

**NORTH BETHESDA PARCELS F AND H
SITE PLAN AMENDMENT NO. 82008011C AND
SITE PLAN NO. 820220100**



Description

Site Plan No. 820220100 is a request to construct a multi-unit building with up to 360 units on Parcel H of the North Bethesda Town Center Development adjacent to the White Flint Metro Station. Site Plan Amendment No. 82008011C is a request to modify the previous approval to reflect the parking garage connection and shared amenities between buildings on Parcels F and H, and to revise the parking requirements pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance.

No. 82008011C, 820220100
Completed: 7-1-2022

MCPB
Item No.
7-14-2022

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

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LOCATION/ADDRESS

East of the intersections of Wentworth Place and McGrath Boulevard

MASTER PLAN

2010 *White Flint Sector Plan*

ZONE

CR-3.0 C-1.5 R-2.5 H-250 (previously TS-M)

PROPERTY SIZE

Parcel F: 1.37 acres; Parcel H: 1.62 acres

APPLICANT

North Bethesda Center Parcel H L/CAL, LLC

ACCEPTANCE DATE

3/10/2022

REVIEW BASIS

Chapter 59 in effect on October 29, 2014



Summary:

- Staff recommends approval with conditions of Site Plan Amendment No. 82008011C and Site Plan No. 820220100.
- Parcel F and Parcel H are part of the North Bethesda Town Center development adjacent to the White Flint Metro Station. North Bethesda Town Center was originally approved by Local Map Amendment (LMA) No. G-801 in 2003.
- The proposal for Parcel H is the final building in the residential quad approved with the Development Plan for LMA No. G-801 and includes up to 360 units in a multi-unit building.
- The Parcel F Amendment reflects the parking garage connection and shared amenities between buildings on Parcels F and H, and revises the parking requirements pursuant to Section 59-7.7.1.B.3.
- Because the LMA (No. G-801) and Preliminary Plan (No. 120040490) for the North Bethesda Town Center were approved prior to October 30, 2014, Section 7.7.1.B.1 of the current Zoning Ordinance allows the applicant to proceed through any other required application or step in the process using the standards and procedures for the TS-M Zone in the Zoning Ordinance in effect on October 29, 2014.
- Staff has not received any correspondence about the Subject Applications.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SITE PLAN AMENDMENT NO. 82008011C

Staff recommends approval of Site Plan Amendment No. 82008011C to reflect the parking garage connection and shared amenities between buildings on Parcels F and H, and to revise the parking requirements pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance. The development must comply with the binding elements and conditions of approval for Local Map Amendment No. G-801 as listed in County Council Resolution No. 15-151; Preliminary Plan No. 120040490 as listed in the Planning Board Opinion dated March 22, 2005, as amended; and Site Plan No. 820080110 as listed in MCPB Resolution No. 08-70 dated September 16, 2008, as amended. All site development elements shown on the latest electronic version of the Site Plan Amendment as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required. All previously approved conditions remain unchanged and in full force and effect, except for the following additional condition, which only applies to Site Plan Amendment No. 82008011C:

ADDITIONAL CONDITION

1. Before approval of Certified Site Plan 82008011C, the following revisions must be made and/or information provided subject to Staff review and approval:
 - a) Include the Resolution on the Approvals Sheet.
 - b) On the Cover Sheet, remove Footnote No. 1 “1= Minimum parking reduction factor for non-driver mode share” from the Parking Table.
 - c) Include revised garage plans with the Certified Set and modify the Sheet Index on the Cover Sheet accordingly.
 - d) Provide staff with a redline of Sheets A.2.10 and A.2.11 from Site Plan 82008011B.
 - e) Add car-share, motorcycle/scooter and electric-vehicle charging stations as required by Section 59-6.2.3.

SITE PLAN NO. 820220100

Staff recommends approval of Site Plan No. 820220100, for the construction of up to 365 multifamily residential dwelling units on Parcel H. The development must comply with the binding elements and conditions of approval for Local Map Amendment No. G-801 as listed in County Council Resolution No. 15-151 and Preliminary Plan 120040490 as listed in the Planning Board Opinion dated March 22, 2005, as amended. All site development elements shown on the latest electronic version of Site Plan No.

820220100 as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 340,00 square feet of residential uses on the Subject Property, for up to 365 multifamily dwelling units.

2. Height

The development is limited to a maximum height of 14 stories, and no more than 138 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated June 1, 2022, 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 DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 12.5 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential unit(s), the MPDU Agreement to Build between the Applicant and the MCDHCA must be executed.

OPEN SPACE, FACILITIES AND AMENITIES

4. Public Use Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 2,600 square feet of public use space on-site.
- b) Prior to issuance of the final use and occupancy certificate, the Applicant must construct:
 - i) the streetscape improvements along the Property's frontage on Marinelli Road and Wentworth Place;
 - ii) all public use space areas and recreational amenities; and
 - iii) the dog park on the storm drain easement, with design and materials substantially similar to the Dog Park Exhibit in eplans, with final design and approval to be determined by DPS through the revocable permit process.
- c) Provided the dog park is approved by a MCDPS revocable permit:
 - i) it must be open for use by the public;

¹ For the purposes 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.

- ii) all features and equipment must be regularly maintained;
 - iii) it must be cleaned and emptied of waste weekly; and
 - iv) it must be replaced, at the Applicant's expense, if temporary removal is necessary to access the storm drain.
 - d) If the dog park is not approved by MCDPS, or must be removed permanently, the Applicant must gain approval from Planning Staff and MCDPS for a suitable alternative.
5. Recreation Facilities
- The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.
6. Maintenance of Public Amenities
- The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to specialty paving and site furnishings.

ENVIRONMENT

7. Forest Conservation
- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b) Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the landscape trees and maintenance credited toward meeting the requirements of the FCP.
 - c) Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed to satisfy the reforestation requirement for a total of 2,446.25 square feet of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Rock Creek watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.
 - d) Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.

- e) The Applicant must install the Afforestation/Reforestation plantings, as shown on the approved FCP, in the first planting season following stabilization of the applicable disturbed area.
- f) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

8. 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.
- e) All noise impacted units must be clearly identified on the certified site plan.

9. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated June 17, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

TRANSPORTATION & CIRCULATION

10. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated June 10, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Prior to Parcel H plat recordation, the Applicant must record a covenant regarding Parcel F to allow ingress and egress to the Parcel H parking garage.

11. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 95 long-term and five (5) short-term bicycle parking spaces.
- b) The long-term spaces must be in secured, well-lit bicycle rooms in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) Prior to issuance of the final Use and Occupancy Certificate, the Applicant must construct or assure construction of the following pedestrian and bicycle facilities on the north side of Marinelli Road, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:
 - i. A minimum eight-foot-wide sidewalk with six-foot-wide buffer from traffic; and
 - ii. A six and one half (6.5)- foot-wide bike lane, compatible with the bike lane installed by MCDOT.

12. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 23, 2022, 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.

SITE PLAN

13. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A-201 through A-206 of the submitted architectural drawings, as determined by M-NCPPC Staff.

14. Lighting

- a) Prior to 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 latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.

- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, 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 in effect prior to October 31, 2014, 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 on-site, including, but not limited to plant material, lighting, indoor and outdoor recreational facilities, site furniture, private roads and sidewalks, private utilities, paths and associated improvements of development, including storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. 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.

17. Certified Site Plan

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

- a) Include agency approval letters, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "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."
 - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified

Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”

- c) Fire and Rescue Access plan must be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Include building height with the development standards table on the cover sheet.
- g) Update the south elevation and the ground level floor plan to show additional glazing on the southwest corner for the bike storage facility, the secondary lobby, and the dog wash, similar to the previous submission dated on April 13, 2022, with Staff approval.
- h) Update the north elevation to show the impression of a taller ground level by using building material, with Staff approval.
- i) Update the east elevation to show the details on the fencing provided along the transformer’s area, and include photographic examples, with Staff approval.
- j) Add Marinelli Road improvements to all applicable Site Plan sheets consistent with the Bike Lane Exhibit dated May 10, 2022 but include a curb protecting the bike lane along the western portion of the Property frontage instead of striping.
- k) Show that the recreation facilities meet the square footage requirements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines. Remove the dog park from the recreation facilities analysis on Sheet SP-006 and replace with other facilities as needed to satisfy the requirements set forth in the Recreation Guidelines.
- l) Remove Recreation Calculations from the Cover Sheet.

SECTION 2: SITE DESCRIPTION

VICINITY/BACKGROUND

The property subject to the Site Plan and Site Plan Amendment applications is part of a larger 32.42-acre gross tract development known as the North Bethesda Town Center development. North Bethesda Town Center is bounded by Marinelli Road to the South, Nebel Street to the east, Old Georgetown Road to the north, and Rockville Pike to the west (“Overall Property” or “North Bethesda Town Center.”)

The 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 for the predominately residential portion of the North Bethesda Town Center, located on the eastern end of the Overall Property including Parcels E, F, G and H. The residential blocks are oriented around a central 2.94-acre community green and three of the four residential parcels are currently developed pursuant to the approvals described in the Project Description section of this report.



Figure 1: Vicinity Map/Illustrative Plan of North Bethesda Town Center

The Overall Property includes the following improvements:

- White Flint Metro Station at the southwest corner
- 366,121-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 61,246 square feet of Harris Teeter store on Parcel E;
- 294 units within the Arrowood apartment building on Parcel G
- WMATA Garage on Parcel D; and
- Landscaped open space, a community green, public and private roadways, and other infrastructure improvements.

PROPERTY DESCRIPTION

Site Plan Amendment No. 82008011C proposes minor modifications to the existing Site Plan approval on the 1.37-acre Parcel F, which is developed with an 18-story residential apartment building (Aurora Apartments) containing up to 341 units. Parcel F is located at the southeast corner of the intersection of Nebel Street and Wentworth Place.

Site Plan No. 820220100 applies to the 1.62-acre Parcel H, which has yet to be platted. Parcel H is located at the intersection of Marinelli Road and Wentworth Place and is the final, undeveloped residential block subject to the Joint Development Agreement between WMATA and the Applicant. Following approval of the Subject Applications, Parcel H will be platted and developed with up to 365 multifamily dwelling units. Parcel H has no significant environmental features, but it contains a storm drain easement along the southern lot line that constrains the location of the proposed development.

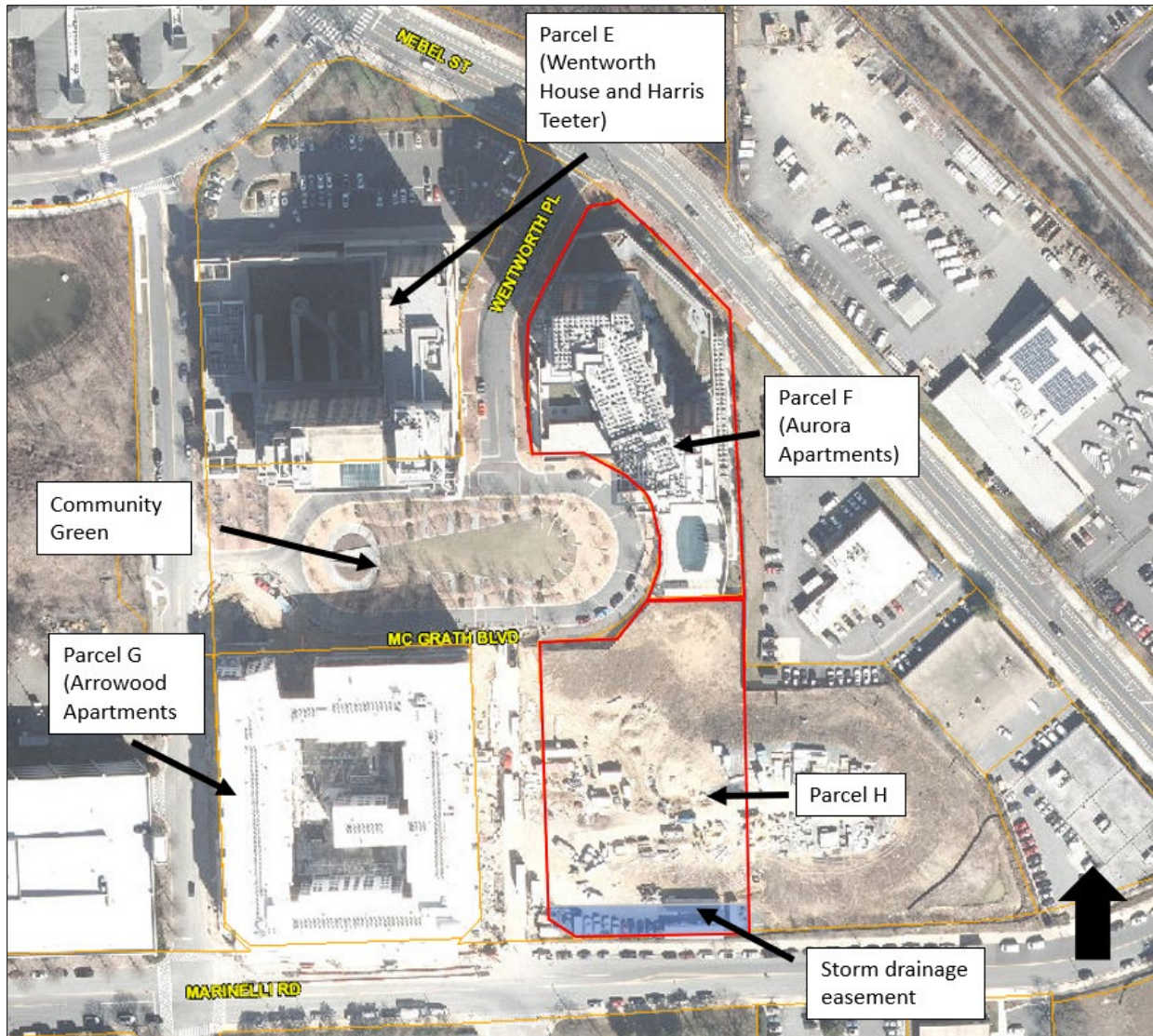


Figure 2: Subject Properties (Parcels F and H outlined in red)

SECTION 3: PROJECT DESCRIPTION

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 for the predominately residential portion of the North Bethesda Town Center, located on the eastern end of the Overall Property including Parcels E, F, G and H.

LOCAL MAP AMENDMENT NO. G-801

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.

PRE-PRELIMINARY PLAN NO 720040010

On December 2, 2003, the Planning Board approved a Concept Plan associated with Pre-Preliminary Plan No. 720040010. The Planning Board determined that, for purpose of roads and public transportation facilities under Section 50-35(k) of the Subdivision Regulations in effect at the time, roads and public transportation facilities were adequate to serve the proposed subdivision.

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.
- 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.
- On July 31, 2017, the Planning Board approved Preliminary Plan No. 12004049B to amend Condition Nos. 3, 8, 11, and 14 of the previous Preliminary Plan approval to allow recordation of a plat for Parcel G before Certified Site Plan.

SITE PLAN 820080110 (INCLUDES PARCEL F)

- 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.
- Site Plan Amendment 82008011A, approved on November 10, 2011, increased the total number of units to 341.
- Site Plan Amendment 82008011B, approved administratively on April 15, 2014, included minor modifications to the pool area, the community green, and a temporary sidewalk.

RELATED NORTH BETHESDA TOWN CENTER SITE PLAN APPROVALS

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 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 infrastructure. This site plan application was amended twice by Applications 82008018A and 82008018B.

The Planning Board approved Site Plan No. 820180010, North Bethesda Town Center Parcel G, by Resolution MCPB No. 18-003 dated January 31, 2018 to allow construction of a multifamily building on Parcel G with up to 294 dwelling units.

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 to implement the recommendations of the 2010 *White Flint Sector Plan*.

PROPOSAL

SITE PLAN AMENDMENT NO. 82008011C

Site Plan Amendment No. 82008011C reflects minor modifications to Parcel F to reflect the parking garage connection and shared amenities between buildings on Parcels F and H, and to revise the parking requirements pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance. In the prior approval, Site Plan No. 82008011B, 337 vehicle parking spaces were required by the Zoning Ordinance

in effect at the time and 376 spaces were provided. The Amendment proposes to provide 12 fewer parking spaces within the existing parking garage, for a total of 364 parking spaces.

The garage connection and shared amenities are discussed in further detail in the next section. Site Plan Amendment No. 82008011C does not result in any changes to previously approved conditions of approval.

[SITE PLAN NO. 820220100](#)

Site Plan Application No. 820220100 seeks approval to construct a multi-unit building on Parcel H, which is the last residential portion of the development from the original approval. Site Plan No. 820220100 is being reviewed under the Zoning Ordinance in effect on October 29, 2014 because prior approvals on the Subject Property (Local Map Amendment No. G-801 and Preliminary Plan No. 120040490) were approved prior to October 30, 2014².

² Section 7.7.1.B.1 of the current Zoning Ordinance allows the applicant to proceed through any other required application or step in the process using the standards and procedures for the TS-M Zone in the Zoning Ordinance in effect on October 29, 2014.

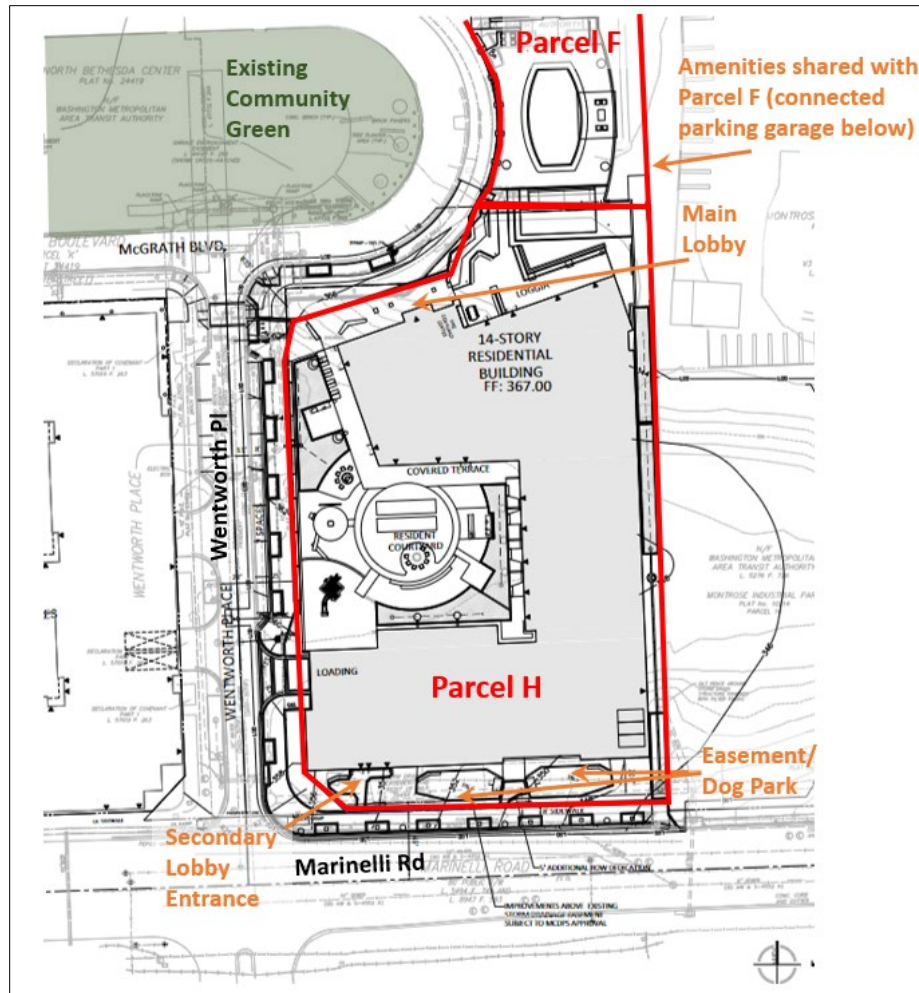


Figure 3: Parcel H Site Plan

Building/Architecture

The proposed residential building will complete the urban frame around the McGrath Boulevard community green while the orientation of the building to the green will also allow for additional streetscape depth on the block for an enhanced pedestrian experience. The main entrance into the building will be oriented facing the community green, to further activate this primary public space. The tower-like element cantilevered over the building entrance will create a focal point along the north façade with a public plaza along McGrath Boulevard, which visually and physically connects to the community green.

The proposed residential building's architecture will complement the surrounding existing development with its modern design aesthetic. The building massing strategically steps-down in height from fourteen stories, located along McGrath Boulevard and the community green, to eight stories as it approaches Marinelli Road. This step-down in height will provide a compatible transition between the 18-story multi-family building, located on Parcel F, and the lower building heights along Marinelli Road.



Figure 4: Proposed South Elevation (as viewed from Marinelli Road)



Figure 5: Proposed North Elevation (as viewed from McGrath Boulevard)

The base of the proposed building will define the edge of the streets, while creating a streetscape with planting areas, furnishings, and wide pedestrian walkways that enhance the pedestrian experience. Additionally, the building's base has been designed with ample transparency and articulation to ensure activation of the pedestrian environment.

Above the proposed building's base, the massing will be modulated by a series of vertical and horizontal breaks that include plane and material changes. These elements will reduce the perceived building scale and read as though the proposed building is comprised of multiple smaller buildings. The proposed building will incorporate materials such as metal, wood, and brick masonry in varying shades of warm neutrals and will include balconies on all four facades. The balconies will create varying vertical planes that add visual interest and further break-down the proposed building's mass. Furthermore, the balconies will encourage interaction between the private and public realms.

The proposed building takes advantage of the grades on-site to partially bury the structured parking. The exposed parking will be concealed by architectural screening, railings, murals, green panels as well as landscaping elements.

Open Space

Parcel H includes a 2,600 square foot plaza, located at the northwest corner of Parcel H, adjacent to the main entrance to the building. In addition, Parcel H provides 26,000 square feet of Active and Passive Recreation Space in the courtyard, the dog park along Marinelli Road, and the northeast portion of Parcel H. Private recreation amenities include a courtyard with grilling and various seating and gathering areas and a pool deck that connects the proposed Parcel H building with the Aurora Apartments on Parcel F.

The Applicant proposes a 3,800-square-foot linear dog park on the approximately 21-foot-wide storm drain easement along Marinelli Road. Any improvements to the storm drain easement are subject to approval by MCDPS, but the Applicant intends to provide separated, fenced areas for small dogs and large dogs, benches, and additional landscaping elements along the edge of the dog park to help create an active streetscape along Marinelli Road. Additionally, building amenities such as a dog wash area, bike storage, and the secondary lobby with direct access to the sidewalk will further activate the Marinelli Road streetscape.

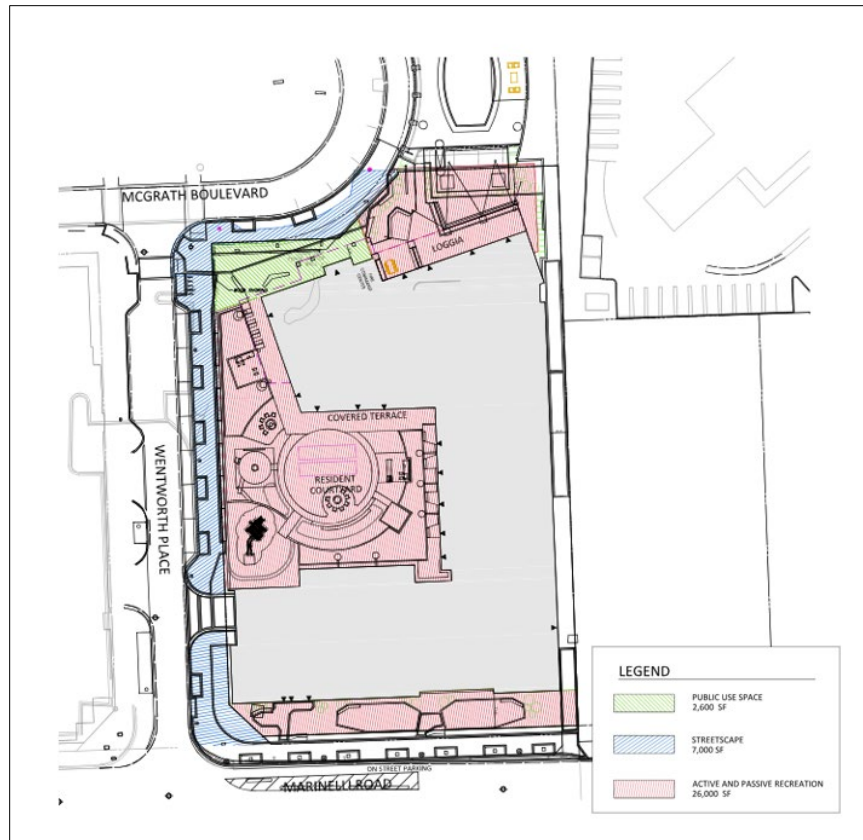


Figure 6: Open Space Plan



Figure 7: Illustrative Dog Park Exhibit

Transportation

Circulation and Access

Consistent with the approved Preliminary Plan for the overall North Bethesda Town Center, vehicular access to Parcel H is provided from Wentworth Place and the McGrath Boulevard internal loop driveway. Vehicular access into the parking garage is from Nebel Street. Loading will be provided via a new loading dock along Wentworth Place. The internal private street network, along Wentworth Place and McGrath Boulevard, will continue to provide adequate circulation for resident and visitor pick-up/drop-off, deliveries, as well as other short-term parking needs. No new driveways onto public rights-of-way are proposed as part of the Site Plan application.

The main pedestrian entrance into the proposed building is via McGrath Boulevard on the northwest façade. A secondary pedestrian access point is located at the southwest corner of the proposed building, on the Marinelli Road frontage, which will help activate the proposed building at street level. The Applicant is providing long-term residential bicycle parking inside the building, adjacent to the secondary lobby on Marinelli Road, allowing convenient access to the new bicycle lanes that MCDOT plans to install in the fall of 2022.

Sidewalks along the frontage of the proposed building will connect to the existing sidewalk network within North Bethesda Town Center and expand pedestrian connectivity to the surrounding areas.

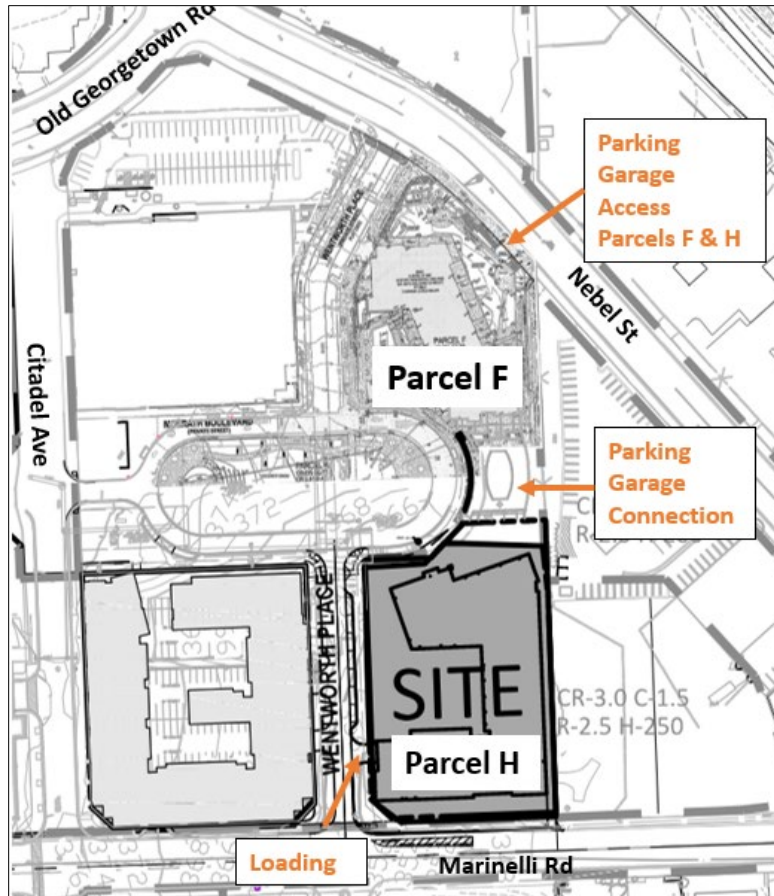


Figure 8: Vehicular Access

Parking

The Applicant proposes to construct an addition to the existing garage parking area currently located on Parcel F, by building a new garage that will occupy the first two levels of the new structure on Parcel H. The total number of parking spaces that will be constructed in the parking garage meets the 2014 Zoning Ordinance requirement, by providing 374 vehicle spaces, 95 long-term bike spaces, and 5 short-term bike racks. Long-term bicycle parking spaces are provided within a secure bicycle room on level 1 of the proposed garage and short-term spaces are proposed adjacent to the McGrath Boulevard private driveway loop, to the northwest of the building's main entrance lobby. All private vehicular parking within the new garage structure will continue to be accessed from the Nebel Street Property frontage, through the existing garage on Parcel F. On-street parking is also proposed along the eastern side of Wentworth Place, a private street, as well as along the north side of Marinelli Road, which is a public street.

SECTION 4: SITE PLAN AMENDMENT 82008011C FINDINGS AND ANALYSIS

Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. All previous findings remain in full force and effect except as modified below.

3. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;*

The Site Plan Amendment proposes to revise the parking requirements pursuant to Section 59.7.7.1.B.3.b of the current Zoning Ordinance. This provision allows an Applicant to amend the parking requirements of a Site Plan approved under the Zoning Ordinance in effect on October 29, 2014 in a manner that satisfies the parking requirements of Section 59.6.2.3 and Section 59.6.2.4 of the current Zoning Ordinance. In the prior approval, Site Plan No. 82008011B, 337 vehicle parking spaces were required by the Zoning Ordinance in effect at the time and 376 spaces were provided. The Amendment proposes to provide 12 fewer parking spaces within the existing parking garage, for a total of 364 parking spaces as detailed in Table 1 below.

*Table 1: Vehicle Parking Requirements for Parcel F under CR zone
(Section 6.2.4.B of the current Zoning Ordinance)*

	Required	Provided
Vehicle Parking Spaces (365 dwelling units)	319.5 (min)/ 403 (max)	364
Bicycle Parking	100 (95% long-term)	95 long-term, 5 short-term

SECTION 5: SITE PLAN 820220100 ANALYSIS AND FINDINGS

ANALYSIS

MASTER PLAN

The approved Development Plan and the proposed Site Plan meet the overall objectives of the 2010 *White Flint Sector Plan* (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

As identified in the *Master Plan of Highways and Transitways*, the segment of Marinelli Road along the Applicant's property is currently designated as a Business Street, B-6, planned with a 90-foot right-of-way. Under the 2010 *White Flint Sector Plan*, it was increased from the 1992 *North Bethesda/Garrett Park Sector Plan*'s recommended 80-foot right-of-way to a 90-foot right-of-way. While currently designed as a four-lane roadway, the 2018 *Bicycle Master Plan* recommended a lane reconfiguration to reduce the number of travel lanes for the provision of separated bike lanes along both sides of Marinelli Road. They are also included as part of the 2021 *Advancing the Pike District Streetscape Guidelines* ("Streetscape Guidelines"), as illustrated in Figure 9.

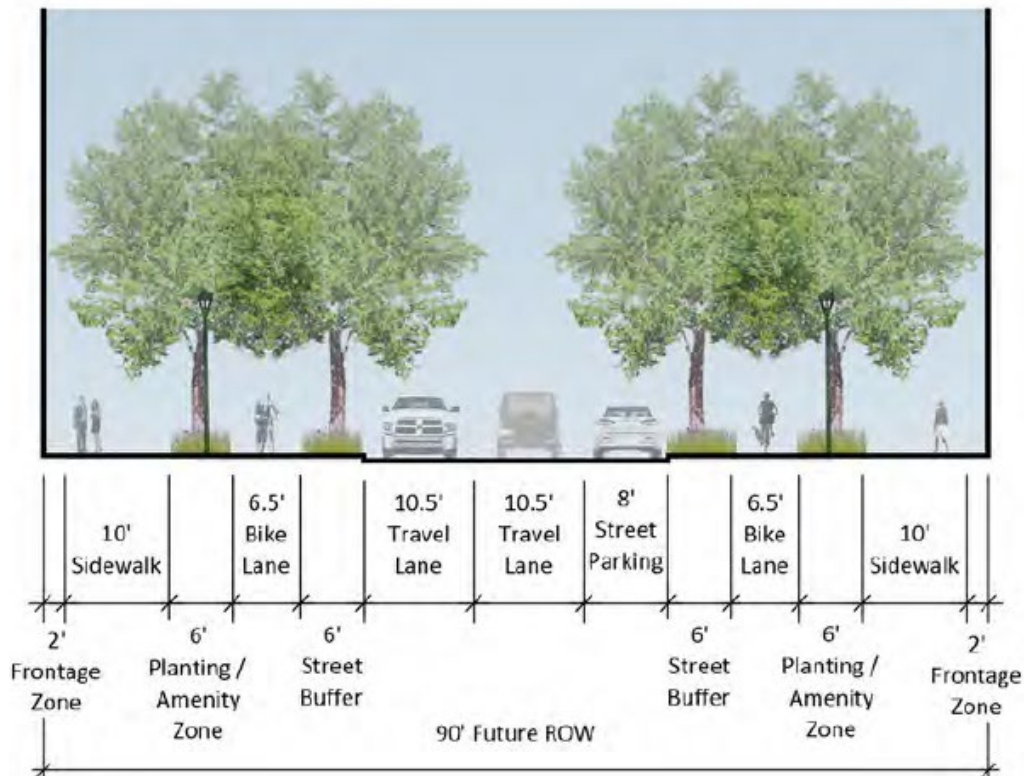


Figure 9: Marinelli Road Final Cross Section (facing west towards Rockville Pike) – Advancing the Pike District Streetscape Guidelines

In the fall of 2022, MCDOT will implement the lane reconfiguration by reducing the width of existing travel lanes, while maintaining on-street parking along the north side of Marinelli Road. MCDOT will install separated, one-way bicycle lanes on Marinelli Road using temporary precast concrete raised barriers between the travel lanes and the bicycle lanes until new redevelopments implement the final design shown in Figure 9. The MCDOT bicycle lanes will be installed between Rockville Pike (MD 355) and Nebel Street, directly connecting Parcel H to the White Flint Metro Station. Space along the south side of Marinelli Road will be provided for six-foot wide, one-way bicycle lanes with a three-foot buffer for eastbound bicycle travel and an eleven-foot buffer along the north side, that includes eight-feet for on-street parking which would serve as a physical barrier between people bicycling and driving for westbound travel.

McGrath Boulevard and Wentworth Place are private streets that are not designated in the Sector Plan. The segment fronting Parcel H along McGrath Boulevard is a 57-foot-wide eastbound one-way segment of the 192-foot wide oval-shaped paired one-way roadway. Wentworth Place is a 70-foot-wide private street that was developed on the west side as part of the streetscape improvements associated with the Parcel G amendment. The rights-of-way were platted on Record Plat No. 23452 in 2006 for both private streets.

Pedestrian and Bicycle Facilities

New sidewalks will be provided along each respective Property frontage along Marinelli Road, Wentworth Place, and McGrath Boulevard. Sidewalks along Marinelli Road and Wentworth Place will be constructed to Downtown Street standards, as stipulated within the *Complete Streets Design Guide*. Furthermore, the proposed structure will support the activation of the Marinelli Road streetscape by locating recreational amenities, outdoor seating, street tree plantings, and enhanced street buffers for the one-way separated bikeway along the Property's southern frontage, in accordance with guidance established by the *Streetscape Guidelines*.

The Applicant coordinated with the MCDOT Division of Transportation Engineering to prepare a road section that connects directly with MCDOT's interim Marinelli Road bicycle improvements. As displayed in Figure 10, the Applicant will implement a portion of the final streetscape design by accommodating a raised curb that measures ten-feet at its widest to eight-feet on approach to the Wentworth Place intersection.

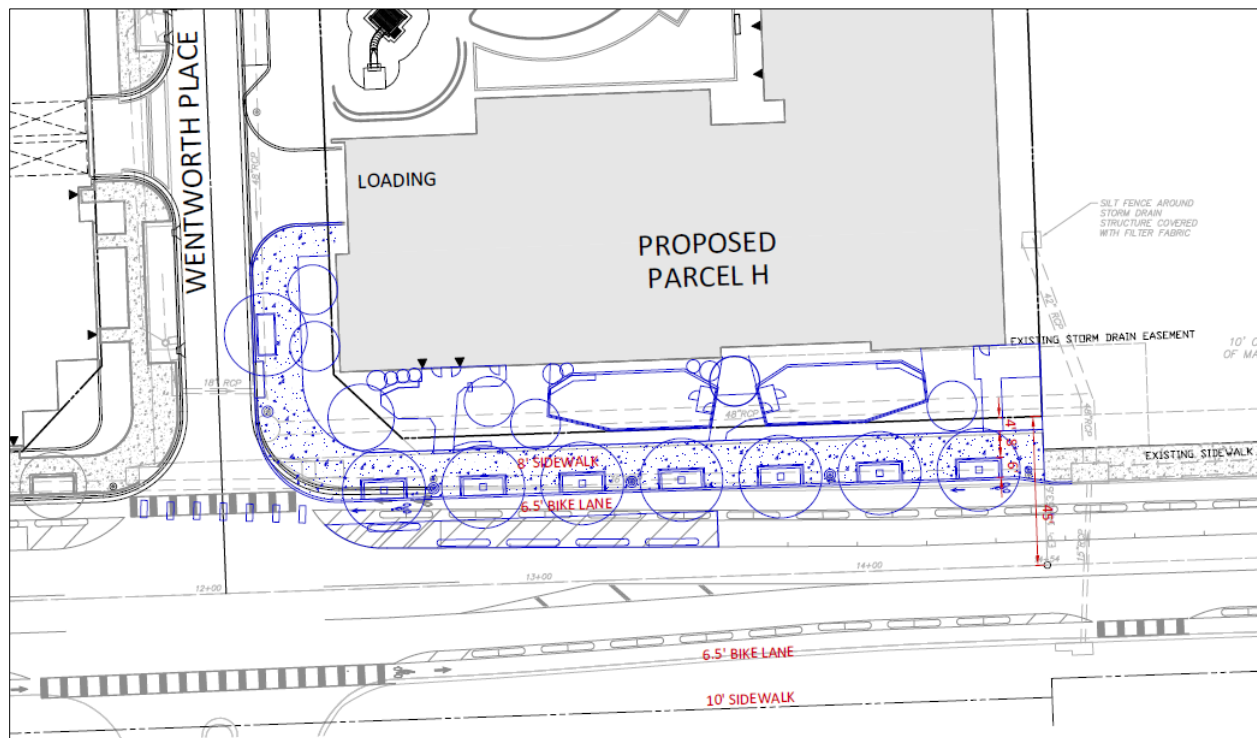


Figure 10: Proposed Marinelli Road Frontage Improvements (hatched area will be a raised curb)

Public Transit Service

The Site is within ¼ mile of the White Flint Metro Station and is served by Metrorail's Red Line. Ride On Routes 5, 26, 38, 42, 46, and 81 as well as Metrobus Route C8 service the Property from the White Flint Metro Station bus loop:

- Ride On route 5 provides service between the Silver Spring CBD, Rockville, the Pike District, Wheaton, Potomac, and the Twinbrook, White Flint, Grosvenor-Strathmore, and Silver Spring Metrorail stations.
- Ride On route 26 provides service between the Montgomery Mall Transit Center, Rockville, the Pike District, Aspen Hill, Glenmont, and the Twinbrook, White Flint, and Glenmont Metrorail stations.
- Ride On route 38 provides service to the Pike District, Wheaton, Connecticut Estates, and the White Flint and Wheaton Metrorail stations.
- Ride On route 42 provides service between the Westfield Montgomery Mall Transit Center, the Pike District, the Washington Science Center, and the White Flint Metrorail Station.
- Ride On route 46 provides service from Montgomery College to Medical Center, with a stop at Grosvenor-Strathmore. On weekdays, route 46 operates service from 4:59 a.m. to 1:41 a.m. On Saturday, route 46 operates service from 5:15 a.m. to 1:08 a.m. On Sunday, Route 46 operates services from 5:11 a.m. to 12:42 a.m.
- Ride On route 81 provides service between Rockville, the Pike District, Tower Oaks Boulevard, and the Rockville and White Flint Metrorail stations.
- Metrobus route C8 provides service to Randolph Road, Colesville, White Oak, and the Glenmont and White Flint Metrorail stations.

Additionally, the 2013 *Countywide Transit Corridors Functional Master Plan* identifies the White Flint Metrorail Station as a future station location for the MD 355 South Corridor Bus Rapid Transit line.

Local Area Transportation Review (LATR)

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, 202,037 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 (TMA) 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 TMA was amended on August 17, 2018 and the document includes Parcel H.

FINDINGS

Pursuant to the grandfathering provision of Section 59.7.7.1.B.1 of the Zoning Ordinance, this Site Plan was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 under the former TS-M Zone.

In reaching its decision the Planning Board must find 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 2: Development Plan G-801 Textual Binding Elements

Required	Proposed
1. The maximum building height will be 20 stories, as determined and defined by the Montgomery County Zoning Ordinance.	The proposed building height is fourteen stories, no taller than 140 feet.
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 Preliminary Plan was previously approved and found to be in conformance with this requirement.
3. Maximum development on this property will be as follows:	
-Residential - 1,350 dwelling units	The proposed project will have a maximum of 365 dwelling units. Together with previously approved and built residential buildings within the overall site, the total number of dwelling units will be 1,312, leaving a maximum of 38 dwelling units remaining under the G-801 approval.
-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.

Required	Proposed
-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.
-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. Development of each Building Block will be pursuant to the Building Program, as shown on the certified Development Plan – Land Use Plan.	The Property is one of eight separate building blocks and its development will fall within the limitations for “Building Block H” of up to 500 Residential units.
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.	<p>The Project provides additional public use space on-site through the construction of a public plaza along McGrath Boulevard, which visually expands the existing community green and provides additional opportunities for social gathering and interaction.</p> <p>Additionally, the Project proposes to provide a linear dog park along Marinelli Road. The intent is to provide two areas that allow for different dog sizes or behaviors.</p> <p>In a letter dated November 30, 2021 to Gwen Wright, WMATA agreed to locate a daycare facility on WMATA's undeveloped land, which</p>

Required	Proposed
	will be subject to a future Request for Proposal and development (Attachment E).
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 Space. All residential buildings will be oriented toward the Open Space.	The Property is one of the four eastern building blocks and will provide residential units. Similar to the three existing residential buildings, the 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.
13. 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).
14. 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 residential use is 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. The Application is not part of an urban renewal plan.

Table 3: Parcel H Data Table for TS-M Zone

Section of Old Zoning Code	Development Standard	Per Approved Development Plan G-801/ Zoning Code	Proposed
59-C-8.41	Min. Tract Area, entire site	32.42 Acres	32.42
	Min. Tract area for Parcel H	Not specified	1.62 Acres
59-C-8.42	Maximum Density (Dwelling Units)	500 on Parcel H ¹	365
	Minimum MPDUs on-site	12.5% ²	Min. 12.5%
	Building Height (stories)	20 stories	Max. 14 stories
	Building Height (feet)	Not specified	Or 140 ft
59-C-8.43	Open Space Minimum Public Use Space	10% (135,008 sf) ³	2,600 sf on Parcel H (111,284 sf for North Bethesda Town Center) ⁴
	Minimum Active/Passive Recreation	25% (17,617 sf)	37% (26,000 sf)
59. 6.2.4.B (current Zoning Code)	Vehicle Parking Spaces Loading Bicycle Parking	Min 278/Max 475 ⁵ 1 95 long-term, 5 short-term	360 2 95 long-term, 5 short-term

¹ Residential density in the Development Plan was limited only by dwelling units, not FAR.

² Because the Site Plan implements a Local Map Amendment and Preliminary Plan that were approved prior to October 30, 2018 pursuant to Section 25A-5 (Editor's note 2018 L.M.C., ch. 21, § 2, states: Effective Date. (a)), the MPDU requirements of Chapter 25A in effect on October 30, 2018 apply instead of the current 15% MPDU requirements.

³ Across entire North Bethesda Town Center development.

⁴ Remaining 23,724 sf of required public use space to be provided by future site plan applications on the undeveloped portion of North Bethesda Town Center.

⁵ Minimum parking reduction factor of 20% for market-rate units taken for non-auto driver mode share as allowed under Section 59-6.2.3.1.7.

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

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. Similar to the existing residential buildings in the North Bethesda Town Center, it provides and maintains a decisive street edge for the community green along McGrath Boulevard as well as Wentworth Place. Along the Marinelli Road frontage, the building placement accommodates the approximately 21-foot-wide storm drain easement while providing activating features, including a dog park, seating and an entrance to a secondary lobby that will help activate the street. The location of the building and associated structures is adequate, safe, and efficient.

Open Spaces

Parcel H will provide a 2,600-square foot plaza located along McGrath Boulevard in the northwestern corner of the Property adjacent to the main entrance of the proposed building. The plaza will face the community green and will visually and physically connect to the building to this larger community space.

In addition, the TS-M Zone requires a minimum of 25% Active and Passive Recreation Space. The project will provide 26,000 square feet of Active and Passive Recreation Space. This amounts to 37% of the net lot area for Parcel H. This space will be provided in the courtyard, the pool deck, and the area planned for the dog park along Marinelli Road. All sidewalks are adequately dimensioned and feature standard streetscape elements, including pavers and street trees. The open spaces are adequate, safe, and efficient.

Landscaping and Lighting

The Site Plan integrates seating and landscaping into its design and provides 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.

Recreation Facilities

The Site Plan shows conformance to the March 2017 Recreation Guidelines and 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. The recreation facilities are adequate, safe, and efficient.

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 ample sidewalks along Marinelli Road and Wentworth Place, and enhancing a bike facility along the Marinelli Road frontage that will likely be installed by MCDOT prior to construction of the proposed building. 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. Access to the parking will be from the existing garage entrance on Parcel H and the loading entrance 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; and

The Project has been designed to ensure it is physically compatible with existing and future development surrounding the Property. The Property has been carefully designed to complement the high-rise apartment buildings on the northern side of the Overall Property while stepping down in height as it approaches Marinelli Road to the south. The building design and materials take their cues from the existing development within the North Bethesda Town Center and complement the surrounding community.

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.

Environmental Guidelines

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.

Forest Conservation

Parcels F and H are part of a previously approved Final Forest Conservation Plan (FFCP) for the North Bethesda Center (FFCP No. 82008018A). This Application includes an 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, which superseded previously approved FFCP on the site, covered the entire 32.42 acres of the North Bethesda Center development. It required 6.07 acres of reforestation for the residential portion of the property. The net tract area for the residential portion of the property was 11.54 acres. 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, with 1.02 acres of that amount to be provided through the planting of street trees. 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.

FFCP amendment No. 82008018B was approved with Site Plan 820180010 for Parcel G in 2018. It provided 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 Forest Conservation Law (Law) to apply toward reforestation requirements.

Site Plan 820220100 for Parcel H includes a FFCP submitted to provide additional forest mitigation that is proportional to the net tract area of the Site Plan. The Site Plan area is 1.618 acres, which is fourteen percent of the 11.54-acre residential portion of the site. Fourteen percent of the 1.02-acre street tree landscaping requirement yields a minimum street tree landscaping mitigation requirement of 6,220 square feet.

The submitted FFCP shows that 14 street trees are to be planted around the site, providing tree canopy coverage of approximately 15,095 square feet, based on the projected 20-year growth of the tree canopy for trees being planted. Under the Law, one-quarter credit can be granted for tree canopy provided in mitigation for reforestation requirements. This yields a forest conservation credit of 3,773.75 square feet, which is 2,446.25 square feet less than the minimum reforestation credit needed for the site based on the proportional area of Parcel H relative to the overall residential area. The Applicant has agreed to provide the difference either by acquiring additional off-site forest bank credits or paying a fee-in-lieu to make up the shortfall.

Approval of FFCP as part of this Application will fulfill the requirements of Chapter 22A, Forest Conservation.

Water Resource Protection

The MCDPS Stormwater Management Section approved the stormwater management concept on June 17, 2022. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable using green roof and planter box microbioretention.

SECTION 6: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on December 2, 2021. The meeting was conducted virtually per COVID-19 Guidelines and the Applicant has complied with all other submittal and noticing requirements.

As of date of this Staff Report, no correspondence has been received about Site Plan Amendment No. 82008011C or Site Plan No. 820220100.

SECTION 7: CONCLUSION

As conditioned, Site Plan No. 820220100 and Site Plan Amendment No. 82008011C satisfy the applicable requirements of the Zoning Ordinance in effect prior to October 30, 2014 and substantially conform to the recommendations of the 2010 *White Flint Sector Plan*. Therefore, Staff recommends approval of Site Plan No. 820220100 and Site Plan Amendment No. 82008011C, with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Site Plan 820220100

Attachment B: Site Plan Amendment 82008011C

Attachment C: Prior Approvals

Attachment D: Agency Letters

Attachment E: WMATA letter regarding Day Care Center

Attachment F: Final Forest Conservation Plan Amendment 820220100

MARINELLI ROAD
90' MASTER PLAN R/W

PARCEL "G"
(PART OF WATA PARCEL
LIBER 5096 AT FOLIO 583)
78,431 SQ. FT. OR 1,806.5 ACRES

MCGRATH BOULEVARD
MCGRATH BLVD.
PLAT 24419
(UNAPPROVED)

NORTH BETHESDA CENTER
PLAT No. 24419
N/F
WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY

WENTWORTH PLACE

WENTWORTH PLACE

LOADING

RESIDENT
COMMONS
COVERED TERRACE

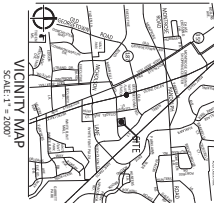
14-STORY
RESIDENTIAL
BUILDING
FF: 367.00

IMPROVEMENTS ABOVE EXISTING
SUBJECT TO MDC'S APPROVAL

MARINELLI ROAD - 5' ADDITIONAL ROW DEDICATION

WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY
N/F
L. 5276 F. 74
PARCEL 1

MONROSE INDUSTRIAL PARK
PLAT No. 9708
N/F
V3 PROPERTIES LLC
L. 23762 F. 156



PLAN LEGEND

1" = 10'	1" = 20'	1" = 40'	1" = 80'	1" = 160'	1" = 320'	1" = 640'	1" = 1280'	1" = 2560'	1" = 5120'	1" = 10240'	1" = 20480'	1" = 40960'	1" = 81920'	1" = 163840'	1" = 327680'	1" = 655360'	1" = 1310720'	1" = 2621440'	1" = 5242880'	1" = 10485760'	1" = 20971520'	1" = 41943040'	1" = 83886080'	1" = 167772160'	1" = 335544320'	1" = 671088640'	1" = 1342177280'	1" = 2684354560'	1" = 5368709120'	1" = 10737418240'	1" = 21474836480'	1" = 42949672960'	1" = 85899345920'	1" = 171798691840'	1" = 343597383680'	1" = 687194767360'	1" = 1374389534720'	1" = 2748779069440'	1" = 5497558138880'	1" = 10995116277760'	1" = 21990232555520'	1" = 43980465111040'	1" = 87960930222080'	1" = 175921860444160'	1" = 351843720888320'	1" = 703687441776640'	1" = 1407374883553280'	1" = 2814749767106560'	1" = 5629499534213120'	1" = 11258999068426240'	1" = 22517998136852480'	1" = 45035996273704960'	1" = 90071992547409920'	1" = 180143985094819840'	1" = 360287970189639680'	1" = 720575940379279360'	1" = 1441151880758558720'	1" = 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ATTACHMENT B

The original of this drawing document was prepared by Laidman Survey Associates, Inc. (LSA). If this document was not obtained directly from LSA and/or it was transmitted electronically, LSA cannot guarantee that unauthorized changes and/or alterations were not made by others. If verification of the information contained herein is needed, contact should be made directly with LSA. LSA makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.



NO.	REVISION	DATE
1	ISSUED FOR PERMIT	08/14/2024
2	REVISED PER COMMENTS	08/14/2024
3	REVISED PER COMMENTS	08/14/2024
4	REVISED PER COMMENTS	08/14/2024
5	REVISED PER COMMENTS	08/14/2024
6	REVISED PER COMMENTS	08/14/2024
7	REVISED PER COMMENTS	08/14/2024
8	REVISED PER COMMENTS	08/14/2024
9	REVISED PER COMMENTS	08/14/2024
10	REVISED PER COMMENTS	08/14/2024

MISS UTILITY NOTE
PROPOSED UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION AND DEPTH OF UTILITIES ARE NOT GUARANTEED. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF UTILITIES PRIOR TO CONSTRUCTION. ANY UTILITIES NOT SHOWN ON THIS DRAWING SHALL BE IDENTIFIED BY THE USER PRIOR TO CONSTRUCTION.

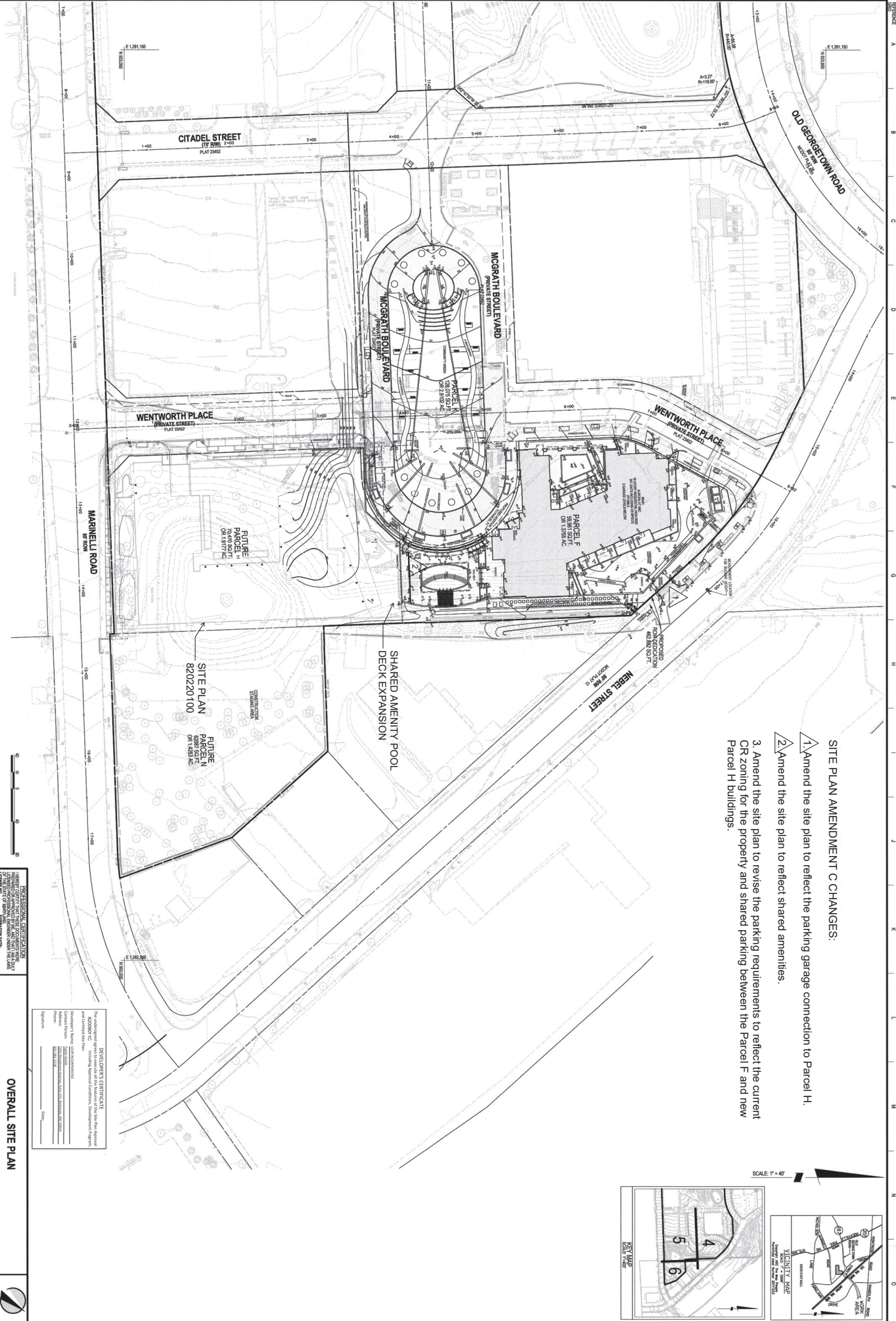
DEVELOPER: LCOOR NORTH BETHESDA
LCOOR CORPORATION
2225 WOODMONT AVENUE
BETHESDA, MD 20814
PHONE: 301-981-1218

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	08/14/2024
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4	REVISED PER COMMENTS	08/14/2024
5	REVISED PER COMMENTS	08/14/2024
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7	REVISED PER COMMENTS	08/14/2024
8	REVISED PER COMMENTS	08/14/2024
9	REVISED PER COMMENTS	08/14/2024
10	REVISED PER COMMENTS	08/14/2024

PROFESSIONAL CERTIFICATION
I, the undersigned, being a duly Licensed Professional Engineer in the State of Virginia, do hereby certify that I am the author of this drawing and that it is a true and correct copy of the original as submitted to me for certification.

CERTIFIED SITE PLAN AMENDMENT # 82008011C
AURORA AT NORTH BETHESDA CENTER
(FORMERLY NORTH BETHESDA CENTER PARCELS F, I, J)
SPECIALTIES NORTH BETHESDA CENTER PARCELS F, I, J

OVERALL SITE PLAN



ATTACHMENT C

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-

A

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.

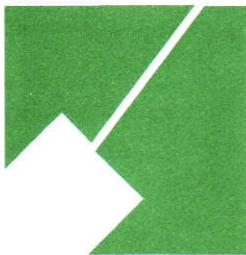
ACTION

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



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: December 2, 2003

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 3-0;
Comms. Bryant, Berlage and Wellington
voting in favor; Comm. Perdue and
Robinson necessarily absent

MONTGOMERY COUNTY PLANNING BOARD

REVISED OPINION

Pre-Preliminary Plan 7-04001

Name of Plan: NORTH BETHESDA TOWN CENTER

On 09/08/03, LCOR White Flint LLC (the "Applicant") submitted a complete Pre-application Submission Application, including a Concept Plan, for Planning Board approval, pursuant to the provisions of Section 50-33A of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) for a property in the TS-M/I-1 zones. The Concept Plan, which depicted one lot for 1,430,037 sq.ft. of commercial/retail space and 1,350 multi-family dwelling units (the "proposed LCOR Subdivision") on 32.4 acres of land (the "Applicant's Property"), requested a decision by the Planning Board on the following matters:

1. Pursuant to the provisions of Section 50-35(k) of the Subdivision Regulations, the adequacy of school facilities for the proposed LCOR Subdivision under the Ceiling Element for the FY 2004 Annual Growth Policy (July 2003); and
2. Pursuant to the provisions of Section 50-35(k) of the Subdivision Regulations, the adequacy of road and public transportation facilities of the proposed LCOR Subdivision under the Alternative Review Procedures for Metro Station Policy Areas in the FY 2002 Annual Growth Policy – Policy Element (November 2001).

The Applicant's Pre-Application Submission Application was designated as Pre-Preliminary Plan No. 7-04001.

On 10/16/03, Pre-Preliminary Plan No. 7-04001 was brought before the Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the Applicant's Pre-Application Submission Application.

Based upon the testimony and evidence presented by Staff and on the information on the Pre-Application Submission Application, including the Applicant's Concept Plan, the Planning Board approves the Applicant's Concept Plan, subject to the conditions listed below. The approval of the Concept Plan is based upon the following findings of fact and conclusions of law:

Adequacy of School Facilities

On July 8, 2003, the Montgomery County Council approved the Ceiling Element for the FY 2004 Annual Growth Policy. With its adoption of the Ceiling Element, which went into effect on July 15, 2003, the County Council found that all high school clusters pass the AGP's current School Test. Pursuant to the Applicant's request under the provisions of Section 50-33A(a)(1) of the Subdivision Regulation, the Planning Board finds public school facilities to be adequate for the proposed LCOR Subdivision, pursuant to the provisions of Section 50-35(k) of the Subdivision Regulations.

Adequacy of Roads and Public Transportation Facilities

On April 29, 2003, the Montgomery County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, approved the Applicant's rezoning request, Zoning Application No. G-801, to rezone a portion of the Applicant's property to the TS-M zone, pursuant to the Applicant's revised Development Plan. The certified development plan includes fifteen (15) Binding Elements. Binding Element No. 2 provides as follows:

2. The application for preliminary plan approval will utilize the Alternative Review Procedures for Metro Station Areas, as described in FY 2002 Annual Growth Policy (November 2001).

Pursuant to the provisions of Section 50-33A of the Subdivision Regulations, the Planning Board finds that, for purpose of roads and public transportation facilities under Section 50-35(k) of the Subdivision Regulations, roads and public transportation facilities are adequate to serve the proposed LCOR Subdivision provided that the Applicant satisfy the conditions listed below.

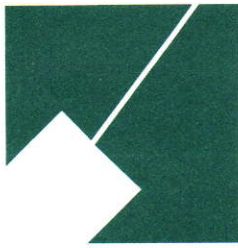
Planning Board Action

The Planning Board's approval of Pre-Preliminary Plan No. 7-04001 pursuant to the provisions of Section 50-33A of the Subdivision Regulations is subject to the provisions of Section 50-33A(b) of the Subdivision Regulations and the following additional conditions:

1. The Applicant enter into an agreement with the Planning Board and the County Department of Public Works and Transportation to:
 - a. meet trip reduction goals established by the Planning Board as a condition of approving the LCOR Subdivision, which require the Applicant to reduce 50% of the number of weekday 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;

- b. participate in programs operated by, and take actions specified by the North Bethesda Transportation Management District ("TMD") established by County law for 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;
 - c. pay an ongoing annual contribution or tax to fund the TMD's operating expenses, including minor capital items such as buses, as established by County law; and
 - d. pay the applicable transportation development impact tax without claiming any credits for transportation improvements.
 - e. 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.
2. Preliminary plan application shall conform to all other requirements set forth in Chapter 59, Zoning Ordinance, Chapter 50, Subdivision Regulations and other applicable codes
3. Planning Board approval of the Pre-Preliminary Plan including the alternative review procedures under Section TA1 of the FY04 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.

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.

W:\TAB\opinions\PreliminaryPlan\1-04049.NorthBethesdaTownCenter.final.3-11-05.doc

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 OPINON

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 concerned 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 red 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





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

MAR 20 2008

MCPB No. 08-28 B
Preliminary Plan No. 12004049A
North Bethesda Town Center
Date of Hearing: November 29, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on September 18, 2007, LCOR White Flint, LLC("Applicant"), filed an application for amendment to a previously approved preliminary plan of subdivision for 32.42 acres of land located on the east side of Rockville Pike (MD 355) between Marinelli Road and Old Georgetown Road (MD 187) ("Property" or "Subject Property"), in the North Bethesda-Garrett Park master plan area ("Master Plan"); and

WHEREAS, the amendment includes a request for an extended twelve-year phasing schedule for recordation of plats for the development, and the establishment of a twelve-year Adequate Public Facilities (APF) validity period; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 12004049A, North Bethesda Town Center ("Preliminary Plan Amendment" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated November 19, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC LEGAL DEPARTMENT

DATE 3/10/08

¹This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on November 29, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 29, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Lynch; seconded by Commissioner Robinson; with a vote of 5-0, Commissioners Bryant, Cryor, Hansen, Lynch, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 12004049A for 32.42 acres of land located on the east side of Rockville Pike (MD 355) between Marinelli Road and Old Georgetown Road (MD 187) ("Property" or "Subject Property"), in the North Bethesda Garrett Park master plan area ("Master Plan"), subject to the following conditions:

1) Replace existing Condition #15 as follows:

15) Record plats for this project may be recorded in phases. Prior to the end of each phase, final record plats must be recorded for all development included in the phase, or a request for extension must be filed. The Phasing Schedule is as follows:

- Phase I (expires April 22, 2008): 312 dwelling units and 61,250 square feet of general retail.
- Phase II (expires April 22, 2011): 323 dwelling units, 115,210 square feet of general retail and 355,000 square feet of commercial.
- Phase III (expires April 22, 2014): 640 dwelling units, 25,577 square feet of general retail and 792,200 square feet of commercial.
- Phase IV (expires December 2, 2015): All remaining development.

2) A new Condition #17 to read as follows:

- 17) The Adequate Public Facilities (APF) Review for the Preliminary Plan will remain valid for twelve (12) years, or one hundred forty-four (144) months from the date of mailing of the Planning Board's Revised Opinion for Pre-Preliminary Plan 7-04001 (date mailed: December 2, 2003).
- 3) The Applicant will record a separate easement document that will specify other terms of public use within the public access easement.
- 4) All other conditions of approval as contained in the Planning Board Resolution dated March 22, 2005, remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *Public facilities will continue to be adequate to support and service the area of the proposed subdivision.*

The Planning Board finds that roads and transportation facilities, and other public facilities and services, remain adequate to support and service the Property. This includes the proposed private streets within the development for which use and access concerns were raised during public testimony at the public hearing. The Board finds that access will be perpetually maintained by a public access easement required to be placed over the private road on the record plat. The Board accepts the Applicant's proffer to record a separate easement document that will specify other terms of public use within the easement. This proffer was in response to a speaker's testimony concerning the exercise of First Amendment rights, such as freedom of speech and assembly within the easement.

The Board finds that the Applicant's request to establish a twelve year validity period for the Property's Adequate Public Facilities (APF) review is justified based on the size and mixed-use nature of the development, and that this twelve-year period should be calculated from the date of the original APF approval, or December 2, 2003. The Board further finds that the phasing plan for completion of the development as submitted by the Applicant is acceptable.

2. *All previous findings are unaffected and previous conditions remain in full force and effect.*

The Planning Board finds that this Preliminary Plan Amendment does not affect the previous findings of the Board regarding the Preliminary Plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED, that this Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved preliminary plan; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 20 2008 (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).

* * * * *

At its regular meeting, held on Thursday, March 13, 2008, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Robinson, and Bryant voting in favor, and Commissioner Cryor absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 12004049A, North Bethesda Town Center.



Royce Hanson, Chairman
Montgomery County Planning Board



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

SEP 16 2008

MCPB No. 08-70
Site Plan No. 820080110
Project Name: North Bethesda Center, Parcels F, I, J
Date of Hearing: May 22, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and


WHEREAS, on October 25, 2007, LCOR North Bethesda Phase II, LLC, ("Applicant") filed an application for approval of a site plan for 327 multi-family dwelling units, including 41 MPDUs (12.5 percent), in a 19-story building on Parcel F, and approximately 63,100 square feet of public use space on Parcels F and J, ("Site Plan" or "Plan") on 7.36 acres of TS-M-zoned land, located in the southwestern quadrant of the intersection of Old Georgetown Road and Nebel Street ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820080110, North Bethesda Center, Parcels F, I, J (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated May 9, 2008, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on May 22, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC LEGAL DEPARTMENT

DATE 9/9/08

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on May 22, 2008, the Planning Board voted to approve the Application subject to conditions on the motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 4-0; Commissioners Bryant, Cryor, Hanson, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080110 for 327 multi-family dwelling units, including 41 MPDUs (12.5 percent), in a 19-story building on Parcel F, and approximately 63,100 square feet of public use space on Parcels F and J, on 7.36 gross acres in the TS-M zone, subject to the following conditions:

1. Development Plan Conformance
The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-801 and associated Development Plan.
2. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan No. 120040490 as listed in the Planning Board Opinion dated March 22, 2005.
3. Site Design
 - a. The proposed building on Parcel F shall maintain a visual expression of a two-story base on the building façade along Wentworth Place and McGrath Boulevard.
 - b. The park at Parcel J shall include a public use easement, including exterior adjacent access areas abutting the public streets.
 - c. Revise the design for the Building F garage wall north and west elevations from Nebel Street along Wentworth Place to McGrath Boulevard, to provide a more attractive and pedestrian friendly experience. The revised design should address both architectural and landscape elements.
4. Landscaping
By Certified Site Plan, coordinate minor revisions to the landscaping for the McGrath Boulevard loop drive and the Parcel J park as required by Montgomery County Fire & Rescue. Staff shall have final approval of any changes.
5. Lighting
 - a. All private exterior on-site down-lighting fixtures shall be full cut-off fixtures.

- b. Deflectors shall be installed on all up-lighting fixtures causing potential glare or excess illumination.
- c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- d. The height of the light poles, including the mounting base, shall not exceed that shown on the Certified Site Plan.

6. LEED Certification

The Applicant shall achieve, for the building on Parcel F, the equivalent of a minimum of 23 points in the USGBC LEED (Leadership in Energy and Environmental Design) Standard for New Construction & Major Renovation (LEED-NC). The final selection of strategies and the verification method shall be determined by Certified Site Plan.

7. Maintenance Responsibility

The Applicant shall be responsible for maintaining all public amenity features, including the park on Parcel J and all private sidewalks and roadways.

8. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development shall provide 41 (or 12.5 percent) MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated May 7, 2008.
- b. The Applicant shall finalize an agreement to build the MPDUs before issuance of a building permit for Parcel F.

9. Transportation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated May 7, 2008:

- a. The Applicant must limit the Site Plan development to no more than 327 high-rise multi-family dwellings.
- b. The Applicant must provide 2 inverted-U bike racks (accommodating 4 bicycles) within 50 feet of the main public entrance to the multi-family building and 16 single-bike lockers in the garage in a well-lit location within 100 feet of the elevator.

10. Forest Conservation

The proposed development shall comply with the conditions of the Final Forest Conservation Plan. The Applicant shall satisfy all conditions of approval prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

11. Stormwater Management

- a. The proposed development is subject to Stormwater Management Concept approval conditions dated May 26, 2004, unless amended and approved by MCDPS.
- b. By issuance of building permit, the Applicant shall obtain MCDPS approval for a revised Stormwater Management Concept that removes all stormwater quality and quantity management structures, excluding necessary conveyance infrastructure, from Parcel I.
- c. The Applicant shall not further amend this approved revised Stormwater Management Concept without M-NCPPC approval.

12. Development Program

The Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting shall progress as street construction is completed, but no later than the issuance of the Parcel F building final use and occupancy permit.
- b. Pedestrian pathways, seating areas, and recreation facilities, including the park on Parcel J, shall be completed prior to issuance of the Parcel F final building use and occupancy permit.
- c. Landscaping associated with Parcel F and Parcel J shall be completed as construction of each facility is completed.
- d. The pool screen along the McGrath Boulevard loop drive shall be completed as construction of the pool is completed.
- e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- f. Provide each section of the development with necessary roads.
- g. Clarify the phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

13. Clearing and Grading

No clearing or grading of Parcels F, I, or J, prior to M-NCPPC approval of the Certified Site Plan.

14. Certified Site Plan

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

- a. Development program, inspection schedule, Site Plan index, and Site Plan Resolution.
- b. Limits of disturbance.

- c. Methods and locations of tree protection.
- d. The final selection of LEED-NC strategies and the verification method, as described in Condition No. 6.
- e. Forest Conservation easement areas.
- f. Note stating the Staff must inspect tree-save areas and protection devices prior to clearing and grading.
- g. Details of the pool screen.
- h. Update the site and landscape plans to reflect necessary minor incidental changes related to the MCDPS-approved revised Stormwater Management concept.
- i. Update the site and landscape plans to reflect design improvements to the Parcel F building garage wall.
- j. Provide a lighting distribution and photometric plan with summary report and tabulations.
- k. Provide schematic details of the colonnade along Wentworth Place for the building on Parcel F.
- l. Provide diagrammatic elevation drawings illustrating compliance with the visual expression of a two-story base on the building façade along Wentworth Place and McGrath Boulevard.
- m. Final locations of bike racks and/or lockers.
- n. Address, to Environmental Planning Staff's satisfaction, the comments contained in the M-NCPPC-Environmental Planning memorandum dated May 5, 2008.

BE IT FURTHER RESOLVED that all site development elements as shown on North Bethesda Center, Parcels F, I, J, drawings stamped by the M-NCPPC on May 6, 2008, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County 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.*

With the conditions of approval, the proposed development is consistent with the approved Development Plan for Local Map Amendment G-801 in land use.

density, and general layout. The proposed development also is in conformance with the binding elements as demonstrated in the Project Data Table below.

2. *The Site Plan meets all of the requirements of the TS-M zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

With the conditions of approval, the Site Plan meets all of the requirements of the TS-M zone and is in accordance with the Development Plan, as demonstrated in the Project Data Table below.

The following Project Data Table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Project Data Table

Development Standards	Development Standards Approved by the Planning Board and Binding on the Applicant
Min. Tract area, Site Plan	7.36 (Parcels F, I, J)
Max. Density of Development (d.u.)*	327
Studio	38
One-bedroom (with & without den)	204
Two-bedroom	85
* Residential density in the Development Plan was limited only by dwelling units, not FAR	
MPDUs (%)	12.5
MPDUs (d.u.)	41
Min. Building Setbacks (ft.)	
Nebel Street	0
East lot line	15
All other	0
Min. Public Use Space (%)	19.5 (Parcels F, J)
Min. Public Use Space (sf.)	63,100 (Parcels F, J)
Min. Active/Passive Recreation (%)	19.5 (Parcels F, J)
Min. Active/Passive Recreation (sf.)	63,100 (Parcels F, J)
Max. Building Height (stories):	19
Max. Building Height (ft.):	232**

** The Development Plan specifies that the maximum building height must include "height of parking structures." Since the building on Parcel F has an exposed parking structure, the building height shall be measured from the level of approved street grade on Nebel Street opposite the parking garage to the highest point of roof surface of the flat roof.

Parking Spaces

Studio, market rate (33 units)	33
Studio, MPDU (5 units)	2.5
One-bedroom, market rate (179 units)	223.75
One-bedroom, MPDU (25 units)	15.625
Two-bedroom, market rate (74 units)	111
Two-bedroom, MPDU (11 units)	8.25
Subtotal (327 units)	394.125
Discount for transit station development area	-39.4125
Discount for entrance w/in 1,600' of metro	-19.70625
Total discount	-59.11875
Total spaces provided	392

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 proposed multi-family residential building well defines the urban pedestrian experience, maintaining the street wall and contributing to the urban character of the larger development. Along with the building on adjacent Parcel E, an 18-story mixed-use building with a ground-floor supermarket and residential units above, the plan provides and maintains a decisive street edge for Wentworth Place. The location of the building and associated structures is adequate, safe, and efficient.

b. Open Spaces

The plan proposes 63,100 square feet of open space. The landscaped residential green will provide ample opportunity for active and passive recreational opportunities for residents and visitors and is attractively landscaped, further encouraging its use. All sidewalks are generously 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 landscaping for the residential park includes trees as well as low plantings to provide shade while allowing broad visibility, encouraging its use through improved security. The proposed landscaping for the private residential areas within the private 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, so the proposal includes both exterior and interior amenities including the residential park, private fitness facilities, a private pool, a multitude of seating areas, and a robust pedestrian network linking this development with the surrounding communities. Off-site amenities include a County Recreation Center on Marinelli Drive. The recreation facilities are adequate, safe, and efficient.

e. Vehicular and Pedestrian Circulation

This site is served by Metro rail and bus service directly on-site at the intersection of Rockville Pike and Marinelli Road. 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.

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 for Parcel F will be provided 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.*

The larger North Bethesda Center project will set the standard for the redevelopment of the White Flint area through good street-making, attractive design, and a street-activating mix of uses. The building height, massing, and configuration go beyond compatibility to improve upon the overall urban design quality of the area.

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 Forest Conservation Plan for the over-all North Bethesda Center site, which includes a substantial tree-save area on the main retail street, is in compliance with Chapter 22A.

The approved Stormwater Management Concept consists of quality management for the buildings through on-site underground filters and for the streets and pervious areas through two surface sand filters. The Applicant proposed to address stormwater quantity management for the whole site through an underground vault located on Parcel I. In Staff's opinion, the quality management for the buildings is better addressed by removing all stormwater quality and quantity management structures, excluding necessary conveyance infrastructure from Parcel I, which will free Parcel I for future development; and therefore, approval for this Application is conditioned by the Applicant obtaining approval from MCDPS for a revised Stormwater Management Concept. The Planning Board finds, with this condition, that all applicable provisions of Chapter 19 are met.

Per Staff's recommendation and in accordance with the conditions of approval for this Application, the Applicant is in the process of revising their stormwater management concept to relocate the facilities within the site, freeing Parcel I for future development. The Applicant must obtain MCDPS approval for this revised Stormwater Management Concept. While the Board recognizes that the Applicant already has an approved stormwater management concept in accordance with Chapter 19, it strongly supports the Staff's recommendation to revise the concept.

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

16 2008 BE IT FURTHER RESOLVED, that the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

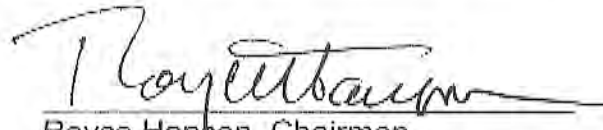
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

MCPB No. 08-70
Site Plan No. 820080110
North Bethesda Center, Parcels F, I, J
Page 10

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, and Cryor voting in favor of the motion, and Commissioners Alfandre and Presley abstaining, at its regular meeting held on Thursday, September 11, 2008, in Silver Spring, Maryland.

A handwritten signature in dark ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board



NOV 10 2011

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-90

Site Plan No. 82008011A

Project Name: North Bethesda Center Parcels F, I, & J

Hearing Date: September 22, 2011

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on September 16, 2008, the Planning Board approved Site Plan 82080110 (MCPB Resolution 08-70) for 327 multi-family residential units, including 41 MPDUs in a 19-story building on Parcel F and approximately 63,100 square feet of public use space on Parcels F & J; and

WHEREAS, on July 29, 2011, LCOR North Bethesda Phase II, LLC ("Applicant"), filed a site plan amendment application designated 82008011A, North Bethesda Center Parcels F, I, & J (the "Amendment") for approval of the following modifications:

1. Reduction of building height from 19 to 18 floors;
2. Reduction of construction area by approximately 29,500 square feet;
3. Modification of unit sizes and mix;
4. Increase of 14 units to 341 total;
5. Removal of certain sun rooms from some units and reconfiguration of 1st floor units' patios;
6. Revisions of site details per previous conditions of approvals;
7. Minor grading, site, and streetscape changes due to stormwater management, utilities, and site conditions;
8. Increase in screening of utilities; and
9. Adjustment of parcel boundaries and addition of a volumetric easement to accommodate structures; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 9, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on September 22, 2011, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on September 22, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 4-0, Commissioners Anderson, Dreyfuss, Presley, and Wells-Harley voting in favor, Commissioner Carrier being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No.82008011A; and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. The proposed development must comply with the conditions of approval for Preliminary Plan 120040490 as amended by Preliminary Plan Amendment 12004049A, approved by the Planning Board on September 30, 2004 and March 20, 2008, respectively.
2. The proposed development must comply with the conditions of Site Plan 820080110, approved by the Planning Board on September 16, 2008, except as amended herein.
3. Condition 8.a. is modified to read, in full:
The proposed development shall provide 43 (or 12.5 percent) MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated May 7, 2008, as amended.
4. Condition 9.a. is modified to read, in full:
The Applicant must limit the Site Plan development to no more than 341 high-rise, multi-family dwellings.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. The building height has been reduced and the increase in number of units will be offset by reductions in future site plans under the cap established by the Preliminary Plan approval. Most changes are simple modifications to address utility, permitting, and site constraints and requirements. The changes to the parcel

boundaries are minor and remain consistent with the approved preliminary plan as allowed under Chapter 50, Section 50-36; platting will continue as conditionally approved under the extension granted by Subdivision Amendment Resolution 11-01; and

BE IT FURTHER RESOLVED that all site development elements as shown on Montrose Parks drawings stamped by the M-NCPPC on July 15, 2011, shall be required, except as modified by the above conditions of approval; and

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

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

BE IT FURTHER RESOLVED, that the date of this Resolution is NOV 10 2011 (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 Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Vice Chair Wells-Harley and Commissioners Anderson and Dreyfuss voting in favor of the motion, with Chair Carrier abstaining, and with Commissioner Presley absent, at its regular meeting held on Thursday, November 10, 2011, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board



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

April 15, 2014

MEMORANDUM

TO: Gwen Wright, Planning Director

VIA: Glenn Kreger, Chief, Area 2 Planning Division *gk*
Khalid Afzal, Supervisor, Regulatory Team, Area 2 Planning Division *KA*

FROM: Nkosi Yearwood, Senior Planner *ny*
Area 2 Planning Division

SUBJECT: Aurora at North Bethesda (formerly North Bethesda Center Parcels F, I, J)
Site Plan No. 82008011B

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

A Pre-Application meeting with the public or parties of record is not required. A Pre-Submittal meeting with the Development and Regulatory Coordination (DARC) Division is also not required; however, submittal of the application to DARC is required. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the *Manual of Development Review Procedures* (2007) and require approval of the Planning Director.

On February 20, 2014, LCOR North Bethesda Residential II, LLC (Applicant) filed a Site Plan Amendment application, designated Site Plan No. 82008011B, for approval of the following items:

1. Inclusion of a sun shelf within the limits of the pool shape;
2. Addition of a new arbor and water feature on the east side of the pool;
3. Adjustment to the height of the screen wall on the eastern side of the pool to provide additional privacy;
4. Extension of the temporary field fence for screening and safety on the southern portion of the community green; and
5. Two additional tree pits along a temporary sidewalk.

The Applicant sent a notice regarding the subject Site Plan Amendment to adjacent and confronting property owners and homeowners and civic associations on March 19, 2014. The notice gave interested parties 15 days to review and comment on the proposed amendments. Staff has not received any correspondence from the notified parties.

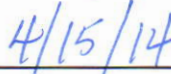
The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan/Administrative Plan Amendments. The proposed amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the original approved Site Plan No. 820080110.

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

ACCEPTED AND APPROVED BY:



Gwen Wright, Planning Director



Date Approved

ATTACHMENT D



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 23-Jun-22
TO: Jason Evans
VIKA, Inc
FROM: Marie LaBaw
RE: North Bethesda Parcel H
820220100

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **17-Jun-22** .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.

May 25, 2022

M. Marie LaBaw, PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, MD 20902

**Re: North Bethesda Parcel H
Site Plan # 820220100
Performance Based Code Design Justification
VIKA Project # VM50154D**

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 6/23/2022

Dear Ms. LaBaw,

On behalf of our client, North Bethesda Parcel H L/Cal LLC, (the "Applicant"), we submit for your review and approval of the enclosed Fire Apparatus Access (FAA) Plan including a performance-based design relating to certain aspects of fire apparatus access for the proposed building located at the corner of Wentworth Place and Marinelli Road.

While the new building will have access from McGrath Boulevard, Wentworth Place and Marinelli Road, the access route along the eastern property line will be constricted down to a 10' wide path with bioretention facilities. In order to meet the prescriptive code requirements for this project, we have provided access to the structural bioretention facilities that abuts the building. This access includes grading to allow access into the facility from the high end and ladders at the low end as needed.

We have enclosed a plan which illustrates the proposal as described above for your review. Please do not hesitate to contact me if you have any questions.

Please contact us with any questions regarding this submission.

Sincerely,
VIKA Maryland, LLC



Jason Evans, P.E.
Senior Associate





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

June 17, 2022

Mr. Jason Evans P.E.
Vika, Inc.
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
North Bethesda Center Parcel H
Preliminary Plan #: 820180010B
SM File #: 287794
Tract Size/Zone: 70,500 SF / 1.62 Ac
CR-4, C-3.5, R-3.5, H-300
Total Concept Area: 85,900 SF / 1.97 Ac
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 green roof and planter box microbio retention.

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. The design of the green roof and planter boxes will be required to be correctly designed per Montgomery County standards.
2. The ESD treatment provided for the project must equal a minimum of 1.0 inch of treatment as is required of any project that is New Development. Every effort to maximize ESD treatment must be made beyond the 1.0 inch minimum.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

Mr. Evans
June 17, 2022
Page 2 of 2

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 Jean Kapusnick, P.E. at jean.kapusnick@montgomerycountymd.gov or at 240-777-6345.

Sincerely,

Mark Etheridge

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

MCE: jak

cc: N. Braunstein
SM File # 287794

ESD: Required/Provided 12,498 cf / 9.092 cf
PE: Target/Achieved: 2.0"/1.45"
STRUCTURAL: 0.0 cf
WAIVED: 3,406 cf / 0.54 ac.

DPS-ROW CONDITIONS OF APPROVAL

June 10, 2022

***Revision: The conditions hereon supersede previous conditions of approval dated May 13, 2022.

820220100 North Bethesda Parcel H

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

“07-SITE-820220100-005.pdf V4” uploaded on/ dated **“5/10/2022”** and

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

1. Based on the limits of parcel K plat 24419 on the plan across Wentworth Place, ensure adequate public sidewalk and associated infrastructure are provided.
2. Please relocate all non-standard structures out of:
 - a. Public ROW or PIE.
 - b. Storm drain easement. Please see/ comply with item “FIRST” of storm drainage easement document recorded at liber 39444 folio 416 with respect to locating structures/ filling/ excavating within it.
3. Ensure of adequate sight distance per County requirements for Wentworth Place at Marinelli Road based upon the improvements on the site plan.
4. Clarify the driveway apron at the southeast corner of the site along Marinelli Road.
5. Provide public sidewalk:
 - a. Show/ label the existing sidewalks where connection is made.
 - b. Public and private sidewalks when adjacent each other need to have the physical limits of maintenance provided or PIE/ ROW for the additional sidewalk is needed.
 - c. All proposed brick/ paver pavement sections should be per CR 16-931 and MC-111.02 (provide a label accordingly). Upon review and approval, a maintenance and liability agreement is required.
6. On landscaping plan:
 - a. provide street trees per approved major species list at the required spacing and adequate soil volume in the amended soil panel. They need to be included in maintenance and liability agreement.
 - b. Notate, non-woody plants in the ROW are per MC-704.01.
7. Contact MCDOT/ Pat Shepherd about Marinelli Road bikeway (to be installed in the near future) ensuring the proposed site plan frontage improvements are acceptable.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

Aseem K. Nigam
Director

June 1, 2022

Emily Tettelbaum, Planner Coordinator
Mid-County Planning Division
Montgomery County Planning Department
2425 Reedie Drive
Wheaton, Maryland 20902

Re: North Bethesda Parcel H
Site Plan 820220100

Dear Ms. Tettelbaum:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval. The development will provide at least 12.5% Moderately Priced Dwelling Units (MPDUs) in compliance with Chapter 25A. MPDUs may be provided in the proposed building, or as determined by a mutually agreed upon alternative location agreement within the overall North Bethesda Town Center development.

Sincerely,

Somer Cross, Manager
Affordable Housing Programs Section

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

ATTACHMENT E



November 30, 2021

Transmitted by email to: gwen.wright@montgomeryplanning.org

Gwen Wright
Planning Director
Maryland National Capital Park and Planning Commission
2425 Reedy Drive, 14th Floor
Wheaton, MD 20902

Re: North Bethesda Town Center
Development Plan No. G-801

Dear Ms. Wright:

The Washington Metropolitan Area Transit Authority (WMATA) owns certain property that is the subject of Development Plan G-801 (the "Development Plan"). This includes undeveloped land located on Block A, Block B, Block C and Block D ("WMATA Undeveloped Land"). The Development Plan also includes Block H, land that LCOR proposes to redevelop with a residential, multifamily high-rise building ("Block H"). The Development Plan includes binding elements, including binding element 7 requiring "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."

LCOR is unable to include an on-site day care facility or on-site indoor community activity space on Block H. As such, WMATA commits to provide such day care facility on WMATA's Undeveloped Land on the remainder of the site governed by G-801, when it is developed. WMATA plans to issue a solicitation to select a developer of the site in the future. In that solicitation, WMATA will include a requirement that the developer address a day care facility in its plans to be submitted as part of a Site Plan proposal to the Montgomery County Planning Board.

Please contact me should you have any questions.

Regards,

Liz Price
Vice President, Real Estate & Parking

CC: Mr. Harmar Thompson, LCOR

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

wmata.com

A. Total land area	32.42
B. Land dedication acres (garage, county facility, etc. ...)	0.00
C. Land dedication for roads or utilities (not building constructed by this plat) --	0.00
D. Area to remain in commercial/agricultural production use --	0.00
E. Other dedications (specify) -- (residential Size of Site - See Other Sheet)	11.54
F. Net Total Area	20.85

LAND USE CATEGORY (from *Texas Technical Manual*)

Input the number "4" under the appropriate land use.

Type	Quantity	20 Year Dia.	S.F. Area per Tree
Street Trees	184	35'	961.63
On-site Shade Trees	40	35'	961.63
Total Trees Proposed	224		
Total Trees Required	219		

NOTE: SEE SHEET 1A FOR OVERALL BREAKOUT OF LANDSCAPE PLANTINGS

APPROVALS:

DATE: 01/20/2015

Total S. F. Area of Trees	25% Total Credit	Total Acres Credit
176939.70	44234.75	1.02
38465.00	9616.25	0.22
		1.24
		1.21

BEATRICE H
 PARCEL H
 4TH ELECTION DISTRICT
 MONTGOMERY COUNTY,
 MARYLAND
 VSSC GRD. 21SNW05
 TAX MAP HQ122
 MANPC # E020100

	AAA	AA	IDA	IB	IC	CA
	0	0	0	0	1	
G. Afforestation Threated: ...					15%	3.13
H. Conservation Threated: ...					15%	3.13
					X.F =	
EXISTING FOREST COVER:						
1. Existing forest cover: ...						6.03
2. Afforestation Threated: ...						2.80
3. Conservation Threated: ...						2.80
4. Area of forest above conservation treated: ...						
BRIEF EVEN POINT:						
1. Forest retention above treated with no mitigation: ...						3.71
2. Clearing permitted without mitigation: ...						2.32
PROPOSED FOREST CLEANSING:						
1. Total area of forest to be cleared: ...						6.24
2. Total area of forest to be retained: ...						0.79
PLANNING REQUIREMENTS:						

1. Consider the following two different tests for the same data. The test statistic T_1 is defined by an n -tuple random variable (T_1, T_2, \dots, T_n) with joint density function $f_1(t_1, t_2, \dots, t_n)$ given by

$$f_1(t_1, t_2, \dots, t_n) = \frac{1}{n!} \exp\left(-\sum_{i=1}^n t_i\right) \prod_{i=1}^n t_i, \quad t_i \geq 0, \quad i = 1, 2, \dots, n.$$
2. Define another test statistic T_2 for the same data. The test statistic T_2 is defined by an n -tuple random variable (T_2, T_3, \dots, T_n) with joint density function $f_2(t_2, t_3, \dots, t_n)$ given by

$$f_2(t_2, t_3, \dots, t_n) = \frac{1}{(n-1)!} \exp\left(-\sum_{i=2}^n t_i\right) \prod_{i=2}^n t_i, \quad t_i \geq 0, \quad i = 2, 3, \dots, n.$$
3. The two tests T_1 and T_2 are said to be equivalent if $f_1(t_1, t_2, \dots, t_n) = f_2(t_2, t_3, \dots, t_n)$ for all $t_1, t_2, \dots, t_n \geq 0$. Are the two tests T_1 and T_2 equivalent? Justify your answer.
4. The test statistic T_3 is defined by an n -tuple random variable (T_3, T_4, \dots, T_n) with joint density function $f_3(t_3, t_4, \dots, t_n)$ given by

$$f_3(t_3, t_4, \dots, t_n) = \frac{1}{(n-2)!} \exp\left(-\sum_{i=3}^n t_i\right) \prod_{i=3}^n t_i, \quad t_i \geq 0, \quad i = 3, 4, \dots, n.$$
5. Consider a random variable X with a uniform distribution on the interval $[0, 1]$. Let T_4 be the test statistic defined by $T_4 = X$. Let T_5 be the test statistic defined by $T_5 = X^2$. Are the two tests T_4 and T_5 equivalent? Justify your answer.
6. Suppose that X is a random variable with a uniform distribution on the interval $[0, 1]$. Let T_6 be the test statistic defined by $T_6 = X$. Let T_7 be the test statistic defined by $T_7 = X^2$. Are the two tests T_6 and T_7 equivalent? Justify your answer.
7. Let X be a random variable with a uniform distribution on the interval $[0, 1]$. Let T_8 be the test statistic defined by $T_8 = X$. Let T_9 be the test statistic defined by $T_9 = X^2$. Are the two tests T_8 and T_9 equivalent? Justify your answer.
8. Let X be a random variable with a uniform distribution on the interval $[0, 1]$. Let T_{10} be the test statistic defined by $T_{10} = X$. Let T_{11} be the test statistic defined by $T_{11} = X^2$. Are the two tests T_{10} and T_{11} equivalent? Justify your answer.

SHEET INDEX.

***1. FINAL FOREST CONSERVATION PLAN**
***1.1. FINAL CONSERVATION DOCUMENT**

2. TREE PRESERVATION EXHIBIT

3. TREE PRESERVATION DETAILS

4. TREE PRESERVATION NOTES

***AMENDED OR ADDED BY THIS APPLICATION**

**FINAL FOREST
CONSERVATION
PLAN
AMENDMENT**
8/20/2010

PROFESSIONAL SEAL

LEGEND

0 20 40 60
feet

Scale: 1" = 60'

North arrow pointing up and slightly to the right, with 'N' at the top and 'E' at the right.

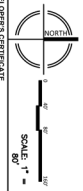
0 20 40 60
feet

SCALE: 1" = 60'

SHEET INDEX:

1. FINAL FOREST CONSERVATION PLAN
- *1A. DETAILED PARCEL & FPOD AMENDMENT
2. TREE PRESERVATION EXHIBIT
3. TREE PRESERVATION DETAILS
4. TREE PRESERVATION NOTES

RECOMMENDED OR ADDED BY THIS APPLICATION



The undersigned agree to attend all of the sessions of the approved final focus group, and to participate in the focus group discussion, and to complete the focus group best planning, maintenance, and other applicable agreements.

LCOR (COMPROMISED)

Printed (Category Name) _____

Printed (Name or Other) _____

Printed (Title) _____

7245 Woodstone Way, 3rd Floor, Bethesda, MD 20814

301.656.1716 (Work/Cell) _____

Signature _____

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DRAWN BY: _____

DESIGNED BY: _____

DATE ISSUED: 12/17/2021

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