



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

MCPB No. 18-003
Site Plan No. 820180010
North Bethesda Town Center Parcel G
Date of Hearing: January 25, 2018

JAN 31 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on August 21, 2017, LCOR (“Applicant”) filed an application for approval of a site plan to allow construction of a multifamily building with up to 320,000 square feet, including up to 294 dwelling units with 12.5% MPDU’s, on 1.8 acres of CR-4.0, C-2.0, R-3.5 H-250 zoned land, previously zoned TS-M, located at the north-eastern corner of the intersection of Marinelli Road and Citadel Avenue (“Property” or “Subject Property”), in the 2010 White Flint Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820180010, North Bethesda Town Center Parcel G Site Plan (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 12, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 25, 2018, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180010 for construction of a multifamily building with a maximum of 320,000 square feet with up to 294 dwelling units, including a minimum of 12.5% MPDU's, on the Subject Property, subject to the following conditions:¹

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 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

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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 reconfirmed via email on January 8, 2018, 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 sheeting and shoring permit, the Applicant must execute the MPDU Agreement-to-Build with the DHCA.

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 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 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.
- d. Correct the gross building square footage, the total number of residential units, and reflect the updated unit mix with approval from Staff and MCDHCA.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of North Bethesda Town Center Parcel G Site Plan No. 820180010, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, 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 Site Plan is subject to the approved Development Plan G-801. It 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 in the Development Plan.

Development Plan Textual Binding Elements

Required by Development Plan	Provided by this Application
1. The maximum building height will be 20 stories, as determined by the Montgomery County Zoning Ordinance.	The 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 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 947, leaving a maximum of 403 dwelling units for future development.
B. -Retail/Restaurant - 202,037 square feet	The 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.

<p>C. -Office/Non-Residential – 1,148,000 square feet</p>	<p>The 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.</p>
<p>D. -Indoor Theater (in cellar space) – 80,000 square feet</p>	<p>This space has not been developed and is not part of the project.</p>
<p>4. Development will be divided into eight separate Building Blocks, with four Blocks located on each side of Main Street. Development of each Building Block will be pursuant to the Building Program, as shown on the certified Development Plan – Land Use Plan.</p>	<p>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 Residential units and up to 10,000 square feet of non-residential uses.</p>
<p>5. The phasing of the Building Program will proceed pursuant to the Development Program, as shown on the Certified Development Plan-Land Use Plan.</p>	<p>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 development complies with the Development Program, as shown on the Certified Development Plan-Land Use Plan.</p>
<p>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.</p>	<p>The development will conform to the street grid scheme.</p>
<p>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</p>	<p>The development will provide Public Use Space, Private Active and Passive Recreation Space, and augmented streetscapes. Pursuant to the Binding Elements, a day-care 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</p>

<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>The determination about the vehicular/pedestrian bridge will occur independently of the development.</p>
<p>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 Space. All residential buildings will be oriented toward the Open Space.</p>	<p>The Property is one of the four eastern building blocks and will provide residential units. Similar to the Aurora and the Wentworth House, the building will be oriented towards the McGrath Boulevard community green.</p>
<p>10. Building Block "D" will contain the Metro parking garage.</p>	<p>Building Block "D" contains the Metro parking garage.</p>
<p>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".</p>	<p>This portion of the overall site has not been developed yet and is outside the limits of the development.</p>
<p>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.</p>	<p>No retail is being for the Property.</p>
<p>A. If the retail component at site plan contains a grocery store / market, that use will be</p>	<p>The Harris Teeter grocery store is located east of Chapman Avenue in the Wentworth House Building (Block E).</p>

<p>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.</p>	
<p>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.</p>	<p>The development does not include a theater.</p>

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

All uses in the development 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.

Requirements of the TS-M Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the TS-M Zone.

Section	Development Standard	Per Approved Development Plan G-801	Approved & Binding
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 for Parcel G	223**
	Two-bedroom	Not specified for Parcel G	71**
	Minimum MPDUs on-site	12.5%	12.5%
	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)	
	Minimum Active/Passive Recreation (s.f.)		20,000 s.f. on Parcel G
59-E	Residential Parking Spaces per the old Zoning Ordinance and as amended by the Development Plan		
	Minimum Residential (Maximum 294 units)		
	1 bedroom – market rate (195 units)	195 x 1.25 = 243.75	
	2-bedroom – market rate (62 units)	62 x 1.5 = 93.0	
	1-bedroom – MPDU (28 units)	28 x .625 = 17.5	
	2-bedroom – MPDU (9 units)	9 x .750 = 6.75	
	Total	361	
	Discount for transit station development area	-10 percent / -36.1	
	Discount for entrance w/in 1,600' of metro	-5 percent / -18.05	
	Total Discount	54.15	
	Min. residential parking required after discount	307	Min. 307***
	Loading, Accessible Spaces, Motorcycle & Bicycle		
	Bicycle Parking	16 (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	6	6	
Loading spaces required per DPS Off-Street Loading Criteria	3	2***	
<p>* Residential density in the Development Plan was limited only by dwelling units, not FAR. ** Actual unit mix and parking to be finalized at Certified Site Plan, subject to Staff and MCDHCA approval. *** Approved by MCDOT via MCDPS—meets the new Zoning Ordinance requirements and is consistent with similar recent approvals.</p>			

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

a. Buildings and Structures

The 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 this 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 Site Plan 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 plaza will integrate seating, landscaping and some stormwater management into its design and provide residents and the public with passive recreation opportunities. The 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 Application 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 conforms to the March 2017, Recreation Guidelines, as shown in the Staff Report. The recreation facilities are adequate, safe, and efficient.

e. Vehicular and Pedestrian Circulation

The Subject Property has access to bus service at the intersection of Rockville Pike and Marinelli Road. The 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 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 level 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 with surrounding uses and existing and proposed adjacent development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The 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 for the Subject Property 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) will 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.

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-bioretenion.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 31 2018 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, January 25, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board