases 1, 2A and 2B) of 45,151 square feet and active/passive recreation space of 130,190 square feet [We note that this number reflects a mathematical error as the sum of the three recreation areas is actually 130,958 square feet; consequently, we have shown the correct number on the amended Preliminary Plan and Site Plan]. The Preliminary Plan was revised, pursuant to Preliminary Plan Opinion No. 1-01039A, to reflect the new residential use on Phase 2B of up to 235 dwelling units and 15,000 square feet of retail uses. The proposed Amendment makes no changes to Phase 2B.

On October 1, 2006, the District Council approved Development Plan Amendment No. 06-4 ("DPA 06-04") to include 2,400 square feet of non-residential area in the existing buildings on Phase 2A, in space that was previously used for sales, marketing and accessory uses. The Certified Plan for DPA 06-04 was approved on November 15, 2006, and reflects the District Council's approval of this conversion of 2,400 square feet, as well as the new parking demand requirement of 509 spaces and 569 spaces provided. As noted above, DPA 06-04 also reflects the corrected the active/passive recreation space area of 130,958 square feet. Lastly, because Phase 2B (the Sterling) recently completed construction, DPA 06-04 provides more updated information on the actual development of that phase for future record-keeping purposes. That is, as can be seen on DPA 06-04, Phase 2B only constructed 197 dwelling units (not 235 as previously approved), and therefore only requires 273 parking spaces (as opposed to the prior 314) with 291 spaces provided (as opposed to 340).

#### B. Proposed Amendment

The proposed Amendment seeks to update the Preliminary Plan and Site Plan for Phase 2 to be consistent with the recently approved DPA-06-04. As mentioned, DPA 06-04 and the proposed Amendment make no changes to Phases 1 or 2B and only modifies 2,400 square feet of Phase 2A with regard to the use of two internal, already constructed spaces. There will be no change to the building footprint, number of units, FAR, density, open space, or active/passive recreation space. Further, although there is sufficient parking provided in the underground parking garage

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for Phase 2A, the actual demand changed slightly based on the addition of the 2,400 square feet of retail use, thus the Amendment reflects the new parking requirement of 509 spaces and 569 spaces provided. With regard to traffic, the proposed 2,400 square feet of commercial/retail space will not generate traffic as destination uses as they are for the convenience of the residents in the existing buildings. As confirmed as part of DPA 06-04, even if these uses were looked at individually they would only generate three peak hour trips, which would not trigger the need for any additional traffic review or study.

In addition, consistent with DPA 06-04, the amended Preliminary Plan and Site Plan provide more updated information on the actual development of that Phase 2B for future record-keeping purposes. That is, Phase 2B only constructed 197 dwelling units (not 235 as previously approved), and therefore only requires 273 parking spaces (as opposed to the prior 314) with 291 spaces provided (as opposed to 340).

C. Compliance with TS-M Zone, Development Standards and DPA 06-04

Because there are no physical changes to the buildings in Phase 2A proposed as part of this Amendment, all zoning and other development criteria continue to be satisfied as per the prior development plans, site plans and preliminary plans. However, we have outlined briefly below how the Amendment satisfies the requirements of the TS-M Zone and the minimal changes to the existing Site Plan and Preliminary Plan for the White Flint Place project.

The Amendment will maintain compliance with the development standards of the TS-M Zone set forth in § 59-C-8.4 for all three phases (Phases 1, 2A and 2B), as shown in the following charts:

**DEVELOPMENT SUMMARY**

|                                | <u>Required</u>              | <u>Maintained for Phases 1, 2A &amp; 2B</u>         |
|--------------------------------|------------------------------|---|
| Minimum Area                   | min. 40,000 sq. ft.          | 455,441 sq. ft. (gross area)                        |
| Density                        | max. 2.4 FAR per Master Plan | 2.4 FAR   |
| Public Use Space               | 10% of net area              | 45,141 sq. ft. (10.4% of 433,119 sq. ft. net area)  |
| Active/Passive Recreation Area | 25% of net area              | 130,958 sq. ft. (30.2% of 433,119 sq. ft. net area) |

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**BREAKDOWN OF DEVELOPMENT FOR PHASES 1, 2A AND 2B**

|  | <b><u>PHASE 1</u></b> | <b><u>PHASE 2A</u></b> | <b><u>PHASE 2B</u></b>             | <b><u>TOTAL</u></b>            |
|--|-----------------------|------------------------|------------------------------------|--------------------------------|
| Gross Site Area                          | 248,167 sq. ft.       | 101,038 sq. ft.        | 106,236 sq. ft.                    | 455,441 sq. ft.                |
| Net Site Area                            | 225,845sq.ft.         | 101,038 sq. ft.        | 106,236 sq. ft.                    | 433,119 sq. ft.                |
| <b><u>Approved/Constructed:</u></b>      |                       |                        |                                    |                                |
| Residential Dwellings                    | 261                   | 453                    | 197                                | 911                            |
| Residential Gross sq. ft.                | 340,302               | 498,201                | 249,555                            | 1,088,058 sq. ft.              |
| Residential FAR                          | 0.75                  | 1.09                   | 0.55                               | 2.39                           |
| Non-Residential Gross sq. ft.            | 0                     | 0                      | 5,000 (plus 10,000 non-FAR cellar) | 5,000 sq. ft.                  |
| Non-Residential FAR                      | 0                     | 0                      | 0.01                               | 0.01                           |
| Public Use Space                         | 12,162 sq. ft.        | 8,806 sq. ft.          | 24,173 sq. ft.                     | 45,141 sq. ft.                 |
| Active/Passive Rec. Area                 | 56,821 sq. ft.        | 37,670 sq. ft.         | 36,467 sq. ft.                     | <b>130,958 sq. ft. (30.1%)</b> |
| <b><u>Proposed Amendment Changes</u></b> |                       |                        |                                    |                                |
| Residential Dwellings                    | No Change             | No Change              | <b>197 units</b>                   | <b>911 units</b>               |
| Residential Gross sq. ft.                | No Change             | <b>495,801 sq. ft.</b> | No Change                          | <b>1,085,658 sq. ft.</b>       |
| Residential FAR                          | No Change             | No Change              | No Change                          | No Change                      |
| Non-Residential Gross sq. ft.            | No Change             | <b>2,400 sq. ft.</b>   | No Change                          | <b>7,400 sq. ft.</b>           |
| Non-Residential FAR                      | No Change             | No Change              | No Change                          | No Change                      |
| Public Use Space                         | No Change             | No Change              | No Change                          | No Change                      |
| Active/Passive Rec. Area                 | No Change             | No Change              | No Change                          | No Change <sup>1</sup>         |

<sup>1</sup> The previous calculation of 130,190 square feet reflected a mathematical error that was corrected on DPA 06-04 and proposed to be corrected on the Site Plan and Preliminary Plan through this Amendment.

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Therefore, we respectfully request approval of the proposed Amendment for inclusion of 2,400 square feet of commercial/retail space within Phase 2A of the White Flint Place Project. Thank you for your assistance in this matter.

Respectfully submitted,

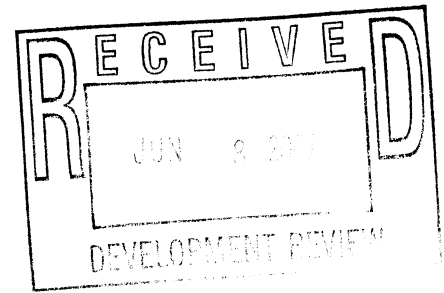
**LINOWES AND BLOCHER LLP**

  
Emily J. Vaias

  
Anne C. Martin

Enclosures

cc: Mr. George Chopivsky - Donohoe  
Mr. Peter Gartlan - Donohoe  
Mr. William Landfair - VIKA



June 1, 2007

**Emily J. Vaias**  
301.961.5174  
evaias@linowes-law.com

**SECOND  
NOTICE TO ADJOINING AND CONFRONTING  
PROPERTY OWNERS OF  
MINOR SITE PLAN/PRELIMINARY PLAN AMENDMENT APPLICATION**

**Name of Plan:** White Flint Place – The Gallery and the Sterling – Phase 2A/2B  
**Plan Number:** 82001017C/12001039B  
**Current Zoning:** TSM  
**Gross Lot Area:** 4.75 acres  
**Project Size:** Existing 911 residential units and 7,400 s.f. of FAR commercial space  
**Geographical Location:** Northeast quadrant of intersection of Rockville Pike and Old Georgetown Road

On December 11, 2006, the above-referenced application was filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code. A first Notice of the filing was mailed on December 18, 2006. We are mailing this Second Notice and enclosing a copy of the composite amended Site Plan/Preliminary Plan depicting the same requested change to convert 2,400 square feet of existing floor area in the Phase 2A residential building (The Gallery) to auxiliary retail uses, and now including more labeling of information, such as setbacks and heights, which was not previously on the plans. Please note that this information (e.g. setbacks, height) has not changed, it was just not previously shown on the plans but has now been included. Further, the calculation for Public Use Space in Phase 2B (The Sterling) has been corrected to reflect the property right-of-way line along Rockville Pike, but again, the actual design of the streetscape along Rockville Pike remains the same. Lastly, changes to details regarding the tree pits, entry monuments, and light pole locations along Rockville Pike are also included.

If you have any comments or questions, please contact M-NCPPC staff Robert Kronenberg at 301.495.4595 within 15 days of the mailing of this Second Notice, or by June 18, 2007. You

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may also send written comments to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910.

Sincerely,

**LINOWES AND BLOCHER LLP**



Emily J. Vaías

Enclosures

cc: Robert Kronenberg, M-NCPPC  
Catherine Conlon, M-NCPPC  
Mr. William R. Landfair  
Mr. Peter G. Gartlan

**ATTACHMENT B**



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

May 25, 2007

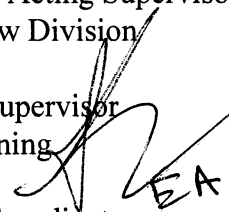
**MEMORANDUM**

TO: Erin Grayson, Planner  
Robert Kronenberg- Acting Supervisor  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Ed Axler, Planner/Coordinator  
Transportation Planning

SUBJECT: Preliminary Plan No. 1-2001039-B and  
Site Plan No. 8-2001017-C  
White Flint Place  
White Flint Policy Area



This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan and site plan amendments to convert a model apartment and sales office into a retail space within "The Gallery at White Flint" or White Flint Place, Phase 2A.

**RECOMMENDATIONS**

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

1. The applicant must limit the subject preliminary plan and site plan amendments for White Flint Place, Phase 2A to a maximum of 453 high-rise apartments and 2,400 square feet of general retail uses.
2. The applicant must retain other transportation-related binding elements and conditions of approval for DPA 06-04, Preliminary Plans No. 1-01039-A and Site Plan No. 8-01017-B that include the following APF limitation (refer to Attachment No. 1):

"[Weekday vehicular peak-hour trips generated by the] mix of land uses not to exceed 407 peak-hour trips during the weekday morning peak period (6:30 to 9:30



3. Prior to approval of certified site plan for Site Plan No. 82001017C, the applicant must modify the existing traffic mitigation agreement dated April 11, 2002, prepared for the original Preliminary Plans No. 1-01039. The modifications must reflect changes from commercial to residential land uses that were subsequently approved under Preliminary Plans No. 1-01039-A for Phase 2B and now proposed for Phase 2A, the subject amended preliminary plan.

## DISCUSSION

### Local Area Transportation Review

The APF tests for the land uses in each phase were approved by the Planning Board as follows:

1. Phases 1, 2A, and 2B: Permitted mixed-use development by rezoning from the R-90 zone to the TS-M zone under G-726 in 1996.
2. Phase 1: 261 mid-rise apartments under Preliminary Plan No. 1-97073 and Site Plan No. 8-97020, Jefferson Villa (changed name to Windsor Villa) in 1997.
3. Phase 2A (on Parcels B and C): 480 high-rise apartments (“The Gallery at White Flint”) under DPA 01-1, Montouri Property, and Preliminary Plan No. 1-01039, White Flint Place, Parcels A, B, and C in 2001. The APF test was approved under the *Annual Growth Policy’s* Alternative Review Procedure for Metro Station Policy Areas.
4. Phase 2B (on Parcel A): General office use up to 249,911 square feet of gross leasable area (sf of gla), general retail/restaurant uses up to 18,799 sf of gla, and a health club of up to 49,129 sf of gla under the same preliminary and site plans as Phase 2A above.
5. Revised Phase 2B (on Parcel A): Changed from commercial uses to 235 high-rise apartments (“The Sterling”) and 15,000 sf of gla of ground-floor and cellar retail space under DPA 04-1, Preliminary Plan No. 1-01039-A, and Site Plan No. 8-01017-B in 2004. Only 197 of the maximum of 235 apartments were built.
6. Revised Phase 2A (on Parcels B and C): Permitted the conversion of a model apartment and sales office into 2,400 square feet of retail space in 2006.

Table 1 shows that the peak-hour vehicular trips generated by the proposed revised land uses are fewer than the cap on the maximum number of trips required when Preliminary Plan No. 1-01039 was approved in 2001:

**TABLE 1: Trip Generation**

| Land Use  | SF of GLA or Units | New External* Weekday Peak-Hour Vehicular Trips    |  |
|---|--------------------|--|--|
|   |                    | Within the Morning Peak Period (6:30 to 9:30 a.m.) | Within the Evening Peak Period (4:00 to 7:00 p.m.) |
| <u>Phases 2A &amp; 2B – Preliminary Plan No. 1-01039, White Flint Place, Parcels A, B, &amp; C, APF Trip Cap versus Trips generated by proposed Phases 2A &amp; 2B Land Uses:</u> |                    |  |  |
| Current Peak-Hour Trips Cap   |                    | 407  | 727  |
| <u>Phase 2A–Preliminary Plan No. 1-01039-B, Parcels B &amp; C, “The Gallery at White Flint”:</u>  |                    |  |  |
| High-Rise Apartments  | 453                | 142  | 166  |
| General Retail Uses*  | +2,400             | + 3  | + 15   |
| Subtotal for Amended Phase 2A   |                    | 145  | 181  |
| <u>Phase 2B–Amended Preliminary Plan No. 1-01039-A, Parcel A, “The Sterling Condominiums”:</u>  |                    |  |  |
| High-Rise Apartments  | Built=197          | 68   | 79   |
| General Retail Uses*  | 15,000             | +23  | +93  |
| Subtotal for Phase 2B   |                    | 91   | 172  |
| <u>Phases 2A &amp; 2B-Parcels A, B, &amp; C:</u>  |                    |  |  |
| Apartments  | 650                | 210  | 245  |
| General Retail Uses*  | 17,400             | + 26   | +108   |
| Total for Phases 2A & 2B  |                    | 236  | 353  |
| <i>Decrease in Peak-Hour Trips</i>  |                    | <i>-171</i>  | <i>-374</i>  |

\*= Approximately half of the total retail trips in the table above were considered “new external” trips. “New” trips start from or end at the on-site retail uses. The other trips are passing-by and diverted to the on-site retail uses along the way between two other origins and destinations. “External” trips are leaving or arriving to off-site land uses compared with internal trips between on-site apartments and on-site retail uses.

Since the Preliminary Plan No. 1-01039-A was approved, Policy Area Transportation Review is no longer considered in the APF Review under the current *Annual Growth Policy*.

Traffic Mitigation Agreement

The subject development is located within the North Bethesda Transportation Management District (TMD) boundaries. Under the *Annual Growth Policy*’s Alternative Review Procedures for Metro Station Policy Areas, a Traffic Mitigation Agreement (TMAg) with the Montgomery County Department of Transportation and Public Works (DPWT) and the Planning Board was required to establish the applicant’s participation in the North Bethesda TMD. The existing TMAg dates back to

April 11, 2002 to satisfy the seventh condition of approval for Preliminary Plan No. 1-01039 in the Planning Board opinion dated June 22, 2004 (attached).

Under Preliminary Plan No. 1-01039-A that was approved on May 27, 2004, the applicant was required to modify the TMAg to reflect changes from commercial to predominately residential uses and to the signatories on the original TMAg. To date this has not been done.

TMAg text is no longer accurate or consistent with the newly proposed White Flint Place development. With this amended preliminary plan, we have an opportunity for the applicants, Planning Board, and DPWT to modify the TMAg to reflect the major land use change proposed in Phase 2A and previously-revised Phase 2B. The TMAg must be modified prior to approval of certified site plan for the White Flint Place development.

#### Other Transportation-Related Topics

Refer to the attached Transportation Planning staff's memorandums for discussion of the site location, vehicular access points, available bus service, master-planned roadways and bikeways, Local Area Transportation Review, and Policy Area Transportation Review:

Attachment No. 2: Preliminary Plan No. 1-01039 and Site Plan No. 8-01017 memorandum dated April 12, 2001.

Attachment No. 3: Development Plan Amendment No. 04-1, White Flint Place, Phase 2B dated February 13, 2004.

Attachment No. 4: Preliminary Plan No. 1-01039-A and Site Plan No. 8-01017-B memorandum dated May 20, 2004.

Attachment No. 5: Development Plan Amendment No. 06-4, White Flint Place, Phase 2A dated September 12, 2006.

EA:tc

Attachments

cc: Sande Brecher  
John Guckert  
Barbara Kearney  
Chuck Kines  
Anne Martin  
Kristin O'Connor  
Fiona Thomas  
Emily Vaias

mno to Grayson Kronenberg re White Flint Place 12001039B & 82001017C

**Site Description and Vicinity**

The subject property is located in the White Flint Sector Plan area of the North-Bethesda/Garrett Park Master Plan region at the northeastern quadrant of the intersection with Old Georgetown Road and Rockville Pike.

The site currently contains the two buildings: The Sterling located along Rockville Pike, and The Gallery located directly east and connected by a plaza and courtyard area. The Sterling is a 175-foot residential/commercial building with direct access from both the Pike and Old Georgetown Road. The Gallery is an H-shaped building with direct access from Old Georgetown Road. Vehicular access is provided from the Rockville Pike and Old Georgetown Road.

