

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-066
Site Plan No. 820220100
North Bethesda Parcel H
Date of Hearing: July 14, 2022

AUG 10 2022

RESOLUTION

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

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

WHEREAS, on March 10, 2022, North Bethesda Center Parcel H L/CAL, LLC ("Applicant") filed an application for approval of a site plan for 340,000 square feet of residential uses, for up to 365 dwelling units, including 12.5% MPDUs, in a multi-unit building on 1.62 acres of CR-3.0 C-1.5 R-2.5 H-250 zoned-land, located at the northeast corner of the intersection of Marinelli Road and Wentworth Place ("Subject Property"), in the White Flint ("Sector Plan") area; and

WHEREAS the site plan application for the Subject Property was designated Site Plan No. 820220100, North Bethesda Parcel H ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 1, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 14, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Verma, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin and Verma voting in favor.

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220100 for 340,000 square feet of residential uses, for up to 365 dwelling units, including 12.5% MPDUs, in a multi-unit building, on the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 365 multifamily dwelling units on the Subject Property.

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:

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

- 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) MCDPS must consult with Planning Staff on any proposed modification to the activating use within the storm drain easement area.
- d) Provided the dog park is approved by a MCDPS revocable permit:
 - i) it must be open for use by the public;
 - 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.
- e) 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, street-activating 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 Services (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, including parking.
- 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.
- m) The Development Density Chart on Sheet SP-001 must be modified to show that 390,815 square feet of residential density is allowable on Parcel H.
- n) Add a footnote to "360" in the provided parking spaces column on Sheet SP-001 to allow additional parking, up to the maximum amount allowed, if there are no impacts to building footprint or above-grade architecture.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of North Bethesda Parcel H Site Plan No. 820220100, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Site Plan is subject to the approved Development Plan G-801. 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.

Development Plan G-801 Textual Binding Elements

Required	Approved
1. The maximum building height will be 20 stories, as determined and defined by the Montgomery County Zoning Ordinance.	The building height is fourteen stories, and 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 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 Project 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.
-Office/Non-Residential – 1,148,000 square feet	The Project will not have any office/non-residential uses. 366,121 square feet have been developed to date for the Nuclear Regulatory Commission office building on Rockville Pike.
-Indoor Theater (in cellar space) – 80,000 square feet	This space has not been developed and is not being included with this 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	The Property is one of eight separate building blocks and its development will fall within the limitations for

Required	Approved
Block will be pursuant to the Building Program, as shown on the certified Development Plan – Land Use Plan.	“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 Project 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 Project 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 will be subject to a future Request for Proposal and development (Attachment E).</p>

Required	Approved
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 development on Parcel H.
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 building on Parcel H 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 Subject Property.
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 included with the development of Parcel H.
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	The Subject Application does not include a theater.

Required	Approved
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.	

- 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 Site Plan fulfills the specific purposes of the TS-M 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.

The Application satisfies the applicable development standards of the TS-M Zone as shown in the following data table:

Data Table

Section of Old Zoning Code	Development Standard	Per Approved Development Plan G-801/ Zoning Code	Approved
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	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	Min 278/ Max 475 ⁵	360 ⁶
	Loading Bicycle Parking	1 95 long-term, 5 short-term	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.I.7.

⁶ Additional parking, up to the maximum, may be allowed if there are no impacts to the building footprint or above-grade architecture.

At the hearing, the Planning Board requested that the resolution include the parking requirements for Parcels F, subject of accompanying Site Plan Amendment No. 82002011C, and H, which is the subject of this Application, in one table:

Vehicle Parking for Parcels F & H

	Dwelling Units	Required Parking Spaces	Provided Parking Spaces
Parcel F (existing, subject to Site Plan Amendment No. 82002011C)	341 ¹	260 (min) ² / 403 (max)	364
Parcel H (proposed)	365	278 ² (min)/ 475 (max)	360 ³
TOTAL	706	538 (min)/ 878 (max)	724

¹ This is a correction from page 22 of the Staff Report.

² Minimum parking reduction factor of 20% for market-rate units taken for non-auto driver mode share (NADMS) as allowed under Section 59-6.2.3.I.7.

³ Additional parking, up to the maximum, may be allowed if there are no impacts to the building footprint or above-grade architecture.

- 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 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 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.

The Planning Board was concerned about the potential for MCDPS to deny the Applicant's proposal to create a dog park on the storm drain easement along the south side of the Property. The Board added conditions of approval requiring the Applicant to gain approval from MCDPS and Planning Staff for a street-activating alternative use if the dog park is not approved.

Landscaping and Lighting

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

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 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.*

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.*

- a. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation 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 Town 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 Town 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.

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

b. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on June 17, 2022. The plan will meet stormwater management requirements through the use of environmental site design to the maximum extent practicable using green roof and planter box microbioretention.

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 § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~AUG 10 2022~~ (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 the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0; Chair Anderson, Vice Chair Verma, and Commissioners Cichy, Patterson, and Rubin, voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2022, in Wheaton, Maryland and via video conference.



Casey Anderson, Chair
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