





North Bethesda Town Center Parcel G Site Plan No. 820180010

 Atul Sharma, Planner Coordinator, Area 2 Division, Atul.Sharma@montgomeryplanning.org, 301-495-4658

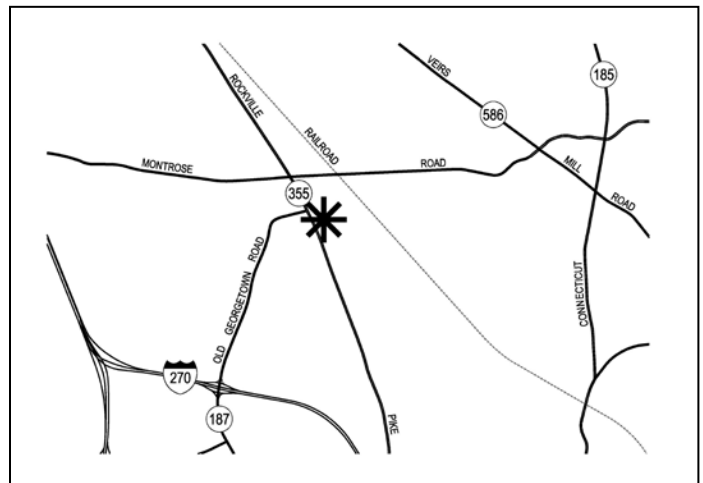
 Khalid Afzal, Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301.495.4650

 Carrie Sanders, Chief, Area 2 Division, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

Staff Report Date: 12/29/17

Description

- Application for the approval of a site plan to allow construction of a multifamily building with up to 294 dwelling units, including 12.5% MPDU's (up to 37 MPDUs), private and public roads and associated public use space;
- Located at the north-eastern corner of the intersection of Marinelli Road and Citadel Avenue, within the 2010 *White Flint Sector Plan* area;
- Approximately 1.8-acre parcel zoned CR-4.0, C-2.0, R-3.5 H-250, but developed under TS-M Zone within the 32.42-acre North Bethesda Town Center development;
- Review Basis: Chapter 59, in effect on October 29, 2014;
- Applicant: LCOR;
- Application Acceptance Date: August 21, 2017.



Summary

- Staff recommendation: Approval with conditions.
- The County Council approved Development Plan G-801 on April 29, 2003.
- Per Section 7.7.1.B.1 of the County Code, this application is being reviewed under the Zoning Ordinance in effect before October 30, 2014, because it is related to Preliminary Plan No. 120040490 approved on March 22, 2005.
- The Application was granted a 30-day extension by the Planning Director, on October 5, 2017, extending the review period from December 28, 2017 to January 25, 2018.
- The application includes the approval of amended Final Forest Conservation Plan No. 82008018B.
- Staff did not receive any correspondence from residents and/or adjacent property owners.

SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820180010, for a maximum of 242,520 square feet with up to 294 dwelling units, including up to 37 MPDUs, private and public roads, public use space and active and passive recreation space. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

Conformance with Prior Approvals

1. Development Plan Conformance

The development must comply with the binding elements of Development Plan G-801.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 120040490 as listed in the Planning Board opinion dated March 22, 2005 and all subsequent amendments.

Environment

3. Forest Conservation

- a. Prior to Certified Site Plan, the Applicant must replace the Chinese elm (*Ulmus pumila*) on the amended Final Forest Conservation Plan with an appropriate native shade tree species, as approved by Staff.

4. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section for the stormwater management concept in its memorandum dated November 29, 2017, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by MCDPS –Water Resources Section if the amendments do not conflict with other conditions of the Site Plan approval.

5. Noise Attenuation

- a. Prior to issuance of a building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accordance with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide Staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accordance with the approved specifications for noise attenuation.
- d. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, as described above, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.

Public Use Space, Facilities, and Amenities

6. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 2,600 square feet of Public Use Space on the Subject Property, as illustrated on the Certified Site Plan.
- b. The Applicant must provide a minimum of 20,000 square feet of active and passive recreation space on the Subject Property, as illustrated on the Certified Site Plan.
- c. The Applicant must implement the Bethesda CBD standard streetscape, including, but not limited to, street trees, street lighting, brick paving, and undergrounding of utilities, along the Subject Property's frontage on Marinelli Road and Citadel Avenue, as shown on the Certified Site Plan, except as modified by design exceptions approved by MCDPS.
- d. Prior to issuance of the final Use and Occupancy Certificate, all Public Use Spaces and active and passive recreation spaces as illustrated on the Certified Site Plan must be completed.
- e. The Applicant must install the landscaping no later than the next growing season after completion of construction and site work.

7. Recreation Facilities

- a. The Applicant must provide at a minimum, the following recreation facilities as shown on the Certified Site Plan: 104 indoor bicycle parking spaces and a bicycle repair room, 8 inverted bike racks, indoor community space, indoor fitness room, open grass lawn, interior courtyard space, picnic/sitting areas, grilling area and a pedestrian system.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, Public Use Space, Active and Passive Recreation Space, pedestrian pathways, landscaping, and hardscape, as shown on the Certified Site Plan.

Transportation and Circulation

9. Department of Permitting Services

The Planning Board accepts the recommendations of MCDPS – Right-of-Way Section in its memorandum dated December 22, 2017, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which MCDPS –Right-of-Way Section may amend if the amendments do not conflict with other conditions of the Site Plan approval.

10. Fire and Rescue

The Planning Board accepts the recommendations of MCDPS Fire Code Enforcement Section in its letter dated November 21, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

11. Traffic Mitigation

Prior to issuance of the Certified Site Plan, the Applicant must update the current Traffic Mitigation Agreement (executed on December 12, 2006) with the Planning Board and the Montgomery County Department of Transportation (MCDOT) and continue to satisfy the transportation Adequate Public Facilities test under the Alternative Review Procedure at Metro Station Policy Area.

12. Street Standards

The Applicant must construct all road(s) along the frontages of Parcel G within the rights-of-way shown on the Certified Site Plan subject to the following conditions:


- a. Public Road Marinelli Road (90-foot-wide right-of-way) must be designed and constructed per the typical Montgomery County Road Code Standard MC-2005.03 as modified by the section shown on the Site Plan. All necessary details for this required connection must be reviewed and approved by MCDPS-ROW at the time of ROW permit. MCDPS-ROW may modify any details of this connection if the modifications do not conflict with any other conditions of approval;
- b. Public Road Citadel Avenue (70-foot-wide right-of-way) must be designed and constructed per the typical Montgomery County Road Code Standard MC-2005.02 as modified by the section shown on the Certified Site Plan. All necessary details for this required connection must be reviewed and approved by MCDPS-ROW at the time of ROW permit. MCDPS-ROW may modify any details of this connection if the modifications do not conflict with any other conditions of approval;
- c. Private Road McGrath Boulevard (57-foot-wide right-of-way) must be designed and constructed per the typical Montgomery County Road Code Standard MC-2005.02 as modified by the sections shown on the Certified Site Plan;
- d. Private Road Wentworth Place (70-foot-wide right-of-way) must be designed and constructed per the typical Montgomery County Road Code Standard MC-2005.02 as modified by the interim section shown on the Certified Site Plan. The Applicant must construct the interim section as shown on the Certified Site Plan. The ultimate section for Wentworth Place will be approved and constructed at the time of Site Plan approval for Block H;
- e. Prior to the issuance of the Final Use and Occupancy permit for the last residential unit, the Applicant must have all public and private roads, sidewalks, ramps and cross walks complete and open to the public.

13. Bicycle Parking

- a. The Applicant must provide 104 bicycle parking spaces comprising 16 short-term spaces (or 8 inverted-U bike racks that can store two bicycles on each) and the remaining long-term bike spaces in a secured bike room in the parking garage as shown on the Certified Site Plan.

Affordable Housing

14. Moderately Priced Dwelling Units (MPDUs)

- a. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated November 22, 2017, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDHCA may amend if the amendments do not conflict with other conditions of the Site Plan approval.
- b. The Applicant must provide a minimum of 12.5% MPDUs on the Property in accordance with the requirements of Chapter 25A.
- c. Prior to the release of any building permit, exclusive of the  eting and shoring permit, the Applicant must execute the MPDU Agreement-to-Build with the MCDHCA.

Site Plan

15. Building Height

The maximum height of the residential building is limited to 75 feet.

16. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Staff.
- b. The Applicant must screen the garage façade along Marinelli Road and the transformers at the corner of Marinelli Road and Wentworth Place using strategies substantially similar to the elevations shown on the Certified Site Plan, as determined by Staff.
- c. Prior to the issuance of the first Use and Occupancy Certificate, the Applicant must get approval by Staff for the design of the art murals on the building façade along Marinelli Road in locations shown on the Certified Site Plan.

17. Landscaping

- a. Prior to issuance of the final Use and Occupancy Certificate, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, streetscape and related improvements, hardscape, landscape, bicycle facilities, and public use space amenities must be installed, as illustrated on the Certified Site Plan.
- b. The Applicant must install the landscaping no later than the next growing season after completion of construction and site work.

18. Lighting

- a. Prior to approval of the Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) standards in effect on the date of this approval for a development of this type. All onsite exterior area lighting must be installed in accordance with these standards.
- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

- d. All on-site light fixtures must be full or partial cut-off fixtures.

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any Building Permit or Sediment and Erosion Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, private roads, on-site bike parking facilities, plant materials, on-site lighting, recreational facilities, site furniture, retaining walls, fences, railings, curbs, gutters, sidewalks, paths, bike ways, street trees, street lights, private utility and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

20. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

21. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the development program, Preliminary Plan resolution, and Site Plan resolution and all applicable agency letters in the Certified Site Plan.
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Ensure consistency of all details and layout between Site, Architecture and Landscape plans.

SECTION 2: SITE DESCRIPTION & VICINITY

The Subject Property (Parcel G) is part of the 32.42-acre North Bethesda Town Center development (overall site) (Figure 1). The overall site is located on the north side of Marinelli Road between Rockville Pike to the west and Nebel Street to the east. Parcel G lies to the east of Citadel Avenue, within the overall site. White Flint Metro Station is located to the west of the Property, at the intersection of Rockville Pike and Marinelli Road.



Figure 1: Vicinity Map – Overall Site with Parcel G shown as hatched area

Figure 2 shows the overall illustrative plan for the entire North Bethesda Town Center site, which was approved as part of the Preliminary Plan 120040490. Parcel G is outlined in red. Currently, the 32.42-acre overall site has the following improvements:

- 362,000-square-foot office building for the U.S. Nuclear Regulatory Commission on Parcel C;
- 341 units in the Aurora building on Parcel F;
- 312 units in the Wentworth House and 63,000 square feet of Harris Teeter store on Parcel E;
- WMATA Garage on Parcel D (this is not an LCOR investment); and
- Landscaped open space, a community green, public and private roadways, and other infrastructure improvements.

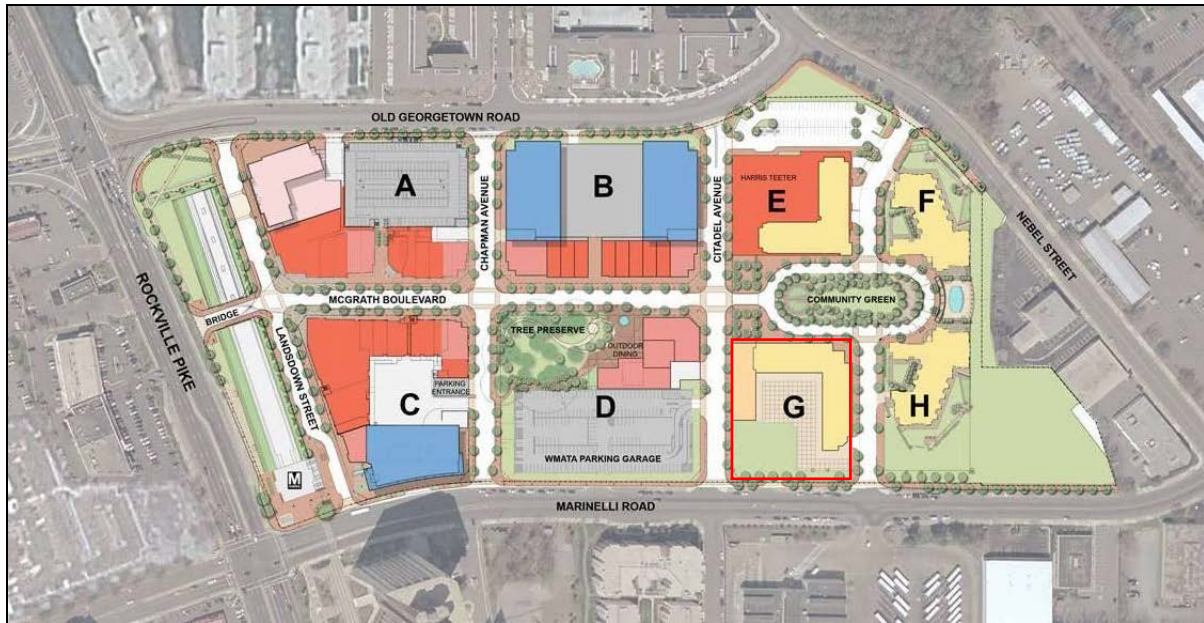


Figure 2: North Bethesda Town Center-Overall Site Plan – Parcel G outlined in red

SECTION 3: PREVIOUS APPROVALS

The 32.42-acre North Bethesda Town Center site is owned by the Washington Metropolitan Area Transit Authority (WMATA). On January 12, 2001, the Applicant (LCOR) entered into a Joint Development Agreement (JDA) with WMATA, which gives the Applicant development rights to the site. The JDA includes a phased development plan with a schedule of milestones, one of which is that the Applicant must obtain a record plat for each parcel by a certain date in order to execute a ground lease.

Zoning/Development Plan

In April 2003, the Montgomery County Council approved the rezoning of the Property from R-90 Zone to the TS-M (Transit Station, Mixed) Zone by Local Map Amendment No. G-801, per Resolution 15-151. The rezoning sought to develop 2,700,000 square feet of mixed-use development with approximately 1,350,000 square feet of office and retail use and approximately 1,350,000 square feet for 1,350 residential rental units, including MPDUs.

Preliminary Plan No 120040490

On March 22, 2005, the Planning Board approved Preliminary Plan No. 120040490 for the entire North Bethesda Town Center site, to create 9 lots and two parcels on 32.42 acres to allow up to 1,350 multi-family residential units, including 169 MPDUs, 1,148,000 square feet of Commercial Office, 202,037 square feet of General Retail with a possible supermarket, and an 80,000-square-foot theater with 3,500-seat capacity.

Preliminary Plan Amendment No. 12004049A

On March 20, 2008, the Planning Board approved Preliminary Plan Amendment No. 12004049A which modified three conditions relating to platting, APF validity and public use easements.

2010 *White Flint Sector Plan* SMA

On April 21, 2010, Sectional Map Amendment (SMA) No. G889 rezoned the overall site from TS-M (Transit Station, Mixed) and I-1 (Light Industrial) to four different CR zones. Parcel G was zoned, CR-4.0, C-2.0, R-3.5, H-250 to implement the recommendations of the 2010 *White Flint Sector Plan*.

Preliminary Plan Amendment No. 12004049B

On July 31, 2017, the Planning Board approved Preliminary Plan No. 12004049B to amend Conditions No. 3, 8, 11, and 14 of the previous preliminary plan approval to allow recordation of a plat for Parcel G before Certified Site Plan. As part of this amendment, the Applicant agreed to dedicate an additional five feet of right-of-way (ROW) on the south side of Parcel G, along Marinelli Road.

Record Plat

Following Planning Board's approval of Preliminary Plan No. 12004049B, the Applicant filed a request to record the plat for Parcel G. As a part of the record plat approval, the Applicant dedicated an additional 5 feet of right-of-way along Marinelli Road between Citadel Avenue and Wentworth Place, to meet the overall 90-foot right-of-way requirement. The Applicant also dedicated through a deed, the 70-foot right-of-way for Citadel Avenue between Marinelli Road and McGrath Boulevard. Plat 25335 was approved by the Planning Board on November 9, 2017.

Related Approved Site Plans

On December 19, 2005, the Planning Board approved Site Plan No. 820050340 for Parcel E for an 18-story, multi-family building with 312 residential units, 39 MPDUs and 61,246 square feet of grocery store use.

On September 16, 2008, the Planning Board approved Site Plan No. 820080110 for Parcels F, I and J, for 327 multi-family dwelling units in a 19-story building and approximately 63,100 square feet of Public Use Space.

On September 18, 2008, the Planning Board approved Site Plan No. 820080180 for 527,655 gross square feet of mixed commercial and retail development on two parcels, including 103,910 gross square feet on Parcel A and 423,745 gross square feet on Parcel C, 42,900 square feet of public use space, and public site infrastructure. This site plan application was amended twice by Application 82008018A and 82008018B.

SECTION 4: PROJECT DESCRIPTION

Proposal

The Application proposes to build a 240,520-square-foot multifamily residential building containing a maximum of 294 units, with two levels of partially underground parking and a maximum height of 75 feet.

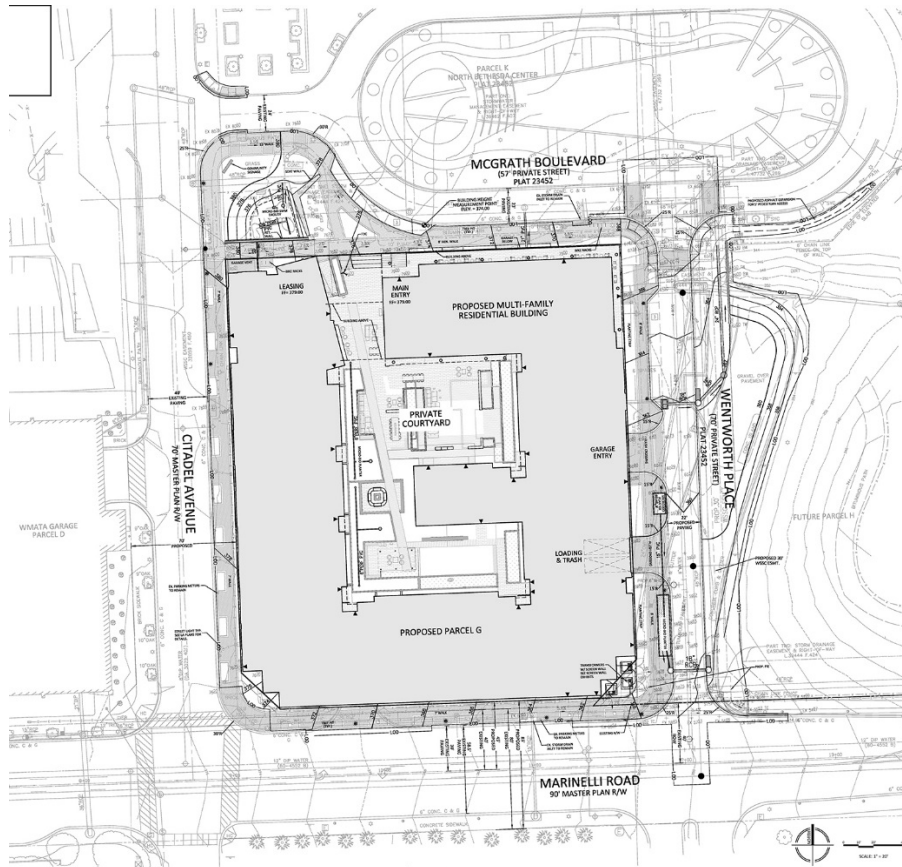


Figure 3: Proposed Site Plan

Building Design

The building is planned to be five stories tall at the northwestern corner of the Property. Due to the change in elevation as one moves from west (high) to east (low), the building will be seven stories tall at the southeastern corner and along Wentworth Place extended. The building will contain a mix of one and two-bedroom units, 12.5% of which will be MPDU's. The amenities for the residential building will include a private courtyard, an indoor fitness room and a common lobby lounge.

The design of the building proposes a contemporary architectural vocabulary that blends well with the existing apartment buildings on Parcels E & F. At the northwestern corner, a taller architectural piece will emphasize the entrance into the main lobby. The building will provide continuous street walls on all four sides and building facades will be well-articulated to break down the scale of the building. Due to the change in topography, two levels of the parking garage are visible along Marinelli Road and Wentworth Place. However, the two levels have been screened using a combination of strategies,

including using part of the ground floor for a bike parking room and repair shop, providing landscape and public art to screen the garage, and designing the garage façade to be an extension of the architecture above.



Figure 4: Illustrative Rendering of the Proposed Building as seen from McGrath Boulevard



Figure 5: Illustrative Elevation of the Proposed Building as seen from Citadel Avenue



Figure 6: Illustrative Elevation of the Proposed Building as seen from Marinelli Road, highlighting façade activation strategies

Public Use Space, Active and Passive Recreation Space and Amenities

Prior approvals included 112,584 square feet of Public Use Space, which equates to approximately 83% of the overall site's requirements. This Site Plan application will provide 2,600 square feet of Public Use Space, which will contribute to the minimum 10% Public Use Space requirement for the overall site. This Public Use Space will be located at the north-west corner of Parcel G. Along with 4,400 square feet of previously approved Public Use Space, it will form a public plaza, and mirror the plaza outside the Harris Teeter entrance to the north and further the overall open space concept per the Development Plan. The plaza will integrate seating, landscaping and some stormwater management into its design and provide residents and the public with passive recreation opportunities. In addition, the TS-M Zone requires a minimum of 25% Active and Passive Recreation Space. The project will provide 20,000 square feet of Active and Passive Recreation Space in the courtyard and the lounge terrace overlooking McGrath Boulevard. This amounts to 26% of the net lot area and will contribute towards the overall site's Active and Passive Recreation Space requirements. There is a temporary "pop-up" dog park on Parcel G that was provided as an amenity to the residents of Wentworth House and Aurora. This proposal will displace that dog park. The dog park was never a site plan requirement or a proffered public benefit. The Applicant has indicated that they are using their best efforts to find an alternate location within the land they control.

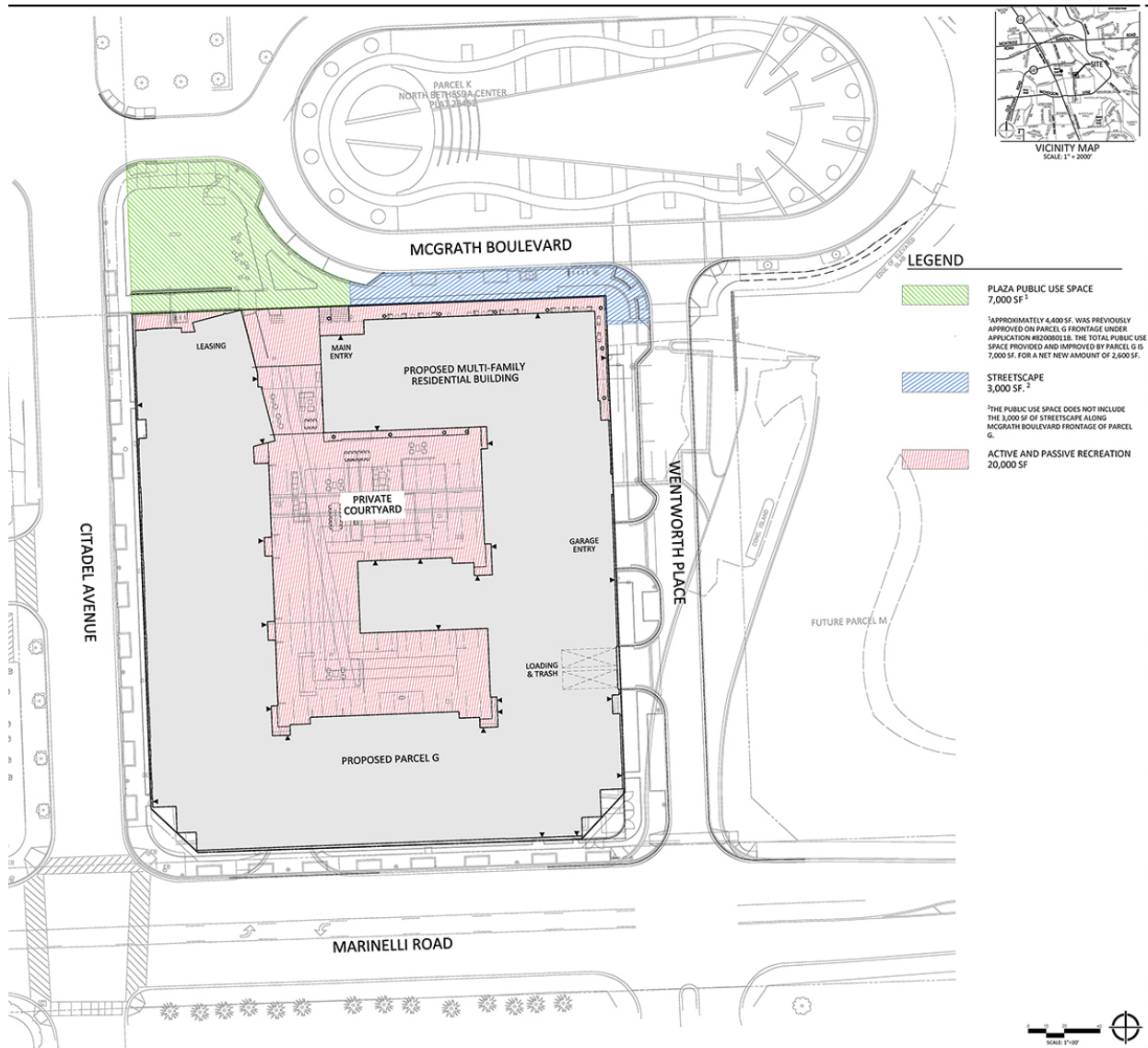


Figure 7: Public Use Space and Active and Passive Recreation Space Exhibit

Access

Vehicular access to the multi-family building parking garage, loading and trash pick-up is proposed from the extension of Wentworth Place private street. The main pedestrian entrance into the building is from the northwest corner, facing the proposed public use space. Two secondary pedestrian access points are also proposed from Citadel Avenue, which will enable additional activation at street level. Pedestrians will be accommodated by the frontage sidewalk on all sides of the building. Along Marinelli Road, MCDOT is implementing a one-way separated bike lane which will directly connect Parcel G to the White Flint Metro Station. The Applicant proposes to place bike parking for residents along Marinelli Road with a door that will open directly on to the sidewalk, giving bikers access to this public amenity. The sidewalks will connect to the existing network of sidewalks within the North Bethesda Town Center and expand pedestrian connectivity to the surrounding areas.

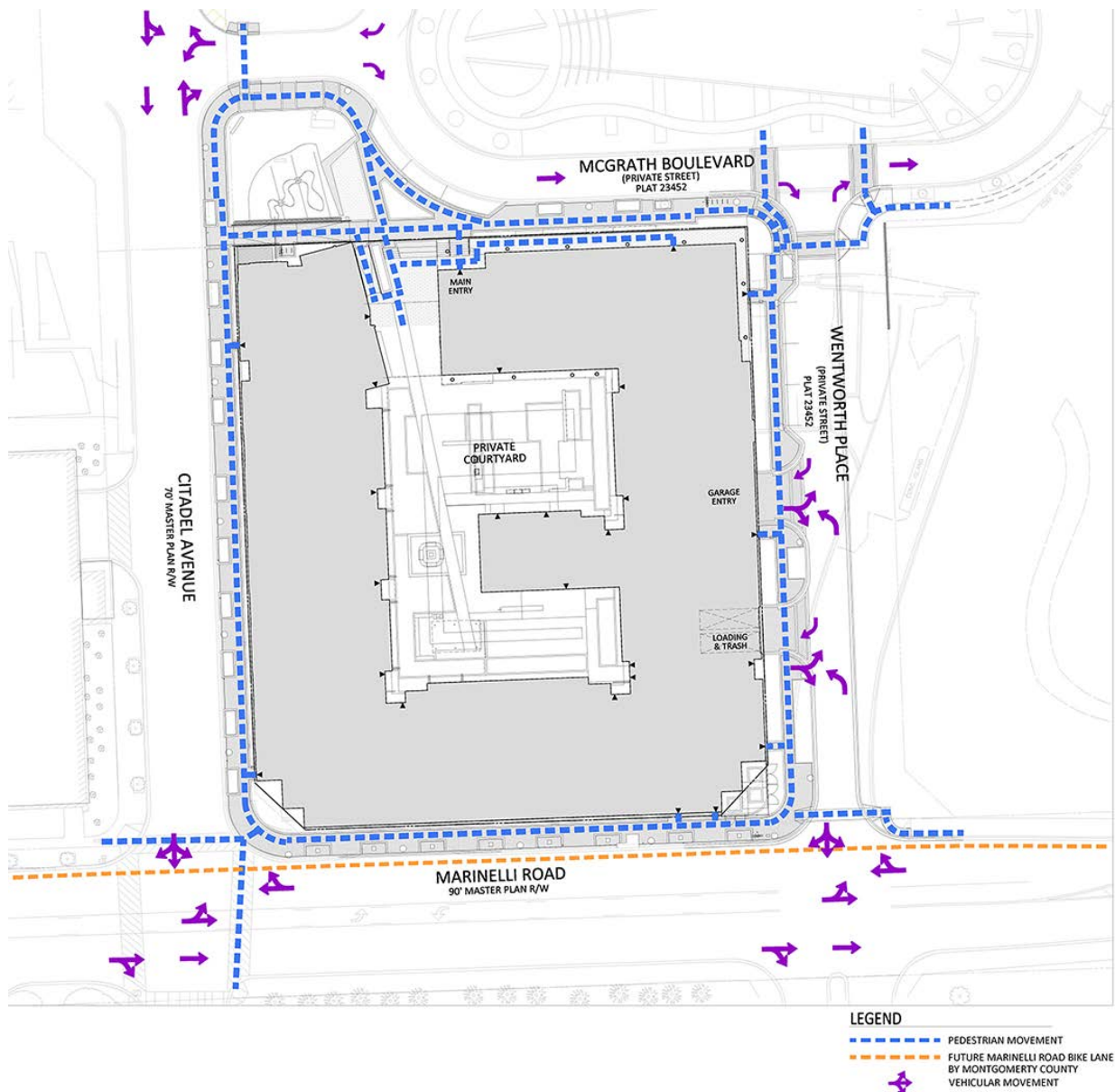


Figure 8: Circulation Plan

Parking

The Applicant is proposing three reserved on-street parking spaces for potential tenants along the community green on McGrath Boulevard, a private street. On-street parking is also proposed along the extension of Wentworth Place, a private street, as well as Marinelli Road and Citadel Avenue, which are both public streets. The parking garage will provide 348 parking spaces, which exceed the minimum required number per the Development Plan.

The old Zoning Ordinance does not stipulate a minimum number of required loading bays. When reviewing projects under the old Zoning Ordinance, MCDOT and MCDPS used to apply the Off-Street Loading Space Criteria for evaluating the number of required loading spaces. The Applicant is proposing

2 loading bays, which is less than the three spaces as stipulated in the Off-Street Loading Space Criteria document. However, it exceeds the number of spaces required by the current Zoning Ordinance (1 space). Consistent with more recent approvals, MCDOT and MCDPS approve the proposed number of loading bays. Reducing the number of loading spaces will reduce noise, enhance pedestrian safety, and provide safe circulation of traffic without negatively impacting the provision of appropriate loading.

Community Outreach

The Applicant has complied with all submittal and noticing requirements. Staff has not received any comments regarding this project.

SECTION 5: SITE PLAN

Analysis

Conformance to the Master Plan

The approved Development Plan and the proposed Site Plan meet the overall objectives of the *2010 White Flint Sector Plan*, including developing White Flint as the main urban center of North Bethesda, capitalizing on the public investment in the Metro system and encouraging its use, promoting mixed-use development near Metro, providing transit-oriented residential development, and developing lively pedestrian environments.

The Sector Plan acknowledges elements of the Development Plan such as the street grid, public open space and land uses as being critical components for achieving the Sector Plan's Vision. North Bethesda Center is located within the "Metro East District", which is a part of the Sector Plan's urban core. For this particular district, the Sector Plan states that given its close proximity to Metro, the development should provide additional density and provide more residential and office development. The proposed development will add more residential units near Metro, further street connectivity within White Flint and enhance the network of public open spaces within the Sector Plan area. The building as proposed is compatible with surrounding structures and conforms to the White Flint Urban Design Guidelines as well.

Transportation

Master-Planned Roadways, Bikeway, and Transitway

In accordance with the *2010 White Flint Sector Plan*, *2005 Countywide Bikeways Functional Master Plan*, and *2013 Countywide Transit Corridors Functional Master Plan*, the master-planned roadways, bikeway, and transitway are as follows:

1. Marinelli Road is currently designated as a business road, M-6, with 90-foot right-of-way with a shared use path, SP-41. Under the *White Flint Sector Plan*, it was increased from the 1992 *North Bethesda/Garrett Park Sector Plan's* recommended 80 feet of right-of-way to a 90-foot right-of-way. Separated bike lanes on both sides of Marinelli Road are under design by MCDOT and recommended in the White Flint Separated Bike Lane Network document.

2. Citadel Avenue is designated as a business road, B-12, with a 70-foot right-of-way and no bikeway. Following the Planning Board's approval of Preliminary Plan No. 12004049B, the Applicant filed a request to record the plat for Parcel G. As a part of the record plat approval, the Applicant dedicated an additional five feet of right-of-way along Marinelli Road between Citadel Avenue and Wentworth Place, to meet the overall 90-foot right-of-way requirement. The Applicant also dedicated through a deed, 70-foot right-of-way for Citadel Avenue between Marinelli Road and McGrath Boulevard. Plat 25335 was approved by the Planning Board on November 9, 2017.
3. McGrath Boulevard and Wentworth Place are private streets that are not designated in the *2010 White Flint Sector Plan*. The segment fronting Parcel G along McGrath Boulevard is the 57-foot wide eastbound one-way segment of the 192-foot wide oval-shaped paired one-way roadways. Wentworth Place is a 70-foot-wide private street that is undeveloped on the east side. The rights-of-way were platted on Record Plat No. 23452 in 2006 for both private streets.
4. The site is within ¼ mile of the White Flint Metro Station. In addition to Metrorail, the following bus routes serve the subject site:
 - a. Ride-On Routes 5, 38, 46, 81
 - b. Metrobus Route C8

Transportation Adequate Public Facilities Test

The transportation Adequate Public Facilities test was approved under the Pre-Preliminary Plan No. 720040010 using the Alternative Review Procedure (ARP) for a Metro Station Policy Area (under the *2002 Annual Growth Policy*) to satisfy both the Local Area Transportation Review and Policy Area Review tests. The APF approval was for a maximum of 1,350 mid-rise apartments, 203,037 square feet of retail space, 1,148,000 square feet of office space, and 80,000 square feet of cultural, entertainment/recreation space for the entire site. The Applicant was the only one to be approved under this ARP. Under the ARP, the Applicant must:

- Enter into a Traffic Mitigation Agreement to reduce 50% of the weekday peak-hour trips attributable to the approved land uses;
- Participate in the transportation management district (TMD);
- Pay the annual contribution to the TMD; and
- Pay the impact tax without claiming any credit for transportation improvements.

Transportation Management District

This site is within the North Bethesda Transportation Management District. On December 12, 2006, the Applicant entered into a Traffic Mitigation Agreement with the Planning Board and MCDOT to assist in achieving and maintaining the 39% non-auto driver mode share goal for residents, and the 30% non-auto driver mode share goal for employees. The Traffic Mitigation Agreement must be updated, and include such changes as funding a bike sharing station in lieu of a commuter store and contribution towards a White Flint areawide shuttle in lieu of a "North Bethesda Town Center" shuttle. Also, the underlying land owner, WMATA, must be included besides the Applicant (LCOR) on the Traffic Mitigation Agreement.

Findings

Section 59-D-3.4 (c) of the old Zoning Ordinance states that, *in reaching its decision the Planning Board must require that:*

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

The proposed Site Plan is subject to the approved Development Plan G-801. The Site Plan conforms to all the textual binding elements of the approved Development Plan as shown in the following Table. The uses, densities, heights and setbacks conform to those contained on the Development Plan.

Table 1-Development Plan Textual Binding Elements

Required	Proposed
1. The maximum building height will be 20 stories, as determined by the Montgomery County Zoning Ordinance.	The proposed building height is 5 stories at its northwest corner and 7 stories at its southeast corner.
2. The application for preliminary plan approval will utilize the Alternative Review Procedures for Metro Station Policy Areas, as described in the FY 2002 Annual Growth Policy (November 2001).	The original Preliminary Plan application was granted under the Alternative Review Procedures for Metro Station Policy Areas and has been amended from time to time in conformance with such requirements.
3. Maximum development on this property will be as follows:	
A. -Residential - 1,350 dwelling units	The proposed project will have a maximum of 294 dwelling units. Together with previously approved and built residential buildings within the overall site, the total number of dwelling units will be 933, leaving a maximum of 417 dwelling units for future development.
B. -Retail/Restaurant - 202,037 square feet	The proposed development will have no retail. 61,246 square feet have been developed to date for the Harris Teeter store on the block to the north of the site.
C. -Office/Non-Residential – 1,148,000 square feet	The proposed project will not have any office/non-residential uses. 366,121 square feet have been developed to date for the Nuclear Regulatory Commission office building on Rockville Pike.
D. -Indoor Theater (in cellar space) – 80,000 square feet	This space has not been developed and is not being proposed as a part of the proposed project.
4. Development will be divided into eight separate Building Blocks, with four Blocks located on each side of Main Street.	The Property is one of eight separate building blocks and its development will fall within the limitations for “Building Block G” of up to 500

Required	Proposed
Development of each Building Block will be pursuant to the Building Program, as shown on the certified Development Plan – Land Use Plan.	Residential units and up to 10,000 square feet of non-residential uses.
5. The phasing of the Building Program will proceed pursuant to the Development Program, as shown on the Certified Development Plan- Land Use Plan.	Footnote 8 on the Development Plan states: "The phasing of the residential development is independent of the phasing of the office development. Residential and Office development not constructed in any particular phase may be constructed in subsequent Phases up to the maximums shown above." The proposed development complies with the Development Program, as shown on the Certified Development Plan-Land Use Plan.
6. The street grid will provide public road connections aligned to Citadel Avenue on the south side of the property and aligned to Chapman Avenue on the north side of the property.	The proposed development will conform to the street grid scheme.
7. The Applicants will provide significant additional public amenities, such as augmented streetscape, public open space, interior public space, public plazas and other public amenities, as determined by the Planning Board at site plan review. As part of the amenities for the development, the Applicants will provide an on-site day care facility and on-site, indoor community activity space, whose size, phasing and site location will be determined by the Planning Board at site plan review.	The proposed development will provide Public Use Space, Private Active and Passive Recreation Space, and augmented streetscapes. Pursuant to the Binding Elements, a daycare center is required to be located at North Bethesda Center. The Certified Site Plan for 82008011B showed Parcel G (the Subject Property) as a potential location for the daycare facility. The Applicant has stated that it is not a feasible use on the Property. The Applicant has indicated that the daycare will either be located on the remaining residential parcel, or on one of the commercial parcels. The Applicant similarly has indicated that the onsite indoor community activity space required will either be located on the remaining residential parcel, or on one of the commercial parcels, which are all subject to the binding elements.
8. Final approval of the proposed vehicular/pedestrian bridge crossing over the White Flint Metro Station will be determined by the Planning Board at site plan review.	The determination about the vehicular/pedestrian bridge will occur independently of the proposed development.
9. The residential component of this development will be located within the four Building Blocks at the eastern end of the site and will be arranged around the Open	The Property is one of the four eastern building blocks and will provide residential units. Similar to the Aurora and the Wentworth House, the

Required	Proposed
Space. All residential buildings will be oriented toward the Open Space.	proposed building will be oriented towards the McGrath Boulevard community green.
10. Building Block "D" will contain the Metro parking garage.	Building Block "D" contains the Metro parking garage.
11. The Applicants will establish the Urban Amenity-Open Space, featuring the existing "White Flint" outcropping along Main Street and Chapman Avenue, adjacent to Building Block "D".	This portion of the overall site has not been developed yet and is outside the limits of the proposed development.
12. The retail component of this development may generally be located as street-front retail along Main Street, Station Street and the other street frontages. Final determination of the retail locations will be made by the Planning Board at site plan review.	No retail is being proposed for the Property.
A. If the retail component at site plan contains a grocery store / market, that use will be located east of Chapman Avenue within one of the Building Blocks. Final location of any proposed grocery store / market will be determined by the Planning Board at site plan.	The Harris Teeter grocery store is located east of Chapman Avenue in the Wentworth House Building (Block E).
13. The Development/Land Use Plan permits, but does not require, the Applicants to construct an indoor theater in cellar space of approximately 80,000 square feet in size. If the Planning Board approves an indoor theater at site plan review, the Applicants will construct it as a cellar space with a street-level theater entrance kiosk. The theater and the kiosk will be located east of Chapman Avenue. The exact location of the theater and the kiosk will be determined by the Planning Board at site plan review.	The proposed development does not include a theater.

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 proposed uses are allowed in the TS-M Zone. The site plan fulfills the specific purposes of the zone, and is in compliance with the approved Development Plan. As the project data table below indicates, the site plan meets all development standards of the zone.

Table 2: Project Data Table for the TS-M Zone, as amended by the approved Development Plan

Section	Development Standard	Per Approved Development Plan G-801	Proposed for Approval
59-C-8.41	Min. Tract Area, entire site	32.42 Acres	
	Min. Tract area for Parcel G	Not specified	1.801 Acres
59-C-8.42	Maximum Density (Dwelling Units)*	500	Max. 294
	One-bedroom	Not specified	246
	Two-bedroom	Not specified	48
	Minimum MPDUs on-site	12.5%	12.5%
* Residential density in the Development Plan was limited only by dwelling units, not FAR			
	Building Height (stories)	20 stories	Max. 7 stories
	Building Height (feet)	Not specified	Max. 75 feet
	Minimum building setbacks		
	Marinelli Road	Not specified	0-2 feet
	Citadel Avenue	Not specified	0-2 feet
	McGrath Boulevard	Not specified	0 feet
	Wentworth Place	Not specified	0 feet
59-C-8.43	Open Space		
	Minimum Public Use Space (%)	10% (over entire site)	
	Minimum Public Use Space (s.f.)		2,600 s.f. on Parcel G
	Minimum Active/Passive Recreation (%)	25% (over entire site)	
59-E	Minimum Active/Passive Recreation (s.f.)		20,000 s.f. on Parcel G
	Residential Parking Spaces per the old Zoning Ordinance and as amended by the Development Plan		
	Residential (Maximum 294 units)		
	1 bedroom – market rate (212 units)	212 x 1.25 = 265	
	2-bedroom – market rate (45 units)	45 x 1.5 = 67.5	
	1-bedroom – MPDU (31 units)	31 x .625 = 19.375	
	2-bedroom – MPDU (6 units)	6 x .750 = 4.5	
	Total	356.375	
	Discount for transit station development area	-10 percent / -35.6	
	Discount for entrance w/in 1,600' of Metro	-5 percent / -17.8	
	Total Discount	53.4	
	Residential parking required after discount	303	348

	Loading, Accessible Spaces, Motorcycle & Bicycle		
	Bicycle Parking	18 (1 bicycle spaces per 20 parking spaces)	104
	Residential ADA spaces	8	8
	Residential ADA van spaces	2	2
	Electric car charging spaces	4	4
	Motorcycle Parking	7	7
	Loading spaces required per DPS Off-Street Loading Criteria	3	2*
*Approved by MCDOT via MCDPS since the number provided meets the new Zoning Ordinance requirements and is consistent with similar recent approvals.			

Table 3: Recreation Guidelines Tabulations

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	29.4	2.59	26.97	29.56	Adequate
Children	20.58	5.66	56.08	61.74	Adequate
Teens	8.82	3.09	76.89	79.98	Adequate
Young Adults	214.62	26.74	262.86	289.6	Adequate
Adults	164.64	19.39	211.59	230.98	Adequate
Seniors	73.5	6.02	119.72	125.74	Adequate

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 building defines the pedestrian realm by maintaining the street wall and contributing to the urban character of the larger development. Along with the buildings on adjacent Parcels E & F, it provides and maintains a decisive street edge for the community green along McGrath Boulevard as well as along Marinelli Road, Citadel Avenue and Wentworth Place. The location of the building and associated structures is adequate, safe, and efficient.

b. *Open Spaces*

Prior to the currently proposed application, there was 112,584 square feet of Public Use Space approved, which equates to approximately 83% of the overall site's requirements. This application will provide 2,600 square feet of additional Public Use Space, which will contribute to the minimum 10% Public Use Space requirement for the overall site. This Public Use Space will be located at the north-western corner of the Property. Along with 4,400 square feet of previously approved Open Use Space, it will form a public plaza. It will mirror the plaza outside the Harris Teeter entrance to the north and further the overall open space concept per the Development Plan. In addition, the TS-M Zone requires a minimum of 25% Active and Passive Recreation Space. The project will

provide 20,000 square feet of Active and Passive Recreation Space. This amounts to 26% of the net lot area for Parcel G and will contribute to the overall requirement for Active and Passive Recreation Space. This space will be provided in the courtyard and the lounge terrace overlooking McGrath Boulevard. All sidewalks are adequately dimensioned and feature standard streetscape elements, including pavers and street trees. The open spaces are adequate, safe, and efficient.

c. *Landscaping and Lighting*

The proposed plaza will integrate seating, landscaping and some stormwater management into its design and provide residents and the public with passive recreation opportunities. The proposed landscaping for the private residential courtyard within the site will also provide many opportunities for enjoyment and respite. The landscaping is adequate, safe, and efficient. The lighting plan provides illumination sufficient for the safe enjoyment of the public spaces throughout the day, while limiting the amount of light trespass into adjacent residential developments and the skies above. The lighting is adequate, safe, and efficient.

d. *Recreation Facilities*

Recreation demand is satisfied through a combination of on- and off-site amenities. The TS-M Zone allows a portion of the active/passive recreation facilities to be provided interior to the building. The proposal includes both exterior and interior amenities including the residential courtyard, private fitness facilities, a multitude of seating areas, and a porous pedestrian network linking this development with the surrounding communities. Off-site amenities include a basketball court, bikeways and nearby trails. The application shows conformance to the March 2017, Recreation Guidelines. The recreation facilities are adequate, safe, and efficient.

e. *Pedestrian and Vehicular Circulation Systems*

This site has access to bus service at the intersection of Rockville Pike and Marinelli Road. White Flint Metro Station is located a few blocks away at the intersection of Marinelli Road and Rockville Pike. Pedestrian circulation through a development-wide sidewalk system connects residents directly to the surrounding residential, commercial, and retail uses, and through transit to the rest of the region. The Applicant is providing seven-foot-wide sidewalks along Marinelli Road and Citadel Avenue, a minimum eight-foot-wide sidewalk along McGrath Boulevard, and an eight-foot-wide sidewalk along Wentworth Place. Vehicular circulation to the site will be provided from both public and private roads, with a grid of streets offering a variety of routes in and out of the site. Garage access will be off Wentworth Place. A loop drive around the residential green will provide drop-off and visitor access to the building. 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.*

Parcel G is located on the south side of the Community Green. The proposed five- to seven-story building will allow more sunlight into the community green. The design of the building reinforces its relationship to the community green, with a glassier, more open façade and amenity spaces facing the park. The visual connection between the Public Use Space and the residential courtyard also creates an appropriate transition between public and private spaces. The change in scale from the adjacent Wentworth House and Aurora provides more variety of choices for potential residents, as well as variation in building architecture, adding richness and visual interest to the development. At the northwest corner, a taller architectural piece will emphasize the entrance into the main lobby. The facades will be well-articulated to break down the scale of the building, and the building will provide continuous street walls on all four sides. Due to the change in topography, two levels of the parking garage are visible along Marinelli Road. These two levels have been activated or screened by the bike parking and repair room on the ground floor, landscape and public art to screen the garage, and by designing the garage façade to be an extension of the architecture above. The building height, massing, and configuration are compatible.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

The Property is part of a previously approved Final Forest Conservation Plan (FFCP) for the North Bethesda Center (FFCP No. 82008018A). This application includes an amendment to the FFCP that satisfies the afforestation and reforestation requirements that this site needs to provide to fulfill its obligations under the previously approved FFCP.

FFCP No. 82008018A covered the entire 32.42 acres of the North Bethesda Center development. It required 6.07 acres of reforestation for the entire property. 4.85 acres of reforestation was to be satisfied through purchase of off-site forest banking credits. M-NCPPC records show that this obligation has been fulfilled. The remaining 1.21 acres was to be satisfied through on-site landscaping in the form of tree canopy cover. The FFCP amendment as part of this Application (No. 82008018B) is proposing to plant 27 street trees totaling 6,491 square feet of tree canopy credit, based on an average canopy cover credit of 961.63 square feet per tree specified in FFCP 82008018A, multiplied by the one-quarter credit allowed under the law to apply toward reforestation requirements. While it is no longer Planning Department practice to accept street trees in a public right-of-way for FCP credit, the original FCP approval allowed this credit, and it continues to be honored in this plan. This provides 12.3% of the landscaping credit required to complete implementation of the reforestation requirements on the larger site. Approval of FFCP as part of this Application will fulfill the requirements of Chapter 22A, Forest Conservation.

One tree species recommended for planting on the FFCP Amendment, a Chinese elm (*Ulmus pumila*) is listed as an invasive species on the web site of the Mid-Atlantic Exotic Pest Plant Council. This species must be replaced with an appropriate native shade tree species, to be approved by Staff, as stated in condition 3a.

Staff recertified a Natural Resources Inventory and Forest Stand Delineation for this site on February 11, 2002 (NRI/FSD No. 419991200). Per the approved NRI/FSD, the site contains no streams or stream buffers, wetlands, 100-year floodplains, hydraulically adjacent steep slopes, or known habitats of rare, threatened and endangered species. This application is therefore in conformance with the Planning Department's *Environmental Guidelines*.

The MCDPS Stormwater Management Section approved the stormwater management concept on November 29, 2017. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenention.

CONCLUSION

The Application satisfies the findings under Section 59-C and 59-E of the Zoning Ordinance and substantially conforms to the recommendations of the *2010 White Flint Sector Plan*. Therefore, Staff recommends approval of the Site Plan with the conditions specified at the beginning of this report, including the approval of the modified FFCP.

Attachments

- A. County Council Opinion for Local Map Amendment G-801
- B. Planning Board Opinion for Preliminary Plan 120040490
- C. Agency Approval Letters

Resolution No. 15-151

Introduced: April 29, 2003

Adopted: April 29, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By: County Council

SUBJECT: APPLICATION NO. G-801 FOR AMENDMENT TO THE ZONING ORDINANCE
MAP, Stephen P. Elmendorf and Nathan J. Greenbaum, Attorneys for White Flint
LLC (LCOR) and Washington Metropolitan Area Transit Authority (WMATA),
Applicants, OPINION AND RESOLUTION ON APPLICATION
Tax Account No. 04-001-00052606

OPINION

Zoning Application No. G-801 requests reclassification from the R-90 Zone to the TS-M Zone of 30.99 acres known as the WMATA property, located within an area bounded by Rockville Pike, Old Georgetown Road, Nebel Street and Marinelli Road in North Bethesda in the 4th Election District.

The Hearing Examiner recommended approval of the application and the revised development plan based on findings that the proposed development is a proper use for the comprehensive and systematic development of the County; that the proposed use is capable of accomplishing the purposes of the TS-M Zone; that the proposed development is in compliance with the applicable master plan; and that the proposed development satisfies all the technical requirements of the TS-M Zone.

The Hearing Examiner also concluded that the development plan complies with the master plan and does not conflict with the general plan, the County's CIP or other County plans or policies; that the plan complies with the purposes, standards and regulations of the TS-M Zone, provides for the maximum safety, convenience and amenity of residents of the development, and will be compatible with adjacent development; that the plan provides for internal vehicular and pedestrian circulation systems that are safe, adequate and efficient; that the plan provides design features that will minimize soil erosion, enhance sediment control, and preserve natural features; and that the binding elements of the plan assure perpetual maintenance and care of recreational, common and quasi-public areas.

The Technical Staff and the Planning Board provided similar recommendations. The District Council agrees with the findings and conclusions of the Hearing Examiner, the Planning Board and the Technical Staff.

The subject property is located in the North Bethesda-Garrett Park Planning Area. The 30.99 acre tract is roughly rectangular in shape and is bounded on four sides by roads: Rockville Pike on the west, Old Georgetown Road on the north, Nebel Street on the east and

Marinelli Road on the south. The topography reflects a 76-foot average drop in grade from west to east. The property extends about 1,560 feet in depth and is about 845 feet wide. The site is currently developed with the White Flint Metro Rail Station, a surface parking lot for Metro patrons, a golf driving range and miniature golf course and storm water management facilities. The 4.7-acre forest and rock outcroppings of the "White Flint" are located in the center of the site.

The surrounding impact area includes areas south to Parkwood, east to Rock Creek and north to Randolph Road. This area includes residential areas that will likely receive impact from this large development not just in the form of traffic impact but also from its intensity of use. This area is in line with the likely impact of the project and consistent with impact areas used by the District Council in other high impact cases.

The land use and zoning pattern of the area reflects mixed uses including offices, retail, light industrial, high-rise and mid-rise residential buildings, and single-family residential uses. The eastern portion of the area includes low-rise, light industrial uses within the Montrose Industrial Park and the Washington Gas Light facility. To the north are residential uses including the 3 to 5 story Windsor Villa apartments, and White Flint Place, a complex with a 12-story office building with retail and two 16 story residential buildings currently under construction. The 17 story Forum residential condominium is located further north.

The Mid Pike Plaza is located west of Rockville Pike and is developed with one and two story retail uses with surface parking. Also located west of Rockville Pike is the Metro surface parking lot that is approved for development as the County's Conference Center which will include two 12 story hotels and about 100,000 square feet of conference space. Located south of Marinelli Road and west of Rockville Pike is a two-story retail center. Located further to the west are three high-rise residential buildings developed under the TS-R Zone and range up to 19 stories.

Located on the south side of Marinelli Road and on the east side of Rockville Pike are the two buildings of the Nuclear Regulatory Commission, one of which is 20 stories and the other 10 stories. Located to the east along the south side of Marinelli Road are mixed uses including a proposed 20-story, residential high-rise, an existing 4-story apartment building, a Metrobus storage and maintenance facility, low-rise industrial uses and an athletic club. Located further south is the White Flint Mall, and the residential communities of Garrett Park Estates and Parkwood.

The proposed development will contain over 2,700,000 square feet of mixed uses with approximately 1,350,000 square feet designated for office and retail uses and approximately 1,350,000 square feet designated for 1,350 residential rental units, including moderately priced dwelling units (MPDUs). The overall concept of the project is to break the 30-acre site into eight building blocks centered along a "Main Street" that will extend in an east-west direction. This Main Street will link Rockville Pike and the eastern end of the site. Main Street will function as an internal loop road. All the internal streets will have sidewalks, streetscape improvements and ample building setbacks. These improvements will include street trees, pedestrian scale streetlights, benches, and street signs. Streetscape will also be provided along the roads that border the site. All the proposed uses will be located within 1,600 feet of the Metro station.

The project will be contained in eight building blocks. The four blocks closest to Rockville Pike will contain the office uses, while the four eastern blocks will contain the residential development. Building setback will be 15 to 20 feet with sidewalks of appropriate

width depending on their location and function. Parking will be provided for employees, patrons, residents and Metro riders in structured parking facilities and on-street spaces. A WMATA parking garage will be located between a Metrobus stop and the transit station.

Retail uses will be located along the western edge of the site and will also extend along both sides of Main Street at street level. The proposal intends to provide a grocery store/market to be located east of Chapman Avenue within one of the residential blocks. A below grade movie theatre is also planned to be located east of Chapman Avenue.

A street grid is designed to accommodate future north-south extensions of Chapman Avenue and Citadel Street to form a connection between Nicholson Lane and Randolph Road that will permit traffic from Marinelli Road and Old Georgetown Road to enter the site and also provide relief to Rockville Pike. The street grid is also designed to slow traffic and offer a buffer for pedestrians with street parking. A north-south street, known as Station Street, will extend from Old Georgetown Road to Marinelli Road along the western end of the site, and will provide a showcase of activity for retail and offices uses facing Rockville Pike. The street will also provide pedestrian access to and from the Metro station and will provide for kiss and ride, handicap parking and bus access to the station. At the east end of the site, a local street will connect Main Street to Nebel Street. At the west end of the site, the development plan proposes a pedestrian/vehicular bridge across the Metro tracks. Final approval of the proposed bridge will be determined by the Planning Board at site plan review.

There are several identified amenities proposed. A tree stand, containing 51,000 square feet of forested area and over 25 specimen trees and the "White Flint" rock outcropping, will be preserved adjacent to Main Street. A community green of about 35,000 square feet is proposed along the eastern end of Main Street as a focal point for the residential buildings. A storm water management facility will be located off-site on an adjacent property at the eastern end of the site. Another storm water management facility will be located underground at the northern end of the site. Other substantial and additional amenities, including a childcare center and an indoor community activity space, will be provided within the building blocks as determined by the Planning Board.

The project will enhance pedestrian movement by locating density closer to Metro. Building heights will range to as high as 20 stories, the level currently reflected by the NRC building on the south side of Marinelli Road. An architectural edge around the building blocks will reflect heights of 1 to 4 stories. There will be 4 or 5 commercial buildings and the office towers that are expected to range from 10 to 20 stories in height. The residential towers would range from 4 to 20 stories with the tallest buildings clustered around the community green. The proposal includes a density limit of 2.0 FAR, which conforms to the master plan recommendation.

The property is classified under the R-90 Zone, which was applied to the site by the 1954 Regional District Zoning. Countywide comprehensive rezoning in 1958, and again in 1978 and in 1993 reconfirmed this zoning. The property is also the subject of special exceptions for two golf-driving ranges approved by the Board of Appeals.

In 1978, when the Nicholson Lane Sector Plan first analyzed this area, the R-90 Zone was recommended as a base zone and the TS-M Zone was recommended as an alternative floating zone which can only be applied by local map amendment. The zoning plan was followed by comprehensive zoning in 1978 which confirmed the R-90 Zone. The subject property is currently governed by the recommendations contained in the 1992 North Bethesda-

Garrett Park Master Plan, which recommends the site for the R-90 Zone and for the TS-M Zone as a floating zone.

The District Council finds that the application is consistent with the land use and density recommendations of the master plan. In terms of planning objectives for this location, the application will provide a main urban center for North Bethesda, encourage significant Metro use, promote mixed use development to insure vitality of the area, provide transit serviceable residential uses and promote a lively pedestrian environment. The application also meets the urban design and street circulation recommendations of the plan. Open space and MPDUs are elements of the project that also comply with the recommendations of the master plan.

The District Council concludes that the proposed development complies with the intent and purposes of the TS-M Zone. The site is located in a transit station development area where substantial commercial and office uses exist and are recommended by the master plan and will promote optimum use of transit facilities. The proposed development is recommended for the TS-M Zone by the applicable master plan and will be located adjacent to the White Flint Metro Station. The development plan provides an imaginative and compact site design with compatible land uses and specifically implements the design guidelines of the sector plan. The proposal includes several amenities including a child day care center, a indoor community activity space, structured parking, tree preservation, community open space areas and storm water quality and quantity control facilities. The design layout strictly conforms with the density recommendations of the master plan in that the overall development will be restricted to an FAR of 2.0. The development plan includes features that will minimize detrimental impact on adjacent properties or the surrounding area. The proposed development is compatible with the existing and planned land uses in the area. The proposal meets the technical development standards of the TS-M Zone concerning minimum lot area, overall density and public use space and active and passive recreational space.

The District Council also finds that the development plan meets the requirements of Section 59-D-1.61 of the Zoning Ordinance. The TS-M Zone at this location complies with the master plan and the proposed development is in accord with the County's other plans and policies. The development plan provides for a form of development that satisfies the requirements of the TS-M Zone, provides for the maximum safety, convenience and amenities for residents of the development, and is compatible with adjacent development. The development plan contains features that protect environmentally sensitive areas and provides for green areas. The design layout provides for significant open space, tree preservation, setbacks, buffer areas, separate vehicular and pedestrian circulation systems and a storm water management system. The internal vehicular and pedestrian circulation systems will be safe, adequate and efficient. The design features will prevent soil erosion, enhance sediment control and preserve natural features. The Applicants provided binding elements of the development plan to assure perpetual maintenance of all recreational, common and quasi-public areas.

For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

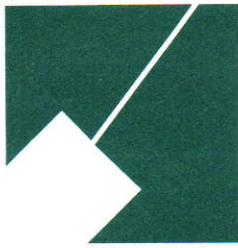
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

The revised development plan, submitted as Ex. 88(b), is approved. Zoning Application No. G-801 for the reclassification from the R-90 Zone to the TS-M Zone of 30.99 acres known as the WMATA property, located in an area bounded by Rockville Pike, Old Georgetown Road, Nebel Street and Marinelli Road in North Bethesda in the 4th Election District is granted in the amount requested subject to the specifications and requirements of the approved development plan; provided that, within 10 days of receipt of the District Council's approval resolution, the Applicants must submit the revised development plan, Ex. 88(b), as a single document for certification in accordance with §59-D-1.64.

This is a correct copy of Council action.


Mary A. Edgar, CMC
Clerk of the Council

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

Date Mailed: MAR 22 2005

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Perdue,
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 1-04049

NAME OF PLAN: North Bethesda Town Center (LCOR White Flint)

The date of this written opinion is MAR 22 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).

INTRODUCTION

On January 13, 2004, LCOR White Flint, LLC submitted an application for the approval of a preliminary plan of subdivision of property in the TS-M and I-1 zones. The application proposed to create 9 lots on 32.42 acres of land located at on the east side of Rockville Pike (MD 355) between Marinelli Road and Old Georgetown Road (MD 187), in the North Bethesda/Garrett Park master plan area. The application was designated Preliminary Plan 1-04049. On September 30, 2004, Preliminary Plan 1-04049 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.

SITE DESCRIPTION

The subject property consists of approximately 32 acres and is located on the east side of Rockville Pike (MD 355) approximately 2,000 feet south of its intersection with Montrose Road. The property is bounded on four sides by roads: Rockville Pike on the west, Old Georgetown Road on the north, Nebel Street on the east and Marinelli Road on the south. The site is currently developed with the White Flint Metro Rail Station, a surface parking lot for Metro patrons, a golf driving range and miniature golf course, and stormwater management facilities. The majority of the property is zoned Transit Station Mixed with a small area of I-1 Light Industrial.

PRIOR PLAN APPROVALS

The TS-M zoned portion of the property was rezoned from the R-90 zone in April 2003 per County Council Resolution No. 15-151. The specifications and requirements of this rezoning have been incorporated into the approval of the Preliminary Plan per proposed condition #2.

A Pre-application Submission Application, including a Concept Plan, was submitted for Planning Board approval, pursuant to the provisions of Section 50-33A of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) in September, 2003 (Pre-Preliminary Plan No. 7-04001). The application requested a decision by the Planning Board on the adequacy of school facilities for the proposed subdivision under the Ceiling Element for the FY 2004 Annual Growth Policy (July 2003), and the adequacy of road and public transportation facilities of the proposed subdivision under the Alternative Review Procedures for Metro Station Policy Areas in the FY 2002 Annual Growth Policy – Policy Element (November 2001). The Pre-Preliminary Plan was approved by the Planning Board, with conditions on October 16, 2003. The approval conditions have been incorporated into the approval of the Preliminary Plan per proposed condition #13.

In July 2004 the Planning Board reviewed a Mandatory Referral for the Washington Metropolitan Area Transit Authority's (WMATA) Metro parking garage at White Flint, which is located on proposed Lot "D" of the subject Preliminary Plan. The Board approved the mandatory referral and transmitted comments to WMATA.

PROJECT DESCRIPTION

The preliminary plan consists of nine lots and 2 parcels. Each lot may contain up to a 20-story building with structured parking. The two parcels contain community open space and stormwater management facilities. The proposed development will contain mixed uses including: approximately 1,350 apartment units, twelve and one-half percent of these units, or 169 units will be Moderately Priced Dwelling Units; 1,148,000 square feet of Commercial Office; 202,037 square feet of General Retail; and up to an 80,000 square foot Theater. The plan preserves approximately one acre of trees, which are part of the original 4.7-acre forest and rock outcroppings of the "White Flint" in the Urban Amenity Open Space area. Site plan review pursuant to §59-D-3 is required for this project.

STAFF RECOMMENDATION

Staff recommended approval of this preliminary plan with conditions in its memorandum dated September 23, 2004 ("Staff Report"). Staff's review indicated that the preliminary plan complies with the requirements of Chapter 50, the Subdivision Regulations. Staff found that the preliminary plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the APF requirements.

During Staff's review, a letter was received from the Garrett Park Estates – White Flint Park Citizens' Association ("Citizens' Association"), which expressed concern with the traffic impact from the Bethesda Town Center, in particular on Rockville Pike, and noted that the Preliminary Plan did not show the on-site daycare facility or the on-site indoor community activity space. Staff also received a letter from V3 Properties, LLC ("V3 Properties"), the owner of an adjacent property on Nebel Street. V3 Properties noted that it and its neighbors should be provided access to and through the proposed development, at a minimum pedestrian access.

PUBLIC HEARING

At the public hearing, Staff presented revised conditions of approval to the Board. Staff explained that one of these revisions included the requirement that the Planning Board grant a waiver of a section of the Subdivision Regulations requiring business district streets have an 80' right-of-way to permit rights-of way of 70 feet, which is the width required in the Road Code, Montgomery County Code Chapter 49. Staff also noted that Condition 13 restates the binding conditions of approval of the pre-preliminary plan and that the preliminary plan proposed condition reflected the correction of a mistake in the pre-preliminary plan conditions by referencing the correct fiscal year Annual Growth Policy. Other revised conditions concerned the roadways, including obtaining certain approvals from SHA and WMATA at site plan review.

Transportation Planning Staff advised the Planning Board that adequate public facilities had been addressed at the pre-preliminary plan stage and has been approved by the Board. As such, Staff testified, the primary transportation issue for the Board's consideration at the preliminary plan hearing involved the road network. Staff advised the Board that, through negotiations, the applicant, DPWT and M-NCPPC Staff had arrived at a consensus position that the streets serving the commercial area will all be public. Streets serving the residential area of the project, however, will be private. Staff noted that DPWT has agreed to maintain Bridge Street as a public street, and that traffic control at the intersection of Bridge and Station streets is being given careful consideration to ensure that there will be no backup of traffic on Rockville Pike. Staff noted the importance of that access point to the site because nearly all of the retail will be located along Main Street and that M-NCPPC, DPWT, and the applicant feel strongly that the proposed connection to Rockville Pike at Bridge Road be provided.

The applicant, through its counsel, testified that applicant agrees with Staff's recommendation and conditions of approval, including the revisions. Responding to the comments in the Citizens' Association letter, applicant's counsel advised the Board that issues related to the daycare center and recreational amenities are not properly addressed at the preliminary plan stage and will be addressed at the site plan stage. Applicant also responded to the letter submitted by V3 Properties, which requested pedestrian and/or vehicular access directly into the site at the middle of the block. Noting that the neighboring property is in an I-1 Zone, Applicant pointed out that pedestrian access exists along Nebel Street into the site. Applicant commented that it did not desire to have I-1 traffic coming through the residential component of the proposed development and, furthermore, that a significant change in grade existed between those neighboring properties and the site, which would make such a connection impractical. Moreover, the applicant argued, the proposed road/ sidewalk grid network provides adequate vehicular and pedestrian connections from virtually any direction.

A representative of the Citizens' Association read and submitted into the record a written statement. The representative pointed out what she believed was an error in excluding from the list of intersections that exceed the CLV congestion standard and requested that the information be updated. She stated that it is in the interest of the community to discourage use of Rockville Pike in favor of alternate routes such as Nebel Street. The representative advised the Board that the Citizens' Association took issue with two aspect of the Preliminary Plan: the construction of new vehicular access from Rockville Pike and the proposal to provide only private road access to Nebel Street.

In its rebuttal time, the applicant clarified that the classification of certain roads as being "private," simply relates to the party who will be charged with maintaining the road. He noted that the private roads would be built to public road standards and the public would have access to those roads. Concerning Bridge Street, the applicant noted that

Transportation Planning Staff had determined during the zoning case that the access to Rockville Pike would relieve some of the traffic congestion at the intersection with Old Georgetown Road. He also advised the Board that deceleration and acceleration lanes would be provided on Rockville Pike at the new access point.

There was considerable discussion by the Board on the amenities and open spaces to be provided and whether they would really serve the community in the manner intended. Board members told the applicant that they want assurance that the proposed amenities would be useful and appear welcoming to the public. Staff and applicant explained to the Board how, conceptually, the amenities would work. They advised the Board that the amenities and open space design will be addressed in some detail at the time of site plan review. The applicant assured the Board that it is aware of the Board's desires with respect to the amenities and open space. The Board also expressed concurrence that the intersection of Nebel and Nicholson requires improvement and asked Staff to look into the matter in order that the Board may forward a recommendation to the County to address any issues there. The Applicant noted that it was required under the alternative review procedure to perform a comprehensive intersection analysis and that such analysis had been conveyed to Staff.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; 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:

- a) The Preliminary Plan No. 1-04049 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. As noted above, the adequate public facilities finding was made at the pre-preliminary plan stage.
- 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. This finding is subject to the applicable condition(s) of approval.

¹ 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.

- 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 contains only the following contested issues:
- Pedestrian and/or vehicular access from adjoining properties in the southeast corner of the property directly into the proposed development: The Board finds, based on evidence of record and testimony at the hearing that providing such direct access is not feasible because of problematic grade changes and the location of proposed stormwater management facilities. The Board notes that adequate access is provided in the northeast corner of the proposed site and that additional "direct" access points are not necessary. The Board further finds that the proposed road/sidewalk grid network provides adequate vehicular and pedestrian connections from virtually any direction, including the adjoining properties.
 - Access to the proposed development directly onto Rockville Pike via Bridge Street: Based on evidence of record and testimony at the hearing, the Planning Board finds that the access point at the proposed Bridge Street and Rockville Pike is critical because nearly all of the retail will be located along Main Street, which is on axis with Bridge Street; and, therefore, it is important for optimal circulation and safety that vehicles entering from and exiting to Rockville Pike have such a convenient access point. Additionally, the Board finds that the proposed access point will facilitate efficient and safe circulation of public transit vehicles on the site. The Board further finds that the proposed connection to Rockville Pike at Bridge Street will not negatively impact traffic on Rockville Pike, because, among other things, it will relieve some of the traffic congestion at the intersection of Rockville Pike and Old Georgetown Road to the north, and deceleration and acceleration lanes will be provided on Rockville Pike to the north and south of the access point. The Board is of the opinion that, in approving a development plan that included access to Rockville Pike via proposed Bridge Street—which access point was not delineated for in the master plan—and delegating final approval of the bridge to the Planning Board as a part of the Board's regulatory review of the proposed development, the District Council, the master plan approving authority, has endorsed access onto Rockville Pike via proposed Bridge Street; and, therefore, the Board's finding of

substantial conformance with the master plan can be made notwithstanding the absence of such an access point from the master plan.

- Private Road access to Nebel Street: The Board finds, based on evidence of record and testimony at the hearing, that providing access to Nebel Street via "private roads" will not discourage drivers from using those roads to access Nebel Street because those roads, when constructed, will be indistinguishable from public roads and will be open to the public.

The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04049 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04049, including a waiver of Section 50-26(a)(4) pursuant to Section 50-38, to permit business district streets with a right of way of 70 feet, and subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 9 lots, 2 parcels with 1,350 Multi-Family Residential Units including 169 MPDUs, 1,148,000 square feet of Commercial Office, 202,037 square feet of General Retail with a possible supermarket, and an 80,000 square foot Theater with matinees and a 3,500-seating capacity.
- 2) Compliance with the specifications and requirements of the approved development plan for Zoning Application No. G-801, County Resolution No. 15-151.
- 3) No clearing, grading or recording of plats prior to site plan signature set.
- 4) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 5) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 6) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.

- 7) Record plat to reflect a Category II easement over the tree save area which is part of the Urban Amenity Open Space.
- 8) Record plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 26, 2004.
- 10) Final access and improvements, as required to be approved by MDSHA prior to issuance of building permit.
- 11) All road right-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the North Bethesda/Garrett Park Master Plan, unless otherwise designated on the Preliminary Plan.
- 12) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Bethesda/Garrett Park Master Plan, and to the design standards imposed by all applicable road codes, unless otherwise amended. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 13) Compliance with the following transportation-related conditions:

Per the Planning Board's approval of Pre-Preliminary Plan No. 7-04001:

- A. The Applicant to enter into an agreement with the Planning Board and the County Department of Public Works and Transportation to:
 1. meet trip reduction goals established by the Planning Board as a conditions of approving the LCOR Subdivision, which require the Applicant to reduce 50% of the number of weekly peak hour trips attributable to the LCOR Subdivision, either by reducing trips from the subdivision itself or from other occupants of the White Flint Metro Policy Area;
 2. participate in programs operated by, and take actions specified by the North Bethesda Transportation Management District ("TMD") established by County law fro the White Flint Metro Policy Area (or a group of policy areas including that policy area) in order to meet the TMD's mode share goals;
 3. pay an ongoing annual contribution or tax to fund the TMD's operation expenses, including minor capital items such as buses, as established by County law; and

4. pay the applicable transportation development impact tax without claiming any credits for transportation improvements.
 5. Conduct a Local Area Transportation Review ("LATR") traffic study and specify for inclusion in the County's Capital Improvements Program ("CIP") any transportation improvements needed to support the subdivision.
- B. Preliminary plan application shall conform to all other requirements set forth in Chapter 59, Zoning Ordinance, Chapter 50, Subdivision Regulations and other applicable codes.
- C. Planning Board approval of the Pre-Preliminary Plan including the alternative review procedures under Section TA1 of the FY02 Annual Growth Policy does not preclude further consideration by the Board of other trip reduction measures associated with preliminary plan or site plan review, as appropriate, e.g. location of transit stops, provision/location of Kiss-and-Ride and bus circulation areas; on-site and off-site pedestrian and vehicular circulation; on-site parking requirements; phase-in of day care facilities, and other trip reduction measures as appropriate.

Per Transportation Planning review of the Preliminary Plan:

- D. Designate the following internal streets as public commercial/industrial roads with modified cross-sections:
1. The entire length of the north-south streets between Marinelli Road and Old Georgetown Road:
 - a) Station Street
 - i) To be the main bus loading/unloading area, in lieu on Rockville Pike (MD 355) and the current on-site location.
 - ii) To possibly be one-way southward between Main Street/Bridge Street to Marinelli Road that would be determined at site plan.
 - b) LCOR's (not the master-planned business district street) Chapman Avenue
 - c) Citadel Avenue
 2. Bridge Street that is an east-west street between Rockville Pike and Station Street.
 3. Main Street that is an east-west street between Station Street and Citadel Avenue.

The remaining internal streets east of Citadel Avenue within the residential area of the proposed development would be designated as private streets – Main Street Circle and Park Avenue.

- E. Dedicate 70 feet of right-of-way for the five public business district streets with modified cross-sections. Locate PUEs outside the public right-of-way, unless DPWT agrees to relocation of PUEs at Site Plan.
- F. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) regarding the unique cross-section design details of the five public streets and the other private streets (i.e., Main Street Circle and Park Avenue) to optimize the vehicular circulation while providing for pedestrians, bicycles, and environmental considerations.
- G. At the site plan review for safe and efficient traffic circulation to, on, and from Bridge Street between Rockville Pike (MD 355) and Station Street and as an alternative access point via the intersections with Marinelli Road and Old Georgetown Road, coordinate the design and resolve the following:
 - 1. Obtain Maryland State Highway Administration (SHA) approval of the proposed access point from Rockville Pike to Bridge Street, including right-turn-in and right-turn-out traffic control measures and associated deceleration/acceleration lanes;
 - 2. Obtain WMATA approval for deceleration/bus activity lane between Marinelli Road and proposed Bridge Street;
 - 3. Prohibit lefts-in and lefts-out at the intersections of Station Street with Marinelli Road and with Old Georgetown Road and only permit rights-in and rights-out; and
 - 4. Coordinate with DPWT regarding the installation of adequate traffic control at the intersection of Bridge Street/Main Street and Station Street to prevent excessive queuing along Bridge Street between Rockville Pike and Station Street.
- H. Coordinate with DPWT regarding their Capital Improvements Program (CIP) project for the extension of Citadel Avenue south of Marinelli Road and their Facility Planning Study for Chapman Avenue north of Old Georgetown Road.
- I. Prior to Site Plan review, coordinate with WMATA and DPWT to relocate the surface kiss & ride, handicapped parking, bus bays, taxi stands, and other parking facilities for the White Flint Metrorail Station on the subject site.
- J. At site plan review, provide the specific details regarding pedestrian and bicycle connections to all residential and non-residential development including the following amenities:

1. Provide 160 bicycle spaces based on 20 spaces per garage for 8 garages with a mixture of bike lockers and bike racks. Coordinate with Transportation Planning staff on appropriate locations and types of bike parking facilities throughout the site.
 2. Provide an 8-foot bikeway along Rockville Pike (MD 355).
- 14) Compliance with the conditions of the MCDPWT letter dated July 15, 2004 as amended September 21, 2004, and as may be further amended.
- 15) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to that date a final record plat must be recorded for all the property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 16) Other necessary easements.

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APPROVED AS TO LEGAL SUFFICIENCY

TAB
M-NCPPC LEGAL DEPARTMENT

DATE 3/11/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on **Thursday March 17, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of **Commissioner Bryant, seconded by Commissioner Robinson, with Chairman Berlage, and Commissioners Perdue, Bryant and Robinson** 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 1-04049, North Bethesda Town Center**.



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

GARRETT PARK ESTATES-WHITE FLINT PARK CITIZENS' ASSOCIATION

March 15, 2004

Mr. Malcolm Shaneman
Development Review Division
Montgomery County Department of Park & Planning
8787 Georgia Avenue
Silver Spring Maryland 20910-3760



Re: Preliminary Plan, North Bethesda Town Center, 1-04049

Dear Mr. Shaneman:

Garrett Park Estates-White Flint Park Citizens' Association is extremely concerned with the traffic impact from the North Bethesda Town Center, especially on Rockville Pike, and especially during mid-week and weekend non-rush hours.

At the time the Pre-Preliminary Plan was being considered, we expressed our concerns. It is our understanding that those concerns need to be retransmitted in order to be considered as part of the Preliminary Plan issues. We are, therefore, attaching our letter dated August 22, 2003 and ask that our concerns be considered.

Additionally, we note that the Preliminary Plan does not show either the on-site day care facility or the on-site indoor community activity space specified in the binding elements of the development plan. We hope these amenities are being included.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Natalie Goldberg".

Natalie Goldberg, Vice-President
Garrett Park Estates-White Flint Park Citizens' Association
11111 Jolly Way, Kensington, Maryland 20895

Attachment: Ltr. dated 8/22/2003 Pre-Preliminary Plan



DPS-ROW CONDITIONS OF APPROVAL**December 22, 2017**

***Revision: The conditions hereon supersede previous conditions of approval dated November 27, 2017 and December 21, 2017.

820180010 North Bethesda Center Parcel G

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plans files:

“07-SITE-820180010-SP3.pdf V5” uploaded on/ dated “11/21/2017”,
 “07-SITE-820180010-SP1.pdf V6” uploaded on/ dated “11/21/2017”,

DPS notes that this project meets the loading requirements under the new 2014 zoning ordinance. If that is the case, the loading spaces are acceptable.

The followings need to be addressed prior to the certification of site plan:

1. Provide sight distance analysis for McGrath Boulevard and Wentworth Blvd into the eplan web site. Show on the site plan clearly which parking spaces have to be removed so the required amount of sight distance can be achieved.
2. Adjust your truck turning movement and provide into the eplan web site for McGrath Boulevard at Citadel Ave so you can reduce the distance a truck will have to face the opposing traffic for right out movement (Perhaps you can let the truck come out further into Citadel Ave before start the turning movement).
3. Move the handicap ramps:
 - into the County ROW and align them for the intersection of McGrath Blvd and Citadel Ave.
 - Wentworth Place at Marinelli Road: If the ramps are for crossing in one direction across Wentworth Place, they can be shifted further to the south. Also, adjust and provide 1’ of PIE beyond the sidewalk for maintenance purposes.
4. Ensure 30’ minimum distance from the street tree by shifting the street light at the intersection of Marinelli Road at Citadel Ave. If the light can not be moved, the street tree probably should not be planted.
5. The applicant has made an agreement with MCDOT to:
 pay \$58,366 to fund the Marinelli Road separated bike lanes. The payment must be made prior to issuance of the use and occupancy permit; however, Montgomery County can make the request of the payment at the time of Certified Site plan. If the County has already completed the project or decides not to implement the separated bike lanes, the applicant will continue to make the payment of \$58,366, prior to the issuance of the first use and occupancy permit. This payment will be used to fund other bicycle facilities in the White Flint Sector Plan.
6. Private streets to be built to tertiary roadway structural standards at minimum.
7. Please coordinate with MCDOT-Commuter Services Section to address their DRC comments.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

November 22, 2017

Mr. Atul Sharma
Area 2 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: North Bethesda Center Parcel G
Site Plan No. 820180010

Dear Mr. Sharma:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval, with the following comments:

1. If the bedroom mix changes from the mix shown on the plans dated November 21, 2017, DHCA will need to review and approve the new mix.
2. Please consult the MPDU Minimum Specifications, and coordinate with DHCA early in the process regarding the location and design of the MPDUs.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Jamie Chapman, VIKA Maryland, LLC
Matthew Hard, LCOR

S:\Files\recurring\Housing\MPDU\Developments\North Bethesda Town Center\NBC Parcel G DHCA Letter_11-22-2017.docx

Division of Housing

Affordable Housing Common Ownership Communities Landlord-Tenant Affairs Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

November 29, 2017

Mr. Jason Evans
VIKA Maryland, LLC
20251 Century Blvd., Suite 400
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
North Bethesda Center Parcel G
Preliminary Plan #: 120040490, A & B
Site Plan #: 820180010
SM File #: 283214
Tract Size/Zone: 1.83 Ac./CR-4
Total Concept Area: 2.43
Parcel(s): G
Watershed: Lower Rock Creek

Dear Mr. Evans:

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 proposes to meet required stormwater management goals via the use of ESD to the MEP with the use of micro-bioretenention. Due to site conditions full treatment cannot be provided on this parcel. This site was previously approved for stormwater management with an underground detention structure which has been built below McGrath Boulevard. The remaining volume will drain to this structure for treatment.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Use the latest MCDPS design standards for the micro-bioretenention.
6. Provide easements and covenants for all of the stormwater management structures.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

Mr. Jason Evans
November 29, 2017
Page 2 of 2

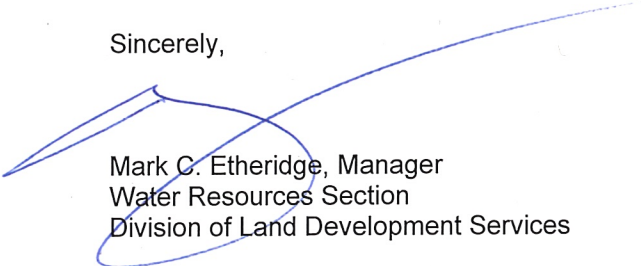
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN283214 North Bethesda Center Parcel G.DWK

cc: N. Braunstein
SM File # 283214

ESD: Required/Provided 18,435 cf / 8412 cf
PE: Target/Achieved: 2.6"/1.19"
STRUCTURAL: 8,975 cf
WAIVED: 0.00 ac.



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 21-Nov-17
TO: Michael Goodman
VIKA, Inc
FROM: Marie LaBaw
RE: North Bethesda Center Parcel G
820180010

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **21-Nov-17**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.