

**TEVIS PLACE**  
**ADMINISTRATIVE SUBDIVISION PLAN NO. 620250090**  
**MIXED-INCOME HOUSING COMMUNITY PLAN NO. E20250010 &**  
**FOREST CONSERVATION PLAN NO. F20250410**



**Description**

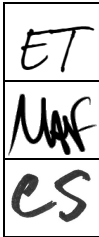
Request to redevelop the Property with up to 154 dwelling units, all of which will be MPDUs, within a multifamily building. This application is the first Mixed-Income Housing Community Plan reviewed under an expedited, 65-day process.

COMPLETED: 4/7/2025

PLANNING BOARD HEARING DATE: 4/17/2025

MCPB ITEM NO. 4

# Planning Staff



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## LOCATION/ADDRESS

11800 Nebel Street

## MASTER PLAN

2010 *White Flint Sector Plan*

## ZONE

CR-3.0, C-1.5, R-2.5, H-200

## PROPERTY SIZE

1.56-acre tract

## APPLICANT

TM Associates Development

## ACCEPTANCE DATE

Administrative Subdivision Plan and Forest Conservation Plan: 10/8/2024

Mixed-Income Housing Community Plan: 2/12/25

## REVIEW BASIS

Chapters 22A, 50, 59



## Summary:

- Staff recommends approval with conditions of Administrative Subdivision Plan No. 620250090, Mixed-Income Housing Community Plan No. E20250010, and Forest Conservation Plan No. F20250410.
- The proposed multifamily building will replace a vacant, two-story commercial building.
- All proposed units will be provided as MPDUs within walking distance of the North Bethesda Metro Station, a grocery store, and other area amenities.
- The proposed mix of units includes 1-, 2-, 3-, and 4-bedroom units which will be affordable to those earning 30%-70% of area median income (“AMI”).
- The Applicant will pursue Passive House Institute U.S. (PHIUS) Zero certification for the Project.
- Staff has not received any correspondence about the Subject Applications.

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## SECTION 1: EXECUTIVE SUMMARY

The Applicant, TM Associates Development, proposes a 100% affordable, sustainable multifamily building located within a half mile of the North Bethesda Metro Station. The proposed development is the first to be reviewed as a Mixed-Income Housing Community (MIHC), a regulatory framework created by the County Council in 2023 to encourage the production of affordable housing. A MIHC Plan includes residential affordability above the typical requirement, and in exchange, the County provides an expedited 60-65-day regulatory review, rather than the 90 or 120 days typically required for a Sketch and Site Plan, respectively. The MIHC Plan also combines the separate Sketch and Site Plan applications that are typically required for CR Zone optional method projects into one regulatory process.

All of the units proposed for this Application, Tevis Place, will be designated as Moderately Priced Dwelling Units (“MPDUS”). The mix of units includes 1-, 2-, 3-, and 4-bedroom units which will be affordable to those earning 30%-70% of area median income (“AMI”). The Applicant plans to apply for Low Income Housing Tax Credits (“LIHTC”) from the Maryland Community Development Administration and is working to identify a combination of public and private resources for financing the Project.

In addition to affordability, the Project incorporates substantial sustainability features, and the Applicant plans to pursue Passive House Institute U.S. (PHIUS) Zero certification, one of the most rigorous green building certifications in the country. To obtain the PHIUS Zero certification, the building is designed to minimize its energy consumption to a level that is primarily covered by on-site renewable energy sources. Some of the sustainable features in the development that exceed code requirements include geothermal heat pumps, energy recovery ventilation, heat pump water heaters, very airtight construction, and a higher level of thermal insulation than what would otherwise be required. Additionally, as a prerequisite for PHIUS certification, the building will also achieve Department of Energy Zero Energy Ready Home certification, EPA Indoor airPLUS, Energy Star Multifamily New Construction, and NextGen certifications.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### ADMINISTRATIVE SUBDIVISION PLAN NO. 620250090

Staff recommends approval with conditions of Administrative Subdivision Plan No. 620250090. All site development elements shown on the latest electronic version of Administrative Subdivision Plan No. 620250090 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

#### GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to one (1) lot for 154 multifamily dwelling units.

#### ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

#### PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

#### OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 21, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. 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 April 1, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water

Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated January 28, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

## OTHER APPROVALS

8. Except clearing and grading associated with the demolition of the existing building and paving, there shall be no clearing or grading of the site before recordation of the plat.
9. If an approved Mixed-Income Housing Community Plan or amendment for the Subject Property substantially modifies the lot or right-of-way configuration shown on this Administrative Subdivision Plan, the Applicant must obtain approval of an Administrative Subdivision Plan amendment before certification of the Mixed-Income Housing Community Plan.

## TRANSPORTATION

### Frontage Improvements on Existing Roads

10. The Applicant must provide dedication, and show on the record plat, all land necessary to accommodate forty feet (40 ft) from the existing pavement centerline along the Subject Property frontage for Nebel Street.
11. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a ten-foot-wide (10 ft) sidewalk, six-foot-wide (6 ft) pedestrian/bicycle buffer, five-foot ten-inch-wide (5 ft 10 in), bike lane (existing) and three-and one-half foot (3 ft 6 in) wide street buffer along the Property frontage on Nebel Street.

## RECORD PLATS

12. The record plat must show necessary easements and all areas under common ownership.

## CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

13. The certified Administrative Subdivision Plan must contain the following notes:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of Mixed-Income Housing Community Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

14. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
  - a) Show resolutions and approval letters on the certified set.

## MIXED-INCOME HOUSING COMMUNITY PLAN NO. E20250010

Staff recommends approval of Mixed-Income Housing Community (MIHC) Plan No. E20250010, for the construction of a multi-unit residential building with up to 154 dwelling units. The development must comply with the conditions of approval for Administrative Subdivision Plan No. 620250090, under review concurrently with the MIHC Application. The development elements shown on the latest electronic version of the MIHC Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.<sup>1</sup>

### DENSITY, HEIGHT & HOUSING

1. Density

- a) The Mixed-Income Housing Community (MIHC) Plan is limited to a maximum of 190,000 square feet of residential uses, for up to 154 multifamily dwelling units.
- b) The MIHC must include at least 150,000 square feet of residential development and 30 dwelling units.

2. Height

The development is limited to a maximum height of 80 feet, as measured from the building height measuring point, as illustrated on the MIHC Plan.

### FACILITIES AND AMENITIES

3. Facilities, and Amenities

Before issuance of the final use and occupancy certificate, the Applicant must construct the streetscape improvements along the Property's frontage on Nebel Street, as shown on the certified MIHC Plan.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines*.

- a) Transit Proximity for the Property location within one-half (0.5) mile of the North Bethesda Metro Station.
- b) Diversity of Uses and Activities
  - i) Affordable Housing/MPDUs
    - a. The development must provide a minimum of 50% MPDUs, or Montgomery County Department of Housing and Community Affairs (MCDHCA)-approved equivalent, that are affordable to households earning 60% or less of Area Median

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<sup>1</sup> 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.



Income (AMI) consistent with the requirements of Chapter 25A.<sup>2</sup> The Applicant is receiving a 20,437.50 square foot density bonus for providing 50% MPDUs or MCDHCA-approved equivalent.

- b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
- c. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated March 12, 2025, and incorporates them as conditions of the MIHC Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the MIHC Plan approval.

c) **Quality Building and Site Design**

- i) With the exception of two surface parking spaces located in the driveway, the Applicant must provide all vehicle parking spaces within a below-grade garage.

5. **Recreation Facilities**

The Applicant must provide the required recreation facilities as shown on the Certified MIHC Plan.

6. **Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to paving and landscaping on the Property along Nebel Street.

## ENVIRONMENT

7. **Noise Attenuation**

- a) Before issuance of the first above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. Any noise impacted units must be identified on the Certified MIHC Plan.
- b) If any changes occur to the MIHC Plan which affect the validity of the noise analysis dated March 4, 2025, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- c) Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted

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<sup>2</sup> Although the Applicant intends to provide 100% of the units as MPDUs, Staff recommends conditioning the approval on the minimum affordability requirement for the MIHC under Section-3.3.4.A.1, rather than 100% MPDUs, to allow flexibility for changes in financing, etc.

units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

## TRANSPORTATION & CIRCULATION

### 8. Transportation

Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

### 9. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 74 long-term and 6 short-term bicycle parking spaces.
- b) The long-term bicycle parking spaces must be in a secured, well-lit bicycle room on the ground floor, 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 MIHC Plan.
- c) The Applicant must provide one bicycle repair station.
- d) Before issuance of the final Use and Occupancy Certificate, the Applicant must provide the following master planned pedestrian and bicycle facilities along the Nebel Street Property frontage, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:
  - i. A ten foot-wide (10 ft) sidewalk; and
  - ii. A five-foot-ten-inch-wide (5 ft 10 in) separated bike lane (existing) with a three and a half (3.5 ft) foot-wide buffer from the street and six-foot-wide (6 ft) buffer from the sidewalk.

### 10. 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 January 28, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of MIHC Plan approval.

## SITE PLAN

### 11. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A2.01 of the submitted architectural drawings, as determined by M-NCPPC Staff.

## 12. Lighting

- a) Before certification of the MIHC Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this MIHC 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 street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified MIHC Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified MIHC Plan.

## 13. Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate (excluding core and shell), whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by 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 59-7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable elements only for facilities located on the Property (not in the public right-of-way), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, and fencing. 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 MIHC 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.

## 14. Development Program

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

## 15. Validity

Per Section 59-7.3.7.H of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building

within two years of the date of the Planning Board Resolution approving the MIHC Plan. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may be extended, with Planning Board approval, by up to 18 months. If the Applicant fails to comply with any of the deadlines in this condition, the entire MIHC Plan approval is revoked but may be reinstated by the Planning Board as allowed under Section 59-7.3.7.H.

16. Certified Mixed-Income Housing Community Plan

Before approval of the Certified MIHC 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 MIHC 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 Mixed-Income Housing Community 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 Mixed-Income Housing Community Plan conformance and compliance, upon approval of the Certified Mixed-Income Housing Community Plan. The pre-con must occur before any site development work commencement and before any work that is covered by the surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS Staff. A copy of the approved Certified Mixed-Income Housing Community Plan along with any subsequent amendments is required to be on-site at all times.”
- c) Include approved Fire Department Access 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) Show noise impacted units.
- g) Identify a car share parking space and motorcycle/scooter parking as required by Section 59-6.2.3.
- h) Remove the obstructing curb section on the Nebel Street sidewalk crossing.
- i) Modify public benefits points on the cover sheet to reflect the public benefit points approved by the Planning Board.

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#### FOREST CONSERVATION PLAN NO. F20250410

1. 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.
2. Before the start of any demolition, clearing, grading or construction for this development, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Lower Rock Creek watershed or Priority Area to satisfy the reforestation requirement of 0.20 acres of mitigation credit. If no off-site forest banks exist within the Lower Rock Creek watershed or Priority Area, then the off-site requirement may be met by purchasing 0.20 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Lower Rock Creek watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.
3. 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.

## SECTION 3: SITE DESCRIPTION

### VICINITY

The Property is located on the western side of Nebel Street, approximately 400 feet northwest of its intersection with Marinelli Road. It is approximately 0.5 miles east of the North Bethesda Metro Station and Rockville Pike (MD-355).

The surrounding area is comprised of a diverse mix of uses. Southeast of the Property along Nebel Street are two lots, both zoned the same as the Property (CR-3.0, C-1.5, R-2.5, H-200), with commercial/office uses. To the west, WMATA owns the land located between the Property and Rockville Pike. WMATA's property is developed with the North Bethesda Metro Station, a parking garage, an office building, and a primarily residential development known as North Bethesda Center. The site southwest of the Property is under construction with a residential building consisting of up to 365 units (North Bethesda Center Parcel H, Site Plan No. 820220100). Adjacent to the Property to the northwest is Aurora at North Bethesda Center, an approximately 17-story apartment building. Adjacent to the Property to the south is a large vacant parcel owned by WMATA. Across Nebel Street from the Property is land zoned IL-1.0, H-50, and owned by Washington Gas Light Company, with office space and a truck and vehicle parking lot.

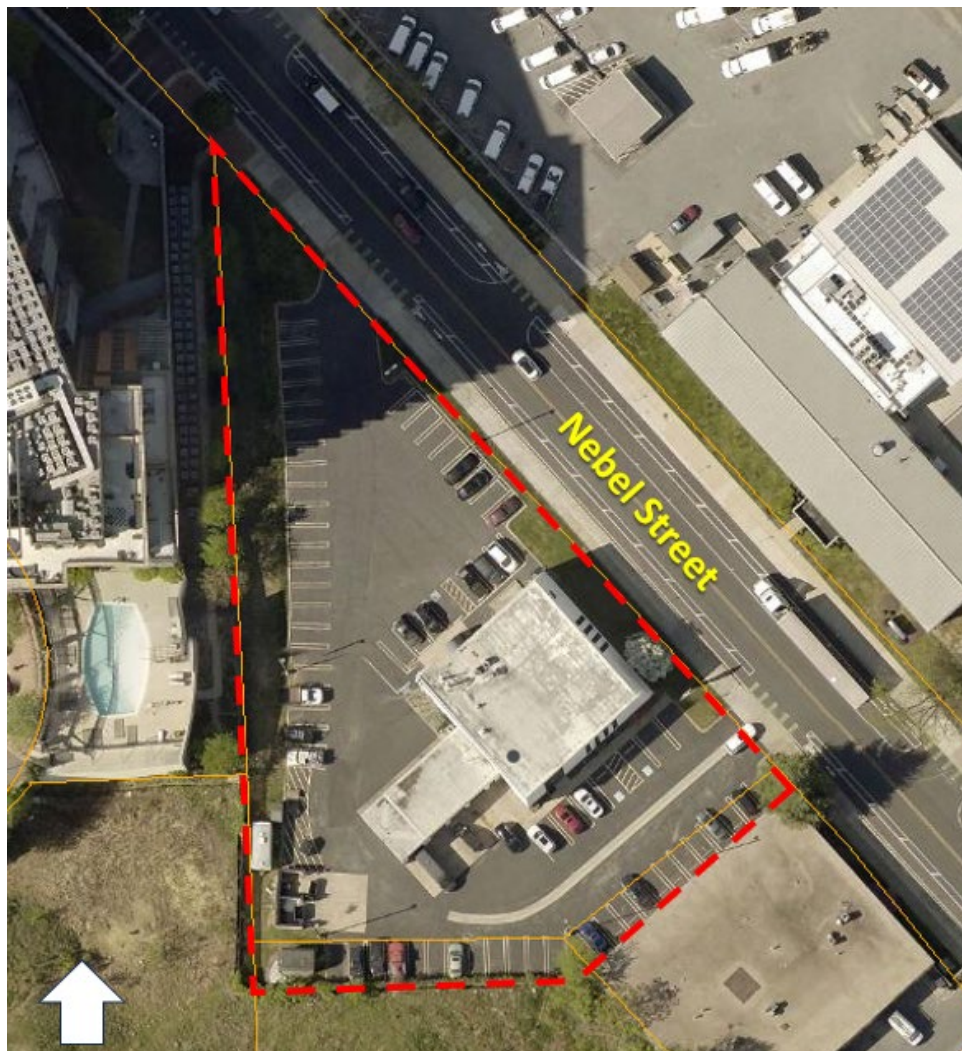


Figure 1 – Vicinity Map



## PROPERTY DESCRIPTION

The Property consists of one recorded lot, shown as Parcel 9 on Plat No. 9708 (Montrose Industrial Park). The Property has a tract area of 67,825 square feet and is within the CR-3.0, C-1.5, R-2.5, H-200 Zone. It is developed with one building, approximately 11,000 square feet in size, constructed in 1971. The building is currently vacant but was previously occupied by a digital and video production center and a dialysis center. Surface parking surrounds the north, west and south sides of the building. The Property does not contain any significant environmental features or buffers. Two driveways from Nebel Street provide vehicular access to the Property, and a sidewalk and bike lane, separated with pavement markings, along the Property frontage provide pedestrian and bicycle access. The Property does not have any streams, environmental buffers, forest, or specimen trees.



*Figure 2 – Subject Property (outlined in a red dashed line)*

## SECTION 4: PROJECT DESCRIPTION

### PROPOSAL

TM Associates Development, Inc. (“Applicant”) has submitted the Administrative Subdivision Plan, Mixed-Income Housing Community (“MIHC”) Plan, and Forest Conservation Plan applications (collectively referred to as the “Applications”) seeking approval to redevelop the Property with a 100% affordable multi-unit building located within ½ mile of the North Bethesda Metro Station (“Project”). The Applicant will be applying for Low Income Housing Tax Credits (“LIHTC”) from the Maryland Department of Housing and Community Development and is working to identify a combination of public and private resources for the financing.

The Project is the first to be reviewed as a MIHC Plan, a regulatory framework created by the County Council in 2023 which requires a developer to provide a significant amount of affordable housing in exchange for an expedited regulatory review process. The MIHC Plan process requires a 60-65-day regulatory review, rather than the 90 or 120 days required for a Sketch and Site Plan, respectively. The MIHC Plan also combines the Sketch and Site Plan applications, that are typically required for CR Zone optional method projects, into one regulatory application.

### BUILDING/ARCHITECTURE

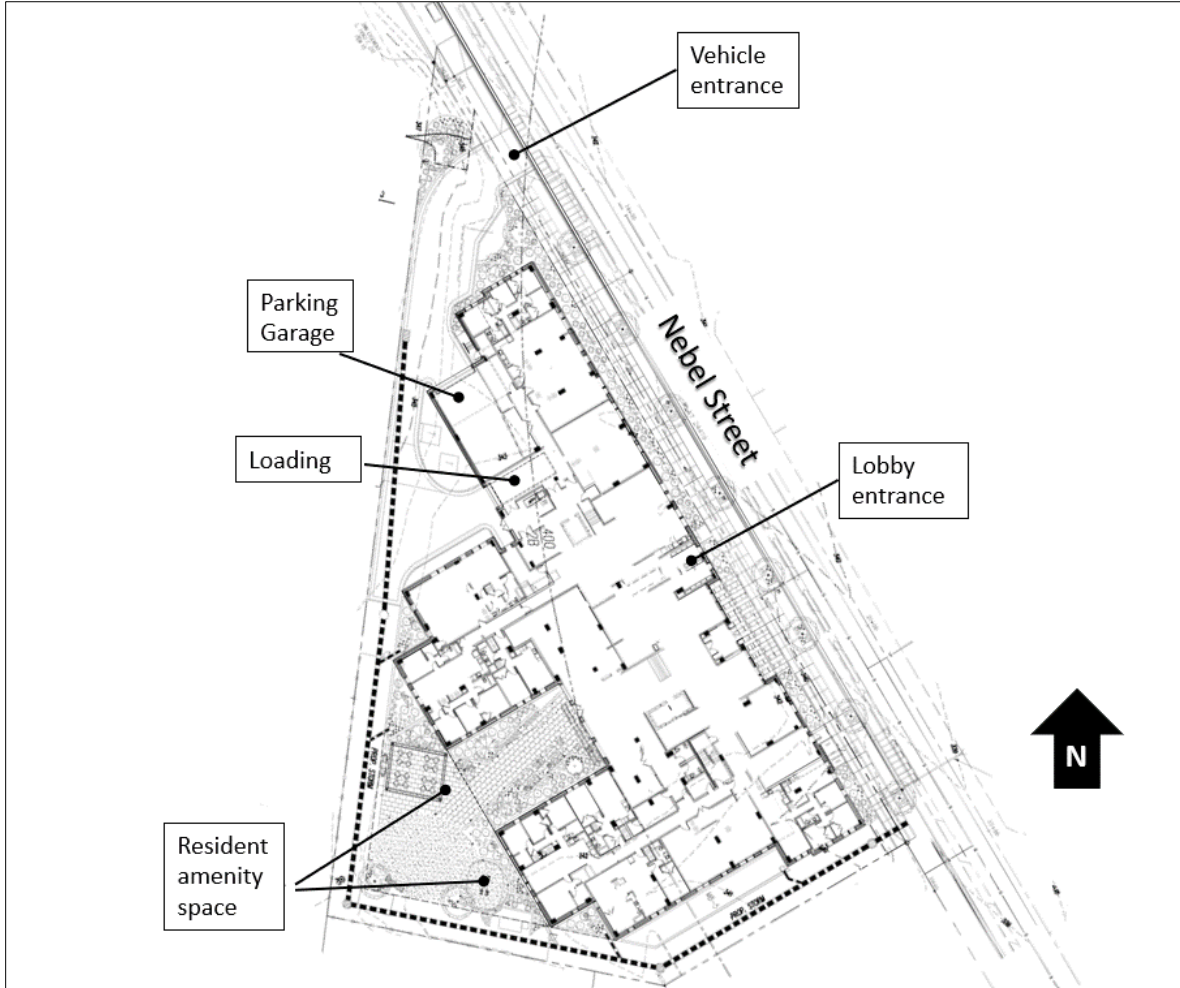
The existing commercial building on the Property will be razed, allowing redevelopment of the Property. The proposed building is comprised of 154 multifamily residential units, all of which will be designated as moderately priced dwelling units (MPDUs), as well as private structured parking and private amenities.<sup>3</sup> The proposed building includes one level of garage parking, with seven floors of residential units above and amenities such as a community room, fitness center, business center, and resident “living room” on the first floor. The unit mix includes 1-, 2-, 3-, and 4-bedroom units, all affordable to households earning 30%-70% of area median income. The proposed residential density of the Project is approximately 2.8 FAR, which includes the mapped residential density of 2.5 FAR and 20,437.50 square feet of bonus MPDU residential density.

The uses facing Nebel Street on the first floor of the proposed building, including a lobby and ground floor units, are designed to help activate the public realm and enhance pedestrian safety. In addition, many of the upper floor units facing the street will have balconies.

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<sup>3</sup> Although the Applicant intends to provide 100% of the units as MPDUs, Staff recommends conditioning the approval on the minimum affordability requirement for a MIHC under Section-3.3.4.A.1, rather than 100% MPDUs, to allow flexibility for changes in financing, etc.





*Figure 3: Proposed Development*

The Project's architecture is described in the Statement of Justification (pg. 4) as follows:

*The proposed 7-story building will be constructed with five stories of wood framing over a 2-story concrete podium, with a below-grade parking garage. The architecture responds to the triangular shape of the site with the primary mass aligning with Nebel Street, and two wings flanking a courtyard projecting towards the rear. The primary Nebel Street façade features two horizontally oriented metal panel frames within which a varied rhythm of windows, warm-toned rainscreen panels, and inset balconies create shadows and further activate the façade. The primary mass is accentuated at the main entrance plaza which is set back and is more vertical in orientation with alternating light colored piers and windows with dark gray spandrel.*



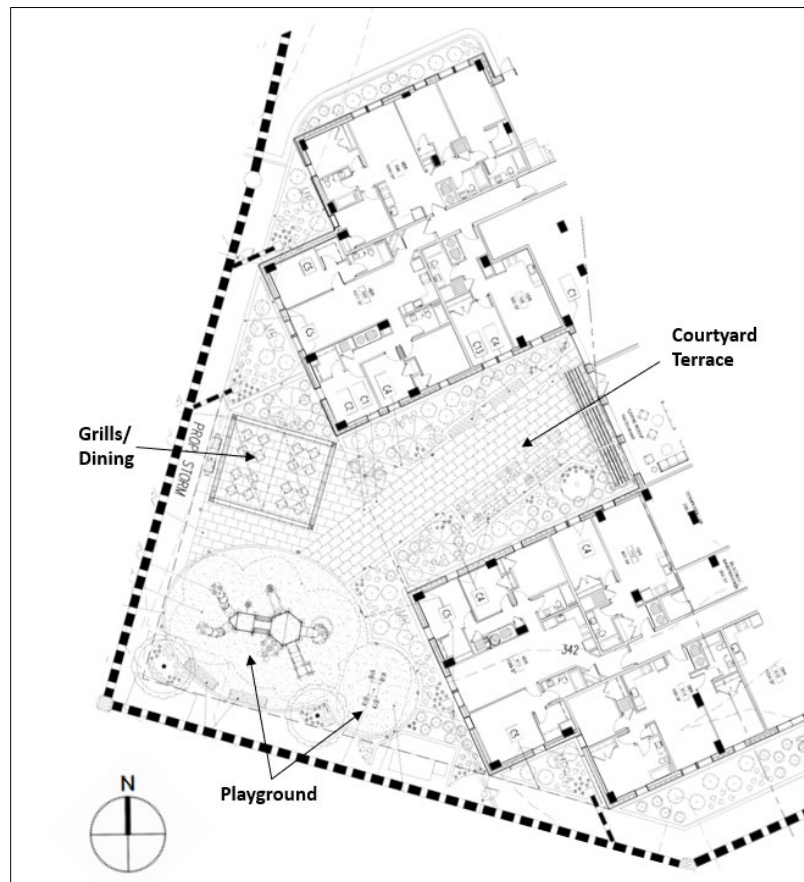
*Figure 4: Illustrative View of the Property from Nebel Street (facing south)*



*Figure 5: Illustrative View of the Pedestrian Entrance from Nebel Street (facing southwest)*

## OPEN SPACE

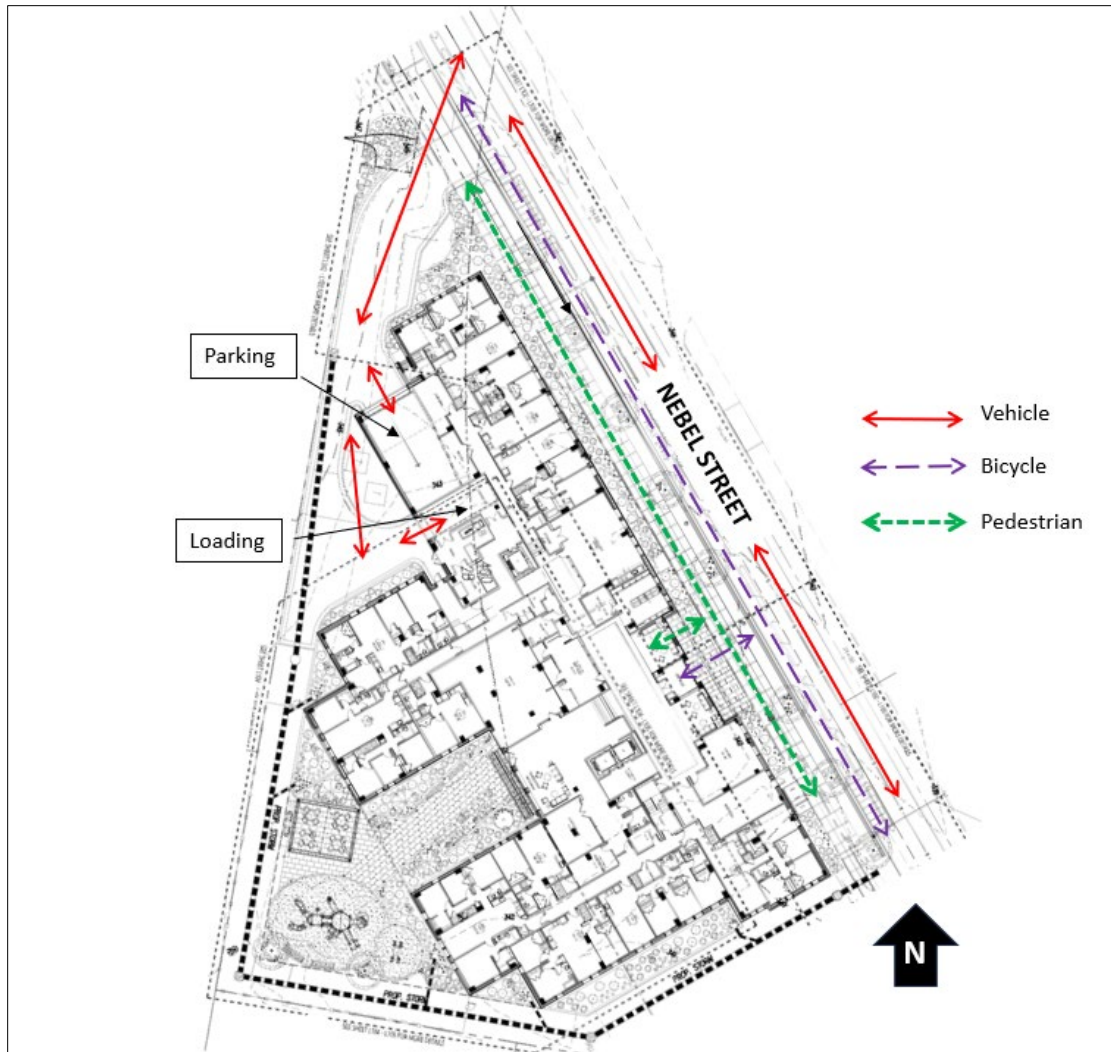
The proposed development provides an enhanced streetscape along the Nebel Steet frontage and a plaza with pavers and landscaping around the building's pedestrian entrance (Figure 5). Private amenity space for the residents is proposed in an interior courtyard and an area to the rear of the building. The amenity space includes a tot lot and a patio area with seating, a shade structure, grilling area, and landscaping (Figure 6).



*Figure 6: Private Amenity Space to the rear of the building*

## TRANSPORTATION

The existing driveway on the southwest corner of the Property will be removed, and a driveway on the northeast corner of the Property will provide vehicular and loading access for the proposed Project. (Figure 7). The streetscape will be improved along the Property's Nebel Street frontage including construction of a 10-foot-wide sidewalk, a six-foot wide buffer between the existing bike lane and the sidewalk, and a new, concrete median bike lane buffer, the details of which will be determined at right-of-way permit. The building's proposed pedestrian entrance is located on Nebel Street, just south of the midpoint of the building.



*Figure 7: Circulation*

Seventy-five (75) total vehicle parking spaces and one (1) loading space are provided in a below grade garage, and two (2) short-term parking spaces are located along the entrance driveway. Sixty-eight (68) long-term bicycle parking spaces are provided in a bicycle storage room with an entrance directly onto Nebel Street, and additional long-term bicycle spaces are available in the garage. Short-term bicycle spaces are provided adjacent to the front door of the proposed building.

The North Bethesda Metro Station is located at the northeast corner of the Rockville Pike and Marinelli Road intersection, within a half mile of the Property. Metrobus C8 travels between the North Bethesda Metro Station and the College Park- University of Maryland Metro Station, and Montgomery County Ride On Bus Routes 38 and 42 stop at the North Bethesda Station.



## ENVIRONMENT AND SUSTAINABILITY

The Project proposes affordable housing in an infill location, using existing infrastructure. The Applicant plans to pursue Passive House Institute U.S. (PHIUS) Zero, one of the most rigorous green building certifications in the country to demonstrate a commitment to reducing energy consumption. For PHIUS Zero certification, the Project must minimize its energy consumption down to a level that can be mostly covered by on-site renewable energy sources. Some of the above code green features include geothermal heat pumps, energy recovery ventilation, heat pump water heaters, very airtight construction, and a higher level of thermal insulation. Additionally, as a prerequisite for PHIUS certification, the building will also achieve Department of Energy Zero Energy Ready Home certification, Environmental Protection Agency Indoor airPLUS, Energy Star Multifamily New Construction, and NextGen certifications.

The Property is subject to transportation noise from surrounding roadways and CSX railroad tracks located nearby. While outdoor amenity areas will be shielded from the noise by the proposed building, the building shell will be designed to mitigate the transportation noise. In addition, the Project will provide onsite environmental site design features to improve the Property's stormwater management capabilities where none exist today.

## SECTION 5: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on November 18, 2024. The Applicant delivered a presentation about the Project and an attendee commented that the Project looks like a great building in an area that has been primarily industrial. As of the date of this report, Staff has not received any correspondence about this Project.

## SECTION 6: ADMINISTRATIVE SUBDIVISION PLAN 620250090 APPLICABILITY AND FINDINGS

### APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

Under Section 50.6.1.G, an Administrative Subdivision Plan application can be filed for property to be used as a Mixed-Income Housing Community under Section 3.3.4 of the Zoning Ordinance if:

- 1. the Planning Board approves a Mixed-Income Housing Community plan under Section 59-7.3.7, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;**

A Mixed-Income Housing Community Plan is under concurrent review with the Administrative Subdivision Plan. Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations as discussed in the findings section.

- 2. any required road dedications, or covenants for future dedications, and associated public utility easements are shown on the record plat;**

As conditioned and described in the findings section, required road dedications and associated public utility easements will be shown on the plat.

- 3. forest conservation plan approval, stormwater management, and environmental protection requirements, if applicable, are satisfied before approval of the plat; and**

As described in the findings section of this report, the Subject Applications satisfy the requirements for forest conservation, stormwater management, and environmental protection.

- 4. when located in a special protection area, all applicable special protection area requirements and guidelines are satisfied before approval of the plat.**

The Property is not located within a special protection area.

### FINDINGS REQUIRED BY SECTION 50.6.3.C

To approve an administrative subdivision plan, the Planning Director or Planning Board must make the following findings:

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and**

***the type of development or use contemplated and the applicable requirements of Chapter 59.***

***a) The block design is appropriate for the development or use contemplated***

The proposed lot is within an existing block which is appropriate for the proposed multifamily building and associated amenities.

***b) The lot design is appropriate for the development or use contemplated***

The size, width and shape of the proposed lot adequately accommodates the proposed multifamily building, parking, and amenities. The subdivision also includes dedication along Nebel Street as required by the *White Flint Sector Plan*.

***c) The Administrative Subdivision Plan provides for required public sites and adequate open areas***

The *White Flint Sector Plan* and the Zoning Ordinance do not require any public sites or open areas on this Property. The Project provides private outdoor amenity space for the residents in the rear of the building and an entry plaza, streetscape improvements, and landscaping along the Nebel Street frontage.

***d) The Lot(s) and Use comply with the basic requirements of Chapter 59***

A MIHC is a limited use in the CR Zone, and it must contain at least 150,000 square feet of new Multi-Unit Living uses with at least 30 dwelling units. The Application proposes 190,000 square feet of Multi-Unit Living uses with 154 dwelling units.

A MIHC must also satisfy one of the four affordability criteria listed under Section 59-3.3.4.A. The Application will satisfy the affordability requirement under Section 59-3.3.4.A.1 such that “at least 50% of the units [are] built under a government regulation or binding agreement that limits the price charged for at least 30 years, and [are] affordable to households earning 60% or less of Area Median Income (AMI).” As required by Section 59-7.3.7.B.2.a, the Applicant submitted a legally binding commitment letter, accepted by the Planning Director, that the MIHC will meet the requirements of Section 59-3.3.4 (Attachment D). The letter indicates the Applicant’s intention to exceed the MIHC

affordability requirement by designating all of the proposed units as MPDUs,<sup>4</sup> with at least half priced as affordable to households earning under 60% AMI. In addition, the Applicant will enter into an MPDU Agreement to Build with DHCA, ensuring affordability of the proposed MPDUs for 99 years.

The proposed lot complies with the basic requirements of Chapter 59 as demonstrated by Table 1.

*Table 1: Administrative Subdivision Plan Data Table for CR-3.0, C-1.5, R-2.5, H-200 Zone, Optional Method, Section 59-4.5.4*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area (sf)</b>	n/a	67,825
Prior Dedication	n/a	14,315
Proposed Dedication	n/a	1,926
<b>Site Area (sf)</b>	n/a	51,584
<b>Density [GFA (sf)/FAR]</b>		
Mapped Commercial	101,737.5/ 1.5	0
Mapped Residential	169,562.5/2.5	169,562.5/2.5
Mapped Total	203,475/3.0	169,562.5/2.5
MPDU Requirement (min)	15%	50%
MPDU Bonus Density	101,737.50 /1.5 <sup>1</sup>	20,437.50/0.30
Total with MPDU bonus	271,300/4	190,000/2.80
<b>Building Height (ft)</b>	200	≤ 200
<b>Public Open Space (min sf)</b>	0	n/a
<b>Minimum Setbacks (ft)</b>	Established by MIHC Plan	
<b>Vehicle Parking Spaces</b>	0 (min) <sup>2</sup> /246 (max)	Up to 77 <sup>3</sup>

<sup>1</sup> The Project is eligible for a 60% bonus density for providing 50% of the units as MPDUs.

<sup>2</sup> Off-street parking is not required for a MIHC within a red policy area (in this case, the North Bethesda Metro Station).

<sup>3</sup> The Applicant requests flexibility to provide fewer than 77 parking spaces.

## **2. The Preliminary Plan substantially conforms to the Master Plan.**

The Project aligns with the goals and recommendations of the 2010 *White Flint Sector Plan* (Sector Plan) which envisions the transformation of the area from an auto-oriented suburb into an urban center of residences and businesses where people walk to work, shops, and transit (p.6). The Property is located in the Sector Plan's Metro East District, North Bethesda Center Block 1. The Sector Plan recognizes the proximity of the Metro station to this area, and

<sup>4</sup> Although the Applicant intends to provide 100% of the units as MPDUs, Staff recommends conditioning the approval on the minimum affordability requirement for the MIHC under Section-3.3.4.A.1, rather than 100% MPDUs, to allow flexibility for changes in financing, etc.



recommends rezoning the Property, and two nearby properties along Nebel Street, to allow for assembly or independent redevelopment (p. 30). The Project advances the overall Sector Plan vision and Metro East District recommendations by replacing the existing, outdated two-story commercial building with an affordable multifamily community within walking distance of the North Bethesda Metro Station, a grocery store, and other area amenities. The redevelopment of the Subject Property with 154 affordable multifamily units and a variety of unit types (ranging from 1-4 bedrooms) helps achieve the Sector Plan goal to accommodate a variety of households with different unit types and sizes (p. 25).

The Sector Plan's key sustainability goals are to minimize carbon emissions and to create a healthy, livable environment by improving air and water quality (p.49). The Project helps further the Plan's sustainability goals by redeveloping with a compact building footprint, pursuing PHIUS Zero certification, increasing tree canopy coverage, and improving the Property's stormwater management capabilities.

The Sector Plan recommends a transit focused, multi-modal mobility system, with improved pedestrian and bicyclist access to reduce automobile use (p.50). The Project's proposed frontage improvements will enhance the pedestrian and bicyclist experience along Nebel Street. The frontage improvements will also contribute to the Plan's envisioned Recreation Loop (pages 59 and 61), a signed pathway connecting important area locations.

### **3. *Public facilities will be adequate to support and service the area of the subdivision.***

#### **a) *Roads and other Transportation Facilities***

##### **i. *Existing Facilities***

Nebel Street has an existing 70-foot right-of-way with an 11-foot-wide sidewalk and a five-foot ten-inch-wide separated bike lane with a three-and-a-half-foot wide striped street buffer along the Property frontage. The *Master Plan of Highways and Transitways* classifies Nebel Street as a Downtown Boulevard with an 80-ft right-of-way and three to four planned travel lanes.

##### **ii. *Proposed public transportation infrastructure***

An additional five feet will be dedicated along the Property's Nebel Street frontage. A five-foot dedication on the opposite side of Nebel Street is needed to achieve the ultimate 80-foot right-of-way width. The Application includes an interim cross-section to show Nebel Street after construction of the Project (Figure 8), and an ultimate cross-section to demonstrate sufficient right-of-way for the 80-foot-wide cross section (Figure 9).

The diagram illustrates the interim section of Nebel Street, showing the existing layout and proposed improvements. The street is 70 feet wide (EX. 70' R/W). The existing layout includes a 11-foot travel lane (EX. 11' TRAVELWAY), a 11.5-foot travel lane (EX. 11.5' TRAVELWAY), a 3.5-foot bike lane (EX. 3.5' BIKE LANE), a 4.5-foot bike lane (EX. 4.5' BIKE LANE), a 3.5-foot buffer (EX. 3.5' BUFFER), and an 8-foot parking area (EX. 8' PARKING). The proposed layout includes a 10-foot travel lane (PROP. 10' TRAVELWAY), a 10-foot travel lane (PROP. 10' TRAVELWAY), a 6-foot street buffer (PROP. 6' STREET BUFFER), a 10-foot bike lane (PROP. 10' BIKE LANE), and a 10-foot parking area (PROP. 10' PARKING). The street is shown with a 2% cross-slope and a 10-foot proposed building setback (PROP. 10' P.B.S.). The diagram is labeled "INTERIM SECTION" and "NEBEL STREET".

Diagram illustrating the proposed street layout and improvements for Nebel Street, showing existing (EX.) and proposed (PROP.) conditions.

**Key Dimensions and Features:**

- Overall Width:** EX. 70' R/W (Right of Way).
- Proposed Dedication:** PROP. 5' DEDICATION.
- Proposed Travelway:** PROP. 10.5' TRAVELWAY.
- Proposed Buffers:** PROP. 6' STREET BUFFER, PROP. 6.5' BIKE LANE, PROP. 10' S/W (Shoulder Width).
- Proposed Lane:** PROP. 10' S/W.
- Proposed Curb:** PROP. CURB.
- Existing Features:** EX. 11' S/W, EX. 4.5' BIKE LANE, EX. 3.5' BUFFER, EX. 8' PARKING, EX. 11' TRAVELWAY, EX. 11.5' TRAVELWAY, EX. 5'10" BIKE LANE, EX. 1' S/W.
- Other Dimensions:** 35', 10', 2', 2%.

**Notes:**

- \*FUTURE 5' DEDICATION (BY OTHERS)
- \*FUTURE FRONTAGE IMPROVEMENTS WILL BE REQUIRED BY OTHERS

**ULTIMATE SECTION**  
SCALE: 1"=10'  
NEBEL STREET

Tavis Place, 620250090, E20250010, F20250410 25

iii. **Proposed private transportation infrastructure**

No private transportation infrastructure is proposed with the Project.

**b) Local Area Transportation Review (LATR)**

The Property is located within the North Bethesda Metro Station Policy Area and the Project is a Mixed Income Housing Community Plan. As such, the Project is exempt from a LATR study under the 2025 *LATR Guidelines* (p. 3-4).

**c) Schools**

i. **School Impact Area Classification**

The Project is located within the North Bethesda Metro Station Policy Area, which is categorized as an Infill Impact Area by the 2024-2028 Growth and Infrastructure Policy.

ii. **Enrollment Impact Estimate**

As shown in Table 2, the Project is estimated to generate six elementary school students, two middle school students, and two high school students during an average year throughout its life.

*Table 2. Student Enrollment Impact Estimate (reflects Updated FY2025 Student Generation Rates)*

Type of Unit	Net Number of Units	Infill ES Student Generation Rate	ES Student Estimate	Infill MS Student Generation Rate	MS Student Estimate	Infill HS Student Generation Rate	HS Student Estimate
SF Detached	0	0.206	0.000	0.103	0.000	0.156	0.000
SF Attached	0	0.176	0.000	0.095	0.000	0.133	0.000
MF Low-rise	0	0.073	0.000	0.033	0.000	0.049	0.000
MF High-rise	154	0.041	6.314	0.017	2.618	0.019	2.926
TOTALS	154		<b>6</b>		<b>2</b>		<b>2</b>

iii. **Annual School Test Results**

The Updated FY2025 Annual School Test, approved by the Planning Board on December 19, 2024 and effective since January 1, 2025, is applicable. The Project is served by Luxmanor Elementary School, Tilden Middle School, and Walter Johnson High School. The student enrollment and capacity projections of these schools in the Updated FY2025 Annual School Test, which evaluates the 2028-2029 school year, are noted in Table 3.

*Table 3. Updated FY2025 Annual School Test Projections (2028-2029 School Year)*

	Program Capacity	Enrollment	% Utilization	Seat Surplus or Deficit
Luxmanor ES	746	769	103.1%	-23
Tilden MS	1,264	1,106	87.5%	+158
Walter Johnson HS <sup>5</sup>	2,299	2,175	94.6%	+124

Under the Updated FY2025 Annual School Test results, Luxmanor Elementary School, Tilden Middle School, and Walter Johnson High School are not placed in Utilization Premium Payment (UPP) tiers, as shown in Table 4 and no UPPs are required. In addition, the estimated number of students generated (see Table 2) do not exceed the adequacy ceilings identified in Table 4.

*Table 4. Updated FY2025 Annual School Test Results*

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Luxmanor ES	No UPP	51	127	239
Tilden MS	No UPP	278	411	601
Walter Johnson HS	No UPP	284	584	929

**d) Other Public Facilities and Services**

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

**4. All Forest Conservation Law, Chapter 22A requirements are satisfied.**

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County

<sup>5</sup> Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20250410 (Section 7 of this report).

**5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.***

DPS approved a Stormwater Management Concept on April 1, 2025. The plan proposes to meet required stormwater management goals via micro-bioretenment and green roof. A partial waiver has also been granted. The Project does not have any water quality plan or floodplain requirements.

**6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.***

Not applicable to this Property. The Applicant has had no actual or constructive notice of a burial site, and the Site is not included in the Montgomery County Cemetery Inventory.

**7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.***

No other provisions apply to the Subdivision.

## SECTION 7: MIXED-INCOME HOUSING COMMUNITY PLAN NO. E20250010 FINDINGS AND ANALYSIS

To approve a Mixed-Income Housing Community Plan, the Planning Board, pursuant to Section 59-7.3.7. E, must find that the proposed development:

- 1. *satisfies any previous approval that applies to the site, unless exempt under Section 3.3.4 or amended;***

There are no applicable previous approvals that apply to the Site.

- 2. *satisfies the applicable use and development standards and general requirements of this Chapter;***

**a) *Use Standards***

A MIHC is a limited use in the CR Zone, and it must contain at least 150,000 square feet of new Multi-Unit Living uses with at least 30 dwelling units. The Application proposes 190,000 square feet of Multi-Unit Living uses with 154 dwelling units.

A MIHC must also satisfy one of the four affordability criteria listed under Section 59-3.3.4.A. The Application will satisfy the affordability requirement under Section 59-3.3.4.A.1 such that “at least 50% of the units [are] built under a government regulation or binding agreement that limits the price charged for at least 30 years, and [are] affordable to households earning 60% or less of Area Median Income (AMI).” As required by Section 59-7.3.7.B.2.a, the Applicant submitted a legally binding commitment letter, accepted by the Planning Director, that the MIHC will meet the requirements of Section 59-3.3.4 (Attachment D). The letter indicates the Applicant’s intention to exceed the MIHC affordability requirement by designating all of the proposed units as MPDUs,<sup>6</sup> with at least half priced as affordable to households earning under 60% AMI. In addition, the Applicant will enter into an MPDU Agreement to Build with DHCA, ensuring affordability of the proposed MPDUs for 99 years.

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<sup>6</sup> Although the Applicant intends to provide 100% of the units as MPDUs, Staff recommends conditioning the approval on the minimum affordability requirement for the MIHC under Section 59-3.3.4.A.1, rather than 100% MPDUs, to allow flexibility for changes in financing, etc.

### **b) Development Standards**

The proposed development complies with the development standards and parking requirements of Chapter 59 as demonstrated by Table 5.

*Table 5: Data Table for CR-3.0, C-1.5, R-2.5, H-200 Zone,  
Optional Method, Section 59-4.5.4*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area (sf)</b>	n/a	67,825
Prior Dedication	n/a	14,315
Proposed Dedication	n/a	1,926
<b>Site Area (sf)</b>	n/a	51,584
<b>Density [GFA (sf)/FAR]</b>		
Mapped Commercial	101,737.5/ 1.5	0
Mapped Residential	169,562.5/2.5	169,562.5/2.5
Mapped Total	203,475/3.0	169,562.5/2.5
MPDU Requirement (min)	15%	50%
MPDU Bonus Density	101,737.50 /1.5 <sup>1</sup>	20,437.50/0.30
Total with MPDU bonus	271,300/4	190,000/2.80
<b>Building Height (ft)</b>	200	80
<b>Public Open Space (min sf)</b>	0	n/a
<b>Minimum Setbacks (ft)</b>		
Front	Set at MIHC Plan	5
Side	Set at MIHC Plan	15
Rear	Set at MIHC Plan	15
<b>Parking</b>		
Vehicle	0 (min) <sup>2</sup> /246 (max)	Up to 77 <sup>3</sup>
Bicycle (long term/short term)	74/3	74/6
Loading	1	1

<sup>1</sup> The Project is eligible for a 60% bonus density for providing 50% of the units as MPDUs.

<sup>2</sup> Off-street parking is not required for a MIHC within a red policy area (in this case, the North Bethesda Metro Station).

<sup>3</sup> The Applicant requests flexibility to provide fewer than 77 parking spaces, with the exact amount determined at building permit.

### **c) Optional Method Public Benefits**

Section 59-4.7.1 typically requires Optional Method Projects in the CR Zone to provide 100 public benefit points from four categories. However, per Section 59-4.7.3.D.6.e, a project that provides a minimum of 20% MPDUs is not required to satisfy any other public benefit category. Although this Project is providing at least 50% MPDUs and is not required to provide benefits in any other category, the Applicant proposes 499 public benefit points from three categories.

Table 6: Public Benefits

Public Benefit	Maximum Points Allowed	Proposed
<b>Transit Proximity</b>	50	30
<b>Diversity of Uses and Activities</b>		
Moderately Priced Dwelling Units	N/A	450
<b>Quality Building and Site Design</b>		
Structured Parking	20	19
<b>Total Points</b>		<b>499</b>

#### TRANSIT PROXIMITY

The Property qualifies for 30 public benefit points for its location between ¼ and ½ mile of the North Bethesda Metro Station (Level 1 transit proximity).

#### DIVERSITY OF USES AND ACTIVITIES

##### MPDUS

The Project is eligible for 450 points for providing 50% MPDUs with the following calculation:

$$\begin{aligned}
 &= (\% \text{ MPDUs provided} - \% \text{ MPDUs required}) * 12 \\
 &= (50 - 12.5) * 12 \\
 &= 450 \text{ points}
 \end{aligned}$$

#### QUALITY BUILDING AND SITE DESIGN

##### Structured Parking

The Project is entitled to 19 points for providing all vehicle parking spaces in a below-grade parking garage, except for two surface parking spaces near the driveway entrance, per the calculation below.

$$\begin{aligned}
 &= (\text{Below grade spaces} / \text{Total Spaces}) * 20 \\
 &= (75 / 77) * 20 \\
 &= 19 \text{ points}
 \end{aligned}$$

#### d) General Development Standards

##### i. Division 6.1 Site Access



Vehicle access to the Property is consolidated from two existing driveways into one driveway on the Property's northern corner. The residential entrance for pedestrians is located on Nebel Street, just south of the midpoint of the building.

ii. ***Division 6.2 Parking and Loading***

Except for two surface parking spaces located near the driveway entrance, vehicle parking is provided in a below-grade structured parking garage. One loading space is available on the west side of the building.

The Project's geothermal equipment is provided in the garage level, but final location and sizing have yet to be determined. For these reasons, the Applicant requests flexibility to reduce the number of parking spaces without requiring an amendment and Staff supports this request since the Project does not have a vehicle parking requirement.

Short-term bicycle parking spaces are provided adjacent to the building's pedestrian entrance, and long-term bicycle parking is provided in a bicycle room on the first floor of the building with direct access onto Nebel Street.

iii. ***Division 6.3 Open Space and Recreation***

Based on the Property's tract area and the number of street frontages, the Project is not required to provide any public open space under Section 59-4.5.4.B. However, the Project provides an entrance plaza with pavers, an enhanced streetscape, and landscaping along the building's Nebel Street frontage.

The Project satisfies the Recreation Guidelines with a bikeway along the Property frontage, an indoor community space and a fitness room, a tot lot, and an interior courtyard/garden.

iv. ***Division 6.4 General Landscaping and Outdoor lighting***

The Project provides appropriate landscaping at the base of the building along Nebel Street, along the driveway, in the interior courtyard, and in the amenity area to the rear of the building. As conditioned, the proposed lighting is in conformance with the Zoning Ordinance.

**3. *satisfies the applicable requirements of:***

i. ***Chapter 19, Erosion, Sediment Control, and Stormwater Management; and***

DPS approved a Combined Stormwater Management Concept/Site Development

Stormwater Management Plan on April 1, 2025. The plan proposes to meet required stormwater management goals via the use of micro-bioretenment and green roof. A partial waiver has also been requested.

ii. ***Chapter 22A, Forest Conservation***

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250410.

***4. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;***

Vehicle access is provided from a driveway on Nebel Street from the northern corner of the Property. The majority of vehicle parking is located within a structured garage with the exception of two surface parking spaces for short term parking needs near the driveway entrance. Pedestrian access to the building is provided from the lobby entrance on Nebel Street. From the bicycle lane along the Property frontage, bicyclists can park in short term spaces adjacent to the building entrance and residents can park bicycles in the long-term bicycle storage room with direct access from Nebel Street.

The proposed building height is appropriately scaled at 80 feet and provides a step down from the adjacent 17-story building to the northwest to the lower scaled uses on abutting and confronting properties.

Site amenities include streetscape improvements, a small plaza and landscaping along the Nebel Street frontage and private amenities for the residents including a courtyard, tot lot and various indoor amenity spaces.

***5. substantially conforms with the intent of the applicable master plan, existing and approved or pending adjacent development, the requirements of this Chapter, and any guidelines approved by the Planning Board that implement the applicable plan;***

## SECTOR PLAN

As described in Section 6 of this report, the Project substantially conforms with the 2010 *White Flint Sector Plan*.

## NOISE GUIDELINES

The Project will be subject to noise impacts from Nebel Street and the CSX railway to the northeast of the Property and the County's Noise Guidelines must be addressed. The

Applicant's noise analysis demonstrates that noise impact on the building will exceed 65 dBA LDN, up to a maximum of 68 dBA LDN.

Inside the proposed building, noise impact is fairly consistent at 68 dBA Ln across the Northeast façade. Residential buildings exposed to noise levels above 65 dBA Ldn require further analysis to determine whether the proposed building construction will be capable of reducing exterior noise to an interior level of 45 dBA Ldn or less. The Applicant will conduct Building Shell Analysis once architectural plans are fully developed and, depending upon the noise level specific to each impacted unit, modifications may include increased window/door STC ratings. Other facades will not be impacted by transportation noise exceeding 65 dBA Ldn. The private outdoor amenity areas for the residents are located on the opposite side of the building from the CSX railway, and thus noise levels will not exceed 65 dBA in these areas.

#### REQUIREMENTS OF THE CHAPTER AND COMPATIBILITY

MIHC Plan finding no. 1 demonstrates that the Project satisfies the requirements of Chapter 59. As proposed, the Project is an appropriately scaled multifamily building that fulfils the Sector Plan's vision for the Metro East District, and is designed to be respectful to adjacent properties, representing an appropriate stepdown in height from the approximately 17-story Aurora at North Bethesda Center building adjacent to the Property to the northwest, to the lower height adjacent uses on Nebel Street as well as those confronting the Property.

6. ***if on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:***
- a) ***the applicant agrees to enter into a Transportation Demand Management plan that provides an action plan for substantial achievement of the applicable NADMS goal;***
  - b) ***parking below the minimum required under Section 6.2.4 is provided; and***
  - c) ***transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and***

The Project is subject to the staging requirements of the *White Flint Sector Plan*, but there is ample capacity (over 3,000 dwelling units allowed) within Phase 1 to allow the Project to proceed.

7. ***will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.***

As described in the findings for Administrative Subdivision Plan No. 620250090 in Section 6 of this report, the development will be served by adequate public services and facilities.

## SECTION 8: FOREST CONSERVATION PLAN NO. F20250410 FINDINGS AND ANALYSIS

***All Forest Conservation Law, Chapter 22A requirements are satisfied.***

The Project is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and the Applicant submitted Forest Conservation Plan (FCP) No. F20250410.

### ENVIRONMENTAL GUIDELINES

FCP No. F20250410 meets the Environmental Guidelines. The property contains no floodplains, wetlands, streams, forest, specimen trees, or other environmental features.

### FOREST CONSERVATION

For FCP purposes, the Project has a tract area of 1.32 acres and is classified as mixed-use development (MPD). The Project has a 0.20-acre afforestation requirement which will met offsite. The Applicant proposes to fulfill the afforestation requirement via forest banking if available. Otherwise, the requirement will be met via fee-in-lieu.

## SECTION 9: CONCLUSION

As conditioned, the Administrative Subdivision Plan, the Mixed-Income Housing Community Plan, and the Forest Conservation Plan applications each satisfy the applicable required findings in the County Code and substantially conform to the recommendations of the 2010 *White Flint Sector Plan*.

Therefore, Staff recommends approval of Administrative Subdivision Plan No. 620250090, Mixed-Income Housing Community Plan No. E20250010, and Forest Conservation Plan No. F20250410 with the conditions specified at the beginning of this report.

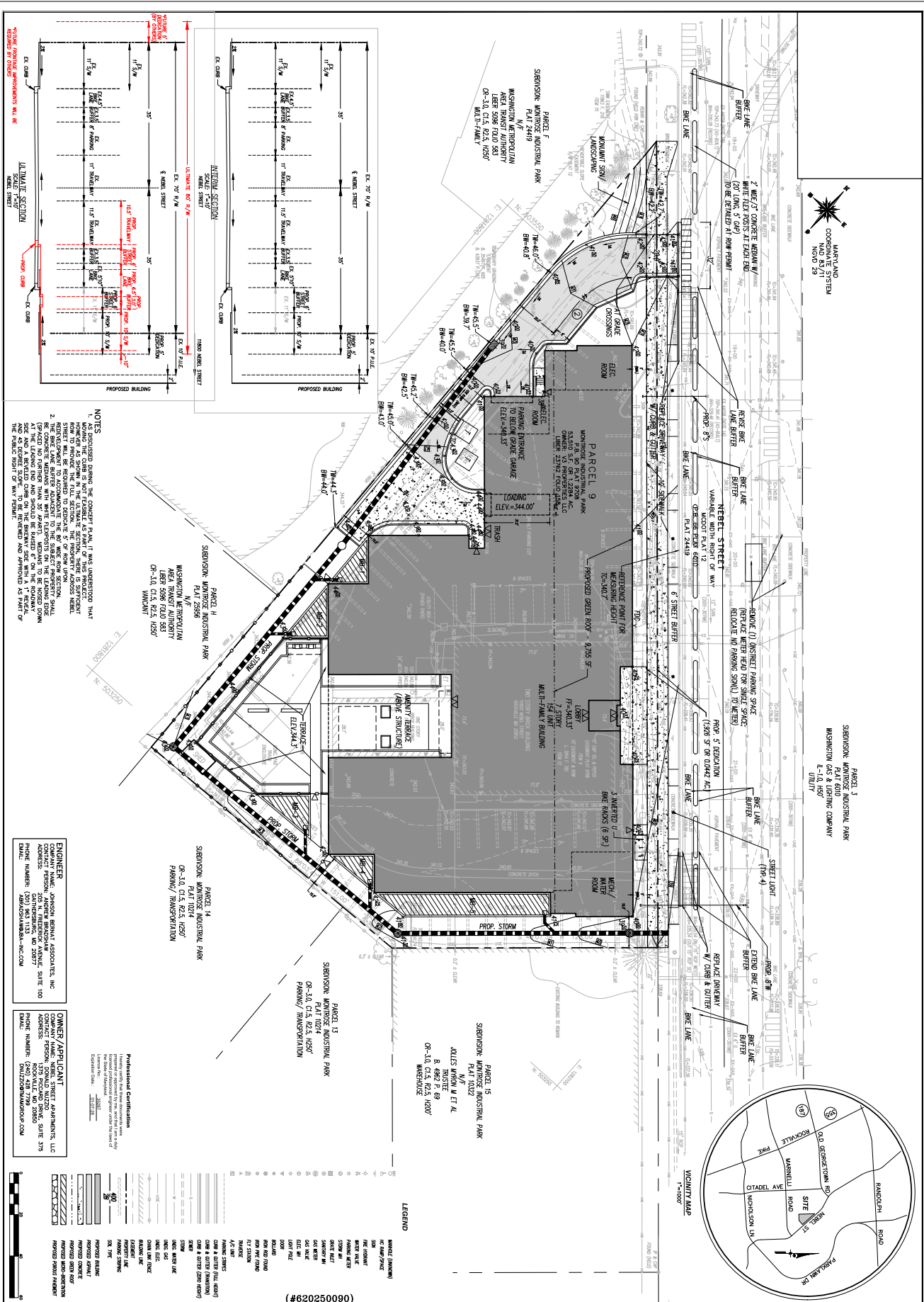
### ATTACHMENTS

*Attachment A: Administrative Subdivision Plan/Mixed-Income Housing Community Plan/FCP*

*Attachment B: Agency Letters*

*Attachment C: Affidavit Regarding Community Meeting and Meeting Minutes*

*Attachment D: MIHC Letter to Planning Director*

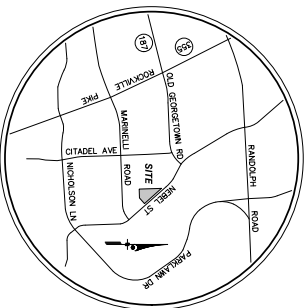






# TEVIS PLACE FOREST CONSERVATION PLAN

## #F20250410



VICINITY MAP  
1" = 1000'

### SHEET INDEX

FCP-1 FOREST CONSERVATION TITLE SHEET  
FCP-2 FOREST CONSERVATION APPROVALS  
FCP-3 FOREST CONSERVATION PLAN

#### GENERAL NOTES

- OWNER: NEBEL STREET APARTMENTS, LLC  
13975 PICCADILLO DRIVE, SUITE 375  
ROCKVILLE, MD 20850
- TAX ID: 00054935
- THE TRACT AREA IS 1.23 ACRES PLUS THE OFF-SITE LOT OF 0.09 ACRES =  
TOTAL FCP TRACT AREA OF 1.32 ACRES
- THE SUBJECT PROPERTY IS LOCATED ON WSSC MAP 215W05
- THE SUBJECT PROPERTY IS LOCATED ON TAX MAP GRID H 4412 AND  
LOTTED ON 30, C 1.5, T 2.5, R 600
- NRI 420242050 WAS APPROVED JULY 2, 2024.
- THE SUBJECT PROPERTY IS LOCATED IN THE LOWER ROCK CREEK WATERSHED, USE  
CLASS 1
- THIS SITE IS NOT WITHIN AN SPA OR PMA.
- 100-YEAR FLOODPLAIN SOURCE: 34010103810, EFFECTIVE: 09/29/2006
- FEDERAL HIGHWAY & WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY ON-LINE  
MAPPER (HTTP://WWW.NWS.GOV/WTI/LAND/DA/NA/MAPPER.HTML) AND  
MONTGOMERY COUNTY HISTORIC PRESERVATION BODIL SITE INVENTORY  
ASSOCIATED BUFFERS LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE  
REMAINDER OF THE NRI STUDY AREA.
- THE FIELD WORK FOR THE APPROVED SMI WAS COMPLETED BY SCOTT HILTON ON  
MARCH 20, 2024.
- THERE ARE NO HISTORIC RESOURCES ON OR NEAR THE SUBJECT PROPERTY AS  
IDENTIFIED IN THE MONTGOMERY COUNTY HISTORIC PRESERVATION ON-LINE  
MAPPER (HTTP://WWW.MONTGOMERYCOUNTY.MD/GIS/INTERACTIVE/HISTORIC.SHTML)
- THERE ARE NO BUREAU SITES ON THE SUBJECT PROPERTY AS IDENTIFIED IN THE  
MONTGOMERY COUNTY HISTORIC PRESERVATION BODIL SITE INVENTORY.
- THERE ARE NO ON-SITE OR OFF-SITE ADJACENT SPECIMEN SIGNIFICANT TREES, OR  
ANY TREES GREATER THAN 24" AS PART OF THIS APPLICATION.
- NO TREES WERE IDENTIFIED ON-SITE THAT ARE 75% OF THE STATE OR COUNTY  
CHAMPIONS.
- A FORESTRY DIAMETER TAPE WAS USED TO MEASURE THE DIAMETER OF THE  
SPECIMEN TREES.
- NO PAVE, THREATENED OR ENDANGERED SPECIES WERE OBSERVED ON THE SITE.
- NO STEEP SLOPES OCCUR ON SITE.

#### THE SUBJECT PROPERTY COMPRISES:

Lot/Parcel	Block	Tax No.	LSF	SF	Acres
9	---	04-0005955	8,688.2 P 301	53,500	1.23
OFF-SITE LOT	---	---	---	3,900	0.09
TOTALS	---	---	---	57,400	1.32

#### FOREST CLEARED/SAVED:

ON-SITE FOREST CLEARED	OFF-SITE FOREST CLEARED	FOREST SAVED
SF	SF	SF
ACRES	ACRES	ACRES
0	0	0
0	0	0.00

#### OUTSIDE THE WATERSHED FCP WORKSHEET:

FOREST CONSERVATION WORKSHEET

##### NET TRACT AREA:

- A. Total tract area: 1.23
- B. Additions to tract area (off-site work, etc., conservation required by this plan): 0.00
- C. Deductions from tract area (off-site work, etc., conservation required by this plan): 0.00
- D. Land dedication for roads or utilities (conservation not required by this plan): 0.00
- E. Area to remain in commercial/agricultural production/use: 0.00
- F. Other deductions (specify): 0.00
- G. Net tract area: 1.23

##### LAND USE CATEGORY: (from Chapter 22A-3, Definitions)

Input the number "1" under the appropriate land use, limit to only one entry.

AAA	CCR	MDR	IDA	HOR	MPO	CA
0	0	0	0	1	0	0

##### EXISTING FOREST COVER:

- I. Existing forest cover: 0.00
- J. Forest area above conservation threshold: 0.00
- K. Area of forest above conservation threshold: 0.00

##### BREAK-EVEN POINT:

- L. Forest retention above threshold with no mitigation: 0.00
- M. Clearing permitted without mitigation: 0.00

##### PROPOSED FOREST CLEARING:

- N. Total area of forest to be cleared: 0.00
- O. Total area of forest to be retained: 0.00

##### PLANTING REQUIREMENTS:

- P. Mitigation for clearing above conservation threshold: 0.00
- Q. Mitigation for clearing below conservation threshold: 0.00
- R. Total reforestation required: 0.00
- S. Total reforestation required: 0.00
- T. Credit for landscaping (may not be used to meet reforestation requirement if project is located outside an Eminent Domain Area (EDA). For projects within EDA, may not exceed 50% of "S") 0.00
- V. Total reforestation and afforestation required: 0.00

##### MEASURED DATA TABLE:

Existing Forest Area	0 acres
Net Tract Area	1.23 acres
Forest within the Net Tract	0 acres
Wetlands	0 acres
Existing Tract Area	0 acres
Forest within the Tract Area	0 acres
Existing Stream Buffer	0 acres
Forest within the Stream Buffer	0 acres

#### WITHIN THE WATERSHED FCP WORKSHEET:

FOREST CONSERVATION WORKSHEET

##### NET TRACT AREA:

- A. Total tract area: 1.23
- B. Additions to tract area (off-site work, etc., conservation required by this plan): 0.00
- C. Deductions from tract area (off-site work, etc., conservation required by this plan): 0.00
- D. Land dedication for roads or utilities (conservation not required by this plan): 0.00
- E. Area to remain in commercial/agricultural production/use: 0.00
- F. Other deductions (specify): 0.00
- G. Net tract area: 1.23

##### LAND USE CATEGORY: (from Chapter 22A-3, Definitions)

Input the number "1" under the appropriate land use, limit to only one entry.

AAA	CCR	MDR	IDA	HOR	MPO	CA
0	0	0	0	1	0	0

##### EXISTING FOREST COVER:

- I. Existing forest cover: 0.00
- J. Forest area above conservation threshold: 0.00
- K. Area of forest above conservation threshold: 0.00

##### BREAK-EVEN POINT:

- L. Forest retention above threshold with no mitigation: 0.00
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- R. Total reforestation required: 0.00
- S. Total reforestation required: 0.00
- T. Credit for landscaping (may not be used to meet reforestation requirement if project is located outside an Eminent Domain Area (EDA). For projects within EDA, may not exceed 50% of "S") 0.00
- V. Total reforestation and afforestation required: 0.00

#### THE AFFORESTATION PLANTING REQUIREMENT WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 22A-12(E) AND (G) OF THE FOREST CONSERVATION LAW (MITIGATION TO BE PROVIDED OFF-SITE).

<b>DEVELOPER'S CERTIFICATE</b>	
The undersigned agrees to execute all the features of the approved Forest Conservation Plan No. <b>F2024010</b> including, but not limited to, the following: forest planting, maintenance, and all other appropriate agreements.	
Developer's Name:	<b>NEBEL STREET APARTMENTS, LLC</b>
Contact Person or Owner:	<b>Printed company name</b>
Printed name:	
Address:	
Phone and Email:	
Signature:	

**Professional Certification**  
I, the undersigned, certify that I am a duly licensed Professional Surveyor in the State of Maryland, and I am duly licensed to perform the services herein described.  
Signature: **10/10/2024**



FCP #F20250410

### FOREST CONSERVATION PLAN TEVIS PLACE PARCEL 9 - MONTROSE INDUSTRIAL PARK PLAT BOOK 90 PLAT 7078, Election District 04 MONTGOMERY COUNTY, MARYLAND

**J.B.A.**

Johnson • Bernat • Associates, Inc.

Engineering • Surveying • Planning

205 N. Frederick Ave., Suite 100  
Gaithersburg, Maryland 20877  
Tel. (301) 963-1133  
Fax: (301) 963-6306  
www.jba-inc.net

NO.	DATE	REVISIONS PRIOR TO APPROVAL

# ATTACHMENT B



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## Department of Permitting Services Fire Department Access and Water Supply Comments

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**DATE:** 28-Jan-25  
**TO:** Andrew Bradshaw - abradshaw@jba-inc.net  
Johnson Bernat Associates  
**FROM:** Marie LaBaw  
**RE:** Tevis Place  
620250090

---

### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **28-Jan-25** .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.







Marc Elrich  
*County Executive*

Christopher Conklin  
*Director*

DEPARTMENT OF TRANSPORTATION

March 21, 2025

Ms. Emily Tettelbaum, Planner III  
MidCounty Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
2425 Reedie Drive  
Wheaton, MD 20902

RE: Administrative Subdivision Plan No. 620240170  
Mixed Income Housing Plan No. E20250090  
Tevis Place

Dear Ms. Tettelbaum:

We have completed our review of the Administrative Subdivision Plan, dated February 29, 2025, and the Mixed-Income Housing Plan, dated March 13, 2025, submitted through e-plans. The Development Review Committee reviewed the Administrative Subdivision Plan during its meeting on January 28, 2025, and the Mixed-Income Housing Plan during its meeting on February 25, 2025. The combined plans will be presented at the Planning Board meeting on April 17, 2025. We recommend approval of the plan based on the following comments:

**Significant Comments**

1. Nebel Street is classified as a Downtown Boulevard with a minimum right-of-way (ROW) of 80 feet. Plat #9708 shows the current ROW from the centerline is 35-feet. Based on this plat, an additional dedication of 5-feet is necessary.
  - a. The certified site plan shall reflect the following proposed interim frontage improvements extending from the edge of the curb to the property line along the entirety of the project's frontage (shown on Plan 07-ADSUB-620250090-001A V5, 07-MIHC-E20250010-001 V2):

**Office of the Director**

---

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

- 6-foot street buffer
  - 10-foot sidewalk
2. Separated bike lanes are currently located along the frontage of Nebel Street. The applicant is responsible for installing permanent concrete medians to serve as bike lane buffers replacing the existing painted buffers adjacent to the property. The applicant will submit plans for the separated bike lanes with their right-of-way permit. The final details of the separated bike lanes will be reviewed, approved by MCDOT and bonded by DPS prior to the issuance of the Public Right-of-Way permit .
  3. The curb at the proposed driveway on the right side appears to extend continuously across the sidewalk path, creating a physical obstruction to pedestrian access. However, the engineer confirmed via email on March 12, 2025, that the sidewalk crossing will be constructed as a level, ADA-compliant surface that connects seamlessly to the adjacent sidewalk—similar to the configuration on the opposite side. The certified site plan must clearly reflect the removal or modification of the obstructing curb section to ensure a continuous, unobstructed sidewalk crossing.
  4. **Sight Distance:** A Copy of the accepted Sight Distance Evaluation certification is enclosed for your information and reference.
  5. **Storm Drain Analysis:** The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
  6. **Transportation Demand Management (TDM Plan Requirements)**

TDM provisions of the County Code 42A-26 apply to this development application. An owner or applicant for a development located in a District in a Red Policy Area must submit a Level 3 Project-based TDM Results Plan for a project with more than 40,000 gross square feet. The Tevis Place (11800 Nebel Street) project, located in the North Bethesda TMD (White Flint Sector Plan) and Red Policy Area, proposes to develop more than 40,000 gsf. The Level 3 TDM Results Plan must be approved by MCDOT and submitted prior to issuance of any building permit by DPS.

A Level 3 TDM Results Plan requires a commitment by the owner or applicant to achieve a project Non-Auto Driver Mode Share (NADMS) goal of 55% for employees/56% for residents, which is 5% higher than the base Plan (50% for employees/51% for residents) NADMS goal for the North Bethesda (White Flint Sector Plan), and related commuting goals for that project. The Level 3 TDM Results Plan must be approved by MCDOT and submitted prior to issuance of any building permit by DPS.

The Applicant shall coordinate with MCDOT Commuter Services Section (CSS) staff: Samuel Damesa at Samuel.Damesa@montgomerycountymd.gov or (240) 777-8384 and James Carlson at James.Carlson@montgomerycountymd.gov or (240) 777-8382 to implement the aforementioned recommendations of the Transportation Demand Management (TDM) plan for the new development project.

**Standard Comments**

7. All Planning Board Opinions relating to this plan or any subsequent revision, project plans, or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
8. Design all access points and alleys to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.
9. Prior to issuance of the right-of-way permit, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 to discuss any proposed changes to the streetlights, the signing and/or the pavement markings. All costs associated with such relocations or modifications shall be the responsibility of the applicant.
10. Stop sign locations, crosswalks and markings will be shown on the signing and marking plans and be reviewed and approved at the right-of-way permit stage.
11. The owner will be required to submit a recorded covenant for the operation and maintenance of any private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
12. Forest Conservation Easements are NOT ALLOWED to overlap any easement.
13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
14. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planting within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
15. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by MCDPS and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.

16. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

- a. Buffers, sidewalk, bike facilities, storm drainage and appurtenances, and street trees along Nebel Street per Significant Plan Review Comments.
- b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- c. Permanent monuments and property line markers, as required by Section 50.4.3(G) of the Subdivision Regulations.

Thank you for the opportunity to review this Administrative Subdivision plan. If you have any questions or comments regarding this letter, please contact me for this project at [brenda.pardo@montgomerycountymd.gov](mailto:brenda.pardo@montgomerycountymd.gov) or (240) 777-7170.

Sincerely,

*Brenda M. Pardo*

Brenda M. Pardo, Engineer III

Development Review Team

Office of Transportation Policy

SharePoint\Transportation\Director's Office\Development Review\Brenda\Administrative Subdivision\AS620250090 Tevis Place\Letter\ 620250090-Tevis Place-MCDOT Subdivision Letter\_3.21.25

cc: Correspondence folder FY 2025

cc-e:	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Mark Terry	MCDOT DTEO
	Rebecca Torma	MCDOT OTP



**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

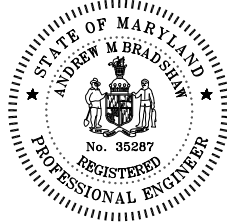
**SIGHT DISTANCE EVALUATION**

Plan Number: 620250090

Project Name: 11800 Nebel Street

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.



*Andrew M. Bradshaw*

Signature

35287

PLS/PE MD Reg. No

12-02-24

Date

**Montgomery County Review:**

☒ Approved

☐ Disapproved:

By: Brenda M. Pardo

Date: 3/21/2025

DRIVEWAY approaching Nebel Street					
CLASS		Business District			
SPEED (MPH)		30 MPH (POSTED)			
APPROACHING MOTOR VEHICLES					
VERTICAL		TARGET (FT)	MEASURED (FT)	OK?	
	L	250	290	Y	
	R	250	596	Y	
APPROACHING MOTOR VEHICLES					
HORIZONTAL	Grade	TARGET (FT)	MEASURED (FT)	OK?	
	L	1.0%	290	290	Y
	R	0.75%	335	645	Y
APPROACHING BIKEWAYS					
HORIZONTAL	Grade	TARGET (FT)	MEASURED (FT)	OK?	
	L	1.0%	100	181	Y
	R	0.75%	100	634	Y
APPROACHING SIDEWALK (IF DIRECTED)					
HORIZONTAL	Grade	TARGET (FT)	MEASURED (FT)	OK?	
	L	%	N/A		
	R	%	N/A		
COMMENTS					
Left Sight distance limited by existing street tree and electrical pole conditions. Distance provided meets requirements.					
Right sight distance is not limited and can continue through intersection of Nebel St and Marinella Rd. measurement provided to maximum extent possible					
Bikeway sight distances meet and exceed requirements.					
No sidewalk sight distance required as driveway crossing of sidewalk is free of vertical obstructions.					



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

Scott Bruton  
*Director*

March 12, 2025

Emily Tettelbaum  
Planner III, Midcounty Planning Division  
Montgomery County Planning Department  
2425 Reddie Drive, 14th Floor  
Wheaton, MD 20902

Re: Tevis Place

MIHCP & Preliminary Plan # E20250010

Dear Emily:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval for up to one-hundred-fifty-four (154) units with 100% MPDUs (up to one-hundred-fifty-four (154) MPDUs) in North Bethesda, Maryland.

An Agreement to Build must be submitted to, reviewed, and executed by DHCA before building permits are obtained from the Department of Permitting Services (DPS). The final MPDU layouts will need to be approved by DHCA at the MPDU Agreement to Build stage.

Sincerely,

Adrian Hopson, Planning Specialist III  
Affordable Housing Programs Section



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

April 1, 2025

Mr. Andrew Bradshaw, PE  
Johnson, Bernat, Associates, Inc.  
205 N. Frederick Avenue, Suite 100  
Gaithersburg, Maryland 20877

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Tevis Place  
Administrative Subdivision Plan #: 620250090  
SM File #: 296365  
Tract Size/Zone: 1.22 ac. / CR-3.0  
Total Concept Area: 1.32 ac.  
Lots/Block: N/A  
Parcel(s): 521  
Watershed: Lower Rock Creek  
Redevelopment (Yes/No): Yes

Dear Mr. Bradshaw:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of micro-bioretenention and green roof. A partial waiver has been requested and is hereby granted.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. 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**.

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



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)



*Mr. Andrew Bradshaw*  
*April 1, 2025*  
*Page 2 of 2*

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 Patrick Fitzgerald at 240-777-6362; [Patrick.fitzgerald@montgomerycountymd.gov](mailto:Patrick.fitzgerald@montgomerycountymd.gov).

Sincerely,

*Mark Etheridge*

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

cc: Neil Braunstein  
SM File # 296365

ESD: Required/Provided 6,169 cf / 5,871 cf  
PE: Target/Achieved: 1.8"/1.7"  
STRUCTURAL: N/A  
WAIVED: 298 c.f.

# ATTACHMENT C




Heather Dlhopsky  
hdlhopolsky@wiregill.com  
301-263-6275

MONTGOMERY COUNTY PLANNING BOARD  
**AFFIDAVIT OF PRE-SUBMISSION COMMUNITY MEETING**  
**11800 Nebel Street**

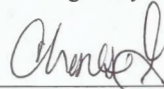
Mixed-Income Housing Community Plan and  
Administrative Preliminary Plan of Subdivision Applications

I HEREBY CERTIFY that on Monday, November 18, 2024, at 6:30 pm, representatives of TM Associates Development, Inc., its consultants, and Heather Dlhopsky of Wire Gill LLP, held a Pre-Submission Community Meeting in order to discuss the upcoming Mixed-Income Housing Community Plan and Administrative Preliminary Plan of Subdivision applications for the 11800 Nebel Street development. The purpose of this meeting was to comply with the Montgomery County Zoning Ordinance and Manual of Development Review Procedures, which require the pre-submission community meeting to be held no more than 90 days prior to initial application submittal. The meeting was held virtually via Zoom, and the meeting invitation was mailed to all of the individuals included in the attached notice list.

Heather Dlhopsky 

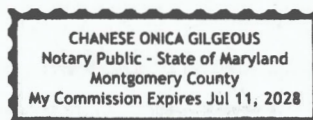
By: Heather Dlhopsky  
Wire Gill LLP  
Attorney for Applicant, TM Associates Development, Inc.

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this 19<sup>th</sup>  
day of November, 2024.



My Commission Expires:

July 11, 2028  
[SEAL]





**Heather Dlhopsky**  
hdlhopolsky@wiregill.com  
301-263-6275

**11800 Nebel Street**

**Mixed-Income Housing Community Plan and Administrative Preliminary Plan of  
Subdivision Applications: Pre-Submission Community Meeting**

*November 18, 2024, 6:30 pm*

*Held virtually via Zoom*

**MEETING MINUTES**

**Attendees on behalf of Applicant:**

Adam Stockmaster, TM Associates  
Andy Bradshaw, Johnson Bernat Associates, Inc.  
Rob McClennan, Mode 4 Architecture  
Nancy Randall, Wells + Associates  
Heather Dlhopsky, Wire Gill LLP

The meeting was called to order at 6:40 pm.

**1) Applicant's presentation:**

- Introduction of attendees.
- The powerpoint presentation was posted online on November 11<sup>th</sup>, so many of you have probably already seen it, and that is what we will be presenting this evening.
- TM Associates is the owner of the property located at 11800 Nebel Street in North Bethesda. The property is comprised of approximately 1.3 acres. It is zoned CR-3.0, C-1.5, R-2.5, H-200. The Applicant proposes to develop the property with a multi-family residential building with up to 152 affordable multi-family residential units (100% of the units will be designated as moderately priced dwelling units, or "MPDUs", under Chapter 25A of the Montgomery County Code ), as well as private structured parking, private amenities, and public benefit points.
- Because this is a pre-submission community meeting, it means the Applicant has not yet filed the Mixed-Income Housing Community Plan and Administrative Preliminary Plan of Subdivision applications with the Maryland-National Capital Park and Planning Commission. We plan to file the Administrative Preliminary Plan of Subdivision within the next week or so, and the Mixed-Income Housing Community Plan the first week in January, and expect a Planning Board hearing sometime in spring of next year on both applications. Minutes of this meeting will be filed with the applications to document the discussion tonight and any questions or concerns raised.



**Heather Dlhopsky**  
hdlhopsky@wiregill.com  
301-263-6275

- If you would like to be listed as a party of record to the case, can you please type your name and mailing address into the ZOOM chat feature? Or, if you prefer, you can email me that information directly.
- Anyone who indicates that they would like to be a party of record will receive a mailed notice of the applications' filing and the Planning Board hearing. Additionally, anyone can become a party of record and participate in the proceedings by appearing and signing up at the public hearing to be conducted by the Planning Board.
- The property will also be posted with notice of the application filing. Once the applications are formally accepted for review by M-NCPPC, all of the plans and materials included in the applications will be publicly available online, and the mailed notification you'll receive will list the website for accessing all of that information.
- We will present our powerpoint, and then we will take questions/comments and answers/responses. Please feel free to enter your questions in the chat feature, and I'll keep track and read them off at the conclusion of the presentation, or you can wait to speak your question or comments at the end of the presentation.
- A powerpoint presentation was made which contained the following information:
  - Introduction of TM Associates by Adam Stockmaster.
  - Presentation by consultants:
    - Aerial images of the property and surrounding area as well as street views were presented. The site is located within ¼ of the North Bethesda Metro Station.
    - A rendered landscape plan was presented, and the street section, streetscape, landscape, and fire access improvements were explained.
    - The architect explained the overall shape and design of the building, and that the team would be seeking Passive House Certification. He explained the loading and parking access, and also the amenity area in the rear of the site.
    - Floor plans were shown, starting with the lower level of the parking garage. A ground floor plan was shown in order to explain the lobby area, leasing office, resident services and amenities, and bike room access. Floor plans of floors 2 through 7 of the building were shown in order to depict the unit types and sizes.
    - Rendered perspectives were shown from various viewpoints in order to show the relation of the building to adjacent properties and buildings.



**Heather Dlhopsky**  
hdlhopolsky@wiregill.com  
301-263-6275

The team has worked to create an attractive front façade, and some of the units have recessed balconies, resulting in a lot of depth and character. Close-up views of the entrance terrace and amenity area were also shown.

- Timing of submittal of the applications and anticipated Planning Board hearing date was reiterated.
- The land use attorney concluded with her contact information, and that anyone should feel free to reach out going forward if they have any additional questions or would like any status updates.

2) Questions from the audience:

- An applicant stated that they visit a lot of businesses along Nebel Street, and it has been quite industrial and almost seedy. This looks like a great building.

The meeting concluded at 7:02 pm.

# ATTACHMENT D



**Heather Dlhopsky**  
hdlhopsky@wiregill.com  
301-263-6275

December 11, 2024

*Via Email to jason.sartori@montgomeryplanning.org*  
Mr. Jason K. Sartori, Planning Director  
M-NCPPC  
2425 Reddie Drive  
Wheaton, MD 20902

Re: 11800 Nebel Street, Rockville, MD 20852 (the "Property"): Upcoming Mixed-Income Housing Community Plan for "Tevis Place"

Dear Mr. Sartori:

On behalf of TM Associates Development, Inc. (the "Applicant"), we are submitting this letter pursuant to Section 59-7.3.7.B.2.a of the Montgomery County Zoning Ordinance, in advance of submitting a Mixed-Income Housing Community Plan (the "MIHCP") Application for Tevis Place in the coming weeks. The Property was the subject of Concept Plan Application No. 520240110, which was heard by the Development Review Committee on January 30, 2024. The Applicant is now preparing to submit the MIHCP, and provides this letter as confirmation pursuant to the above-referenced Zoning Ordinance section "that the Mixed-Income Housing Community will meet the requirements of Section 3.3.4" of the Zoning Ordinance.

Specifically Section 59-3.3.4.A states that "[a] Mixed-Income Housing Community must have 30 or more dwelling units and" meet at least one of four qualifying factors. Here, the MIHCP will meet (1) in that all of the units will be affordable units, comprised of 1-, 2-, 3-, and 4-bedroom units, affordable to 30%-70% of area median income ("AMI"), and further 100% of the units will be designated as Moderately Priced Dwelling Units under Chapter 25A of the Montgomery County Code. The specific language of Section 59-3.3.4.A.1 of the Zoning Ordinance states: "at least 50% of the units built under a government regulation or binding agreement that limits the price charged for at least 30 years and affordable to households earning 60 percent or less of Area Median Income (AMI)." Upon approval of a certified site plan, the Applicant will enter into an Agreement to Build with the Department of Housing and Community Affairs to construct all the units as MPDUs which will meet the binding agreement requirement of the MIHCP, price at least half of the units as affordable under 60% of AMI, and limit their affordability for 99 years.

Provided you concur that the forthcoming MIHCP will meet the requirements of Section 59-3.3.4 of the Zoning Ordinance, as described above, we respectfully request your signature below so that we may include this letter with the MIHCP Application, as required per Section 59-7.3.7.B.2.a of the Zoning Ordinance.

4800 Hampden Lane | Suite 200 | Bethesda, MD 20814 | [www.wiregill.com](http://www.wiregill.com)



**Heather Dlhopsky**  
hdlhopolsky@wiregill.com  
301-263-6275

Thank you for your consideration of this request. Please contact us should you have any questions or require any additional information.

Sincerely,

Wire Gill LLP

A handwritten signature in black ink, appearing to read "Heather Dlhopsky", written in a cursive style.

Heather Dlhopsky

A handwritten signature in black ink, appearing to read "Jason K. Sartori", written in a cursive style.

Jason K. Sartori, Planning Director