



DEPARTMENT OF PERMITTING SERVICES

Diane R. Schwartz Jones, Director

Isiah Leggett, County Executive

August 21, 2018

Mr. Uri Pasternak, P.E., Rodgers Consulting, Inc., 19847 Century Blvd., Suite 200, Germantown, MD 20874

Re: SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN Request for Amalyn Bethesda (WMAL Bethesda), Preliminary Plan #: 120160290, SM File #: 281986, Tract Size/Zone: 74.83 Ac / R-90, Total Concept Area: 74.83 Ac, Parcel(s): M455, Waterstreet: Cabin John Creek

Dear Mr. Pasternak:

Based on a review by the Department of Permitting Services Review Staff, the Site Development Stormwater Management Plan for the above-mentioned site is acceptable. The plan proposes to meet required stormwater management goals via ESD to the MEP via use of micro-bioretenment and bio swales. Additional fifty-year control is provided at drainage area 2 due to an existing pond below the property. This pond provides stormwater management for an adjacent property and was designed for a 50-year storm.

The following items will need to be addressed during the final stormwater management design plan stage:

- 1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Water MCDPS latest design standards for design of the stormwater management facilities.
6. You must construct the stormwater management facilities that provide treatment for any private or public roads at the time the roads are built, and before any erosion and sediment control for the road is removed.



255 Rockville Pike, 2nd Floor - Rockville, Maryland 20850 - 240-777-0311

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MCPB No. 18-124, Site Plan No. 820170170, WMAL Bethesda, Date of Hearing: November 15, 2018

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RESOLUTION

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

WHEREAS, on October 25, 2017, Toll Brothers, Inc ("Applicant") filed an application for approval of a site plan for 309 dwelling units, including 40 MPDUs, on 74.83 acres of R-90 zoned-land, located at the northeast quadrant of the intersection of Greenree Road and Interstate 495 ("Subject Property"), in the North Bethesda/Garrett Park Master Plan ("Master Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820170170, WMAL Bethesda ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 5, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 15, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on November 15, 2018 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

Approved as to Legal Sufficiency by: [Signature: Charles Sont], 1/2/19, 2019, Phone: 301.495.4605, Fax: 301.495.1320, E-Mail: mcp-cha@mcncppc-mc.org

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170170 for 309 dwelling units, including 12.5 percent MPDUs, plus one additional MPDU, on the Subject Property, subject to the following conditions:

Density, Height & Housing

- 1. Density: The Site Plan is limited to a maximum of up to 309 dwelling units, with up to 159 detached houses and up to 150 townhouses.
2. Height: The development is limited to a maximum height of 40 feet.
3. Moderately Priced Dwelling Units (MPDUs): The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated April 4, 2018 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
a) The development must provide 12.5 percent MPDUs, plus one additional MPDU, on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

Open Space, Facilities and Amenities

- 4. Common Open Space, Facilities, and Amenities:
a) The Applicant must provide a minimum of approximately 18.61 acres of Common Open Space (26.4% of the gross tract area minus the school dedication area). The exact amount of Common Open Space may change based on final engineering of Stormwater Management facilities.
b) Before final inspection for the 206th residential unit, the community building and associated amenities must be completed.
c) Before the final inspection for the final residential unit on any given block (as defined by Public and Private streets, but not Private Lanes and Alleys), all landscaping, seating, recreation facilities and other open space amenities in the Common Open Space on that block must be installed. All landscaping on

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any given block must be installed within one growing season after the completion of the final residential unit on that block.

- 5. Common Open Space Covenant: The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).
6. Recreation Facilities: The Applicant must provide the recreation facilities shown on the Certified Site Plan. The recreation facilities must be completed according to Condition #4.
7. Maintenance of Amenities: The Applicant is responsible for maintaining all amenities including, but not limited to, the community clubhouse, open space areas including all seating areas and recreational facilities, and art pieces.
Site Plan
8. Site Design:
a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
b) The exterior architectural character, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, materials, and articulation of the market-rate units.
9. Lighting:
a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site 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 on-site down-lights must have full cut-off fixtures.
c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

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Environment

- 10. Forest Conservation:
a) The Applicant must comply with Final Forest Conservation Plan (FFCP) No. 820170170, approved as part of this Site Plan, subject to the following conditions:
i. The limits of disturbance ("LOD") on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
ii. The Applicant must record a Category I Conservation Easement over all areas of forest retained and forest planted prior to any demolition, clearing, or grading on the Property. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed among the Land Records and referenced by liber and folio on the record plat.
iii. The Applicant must submit financial surety for planting 0.74 acres of forest and obtain M-NCPPC approval of a two-year maintenance and management agreement prior to any demolition, clearing, or grading on site.
iv. The Applicant must plant all reforestation within one year of construction completion.
v. The Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for 8.38 acres of mitigation credit prior to the start of any clearing, grading, or demolition occurring on the Property.
vi. The Certificate of Compliance to use an off-site forest mitigation bank must be recorded in the Land Records prior to any clearing, grading, or demolition occurring on the Property.
vii. The Applicant must plant a total of 43 caliber inches of native canopy trees as mitigation for the removal of five (5) trees subject to the variance provision. The minimum planting stock size must be no less than three (3) caliber inches. The trees must be planted on the Property, as shown on the Final Forest Conservation Plan. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector. The trees must be planted within one year of construction completion.
viii. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree protection measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

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- 11. Noise Attenuation:
a) If the Site Plan changes in any manner that affects the validity of the noise analysis dated May 2, 2018, for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
b) Before final inspection for any dwelling unit, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in architectural acoustical treatments.
c) The building shell for the following residential units affected by exterior noise levels projected above 65 dBA Ldn must attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn:
i. Lots 1 through 8 on the northern perimeter;
ii. Lot 1 on the western perimeter; and
iii. Lots 1 through 22, 109 through 116, 187 through 193, 267, 268, and 269 on the southern perimeter.
d) Prior to final inspection for residential units listed under Condition 11.c.iii, the noise wall within the SHA right-of-way along I-495 must be completed.
12. Stormwater Management:
a) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated August 21, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
b) The following revisions must be made prior to Certified Site Plan, subject to approval by MCDPS Water Resources Section:
i. Add "SWM" to the roadside planter box labels already shown on Site Plan sheet 5, 6, and 13;
ii. Add "On-Lot SWM Planter Box (typ.)" labels to at least one lot on each Site Plan sheet 5-15;
iii. Add "SWM ESMT" labels to identify the proposed SWM easements over all three of the underground SWM detention vaults shown on Site Plan sheets 5 and 6;
iv. Relocate the mailbox outside of the proposed SWM easement shown on Site Plan sheet 5; and
v. Remove the landscape seat walls shown within the proposed SWM easements on Site Plan sheets 5 and 6.

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Transportation & Circulation

- 13. Transportation:
a) Prior to issuance of a building permit for the first residential unit, the Applicant must make a payment to MCDOT of \$184,787.50 to satisfy condition No. 26 from Preliminary Plan No. 120160290.
b) Prior to the issuance of a building permit for the 150th residential unit, the Applicant must construct the extension of Greenree Road.
c) Prior to the issuance of a building permit for the 300th residential unit, the Applicant must construct the extension of Renita Lane.
d) Prior to issuance of a building permit for the 150th residential unit, the Applicant must complete the off-site traffic calming and streetscaping improvements along Greyswood Road and Greenree Road as shown in the Certified Site Plan.
14. Pedestrian & Bicycle Circulation: The Applicant must provide five (5) short-term bicycle parking spaces outside the Clubhouse as shown on the Certified Site Plan.
15. Fire and Rescue: The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated October 1, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
16. Site Plan Surety and Maintenance Agreement: Prior to issuance of the first building permit, sediment control permit, or Use and Occupancy Certificate within each relevant phase of development, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.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 Site Plan elements, including, but not limited to plant material, planting of grass on the future school site, on-

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- trail in the field, and the trail should be located in a way that protects the privacy of residents, while providing for use of the natural areas.
i) Work with Staff to:
i. add public art, seating, and/or other amenities to the linear parks; and
ii. continue to refine plant list.
j) Revise the Photometric Plans to show that the outdoor lighting is consistent with Section 59-6.4.4.D.
BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of WMAL Bethesda 820170170, submitted via ePlans to the M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and
BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:
1. The development satisfies any previous approval that applies to the site.
The Subject Application satisfies Preliminary Plan No 120160290, approved by the Planning Board on June 15, 2017.
2. The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.
This finding is not applicable as this Property is not subject to a development plan or schematic development plan.
3. The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.
This finding is not applicable because the Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.
4. The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.
a. Development Standards

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This list may not be all-inclusive and may change based on available information at the time. Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

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

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-5332.

Sincerely,

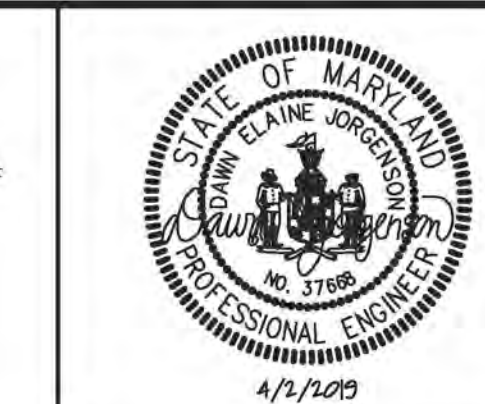
[Signature: Mark C. Etheridge, Manager, Water Resources Section, Division of Land Development Services]

MCE: CN 281986 Amalyn Bethesda.dsk, CC: N Braunstein, SM File # 281986, ESD: Required/Provided 202828 d / 202813 of PE Target/Achieved: 1.871.8, STRUCTURAL: 0.0 of WAVED: 0.0 ac.

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

ESE CONSULTANTS logo and contact information: ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL, ESE Consultants, Inc., 7164 Columbia Gateway Drive • Suite 230 • Columbia, MD 21046, T: 410-872-9105

Table with columns: REVISED, DATE, REVISED, DATE, PROFESSIONAL CERTIFICATION. Includes signature of Mark C. Etheridge, License No. 0178/2011, Expiration Date 4/1/2019.



APPLICANT: TOLL MD VII LIMITED PARTNERSHIP, c/o TOLL BROS., INC., 7164 COLUMBIA GATEWAY DRIVE, SUITE 230, COLUMBIA, MARYLAND 21046, ATTN: MR. MATT CAPECE, PHONE: 410-872-9105, FAX: 410-872-9141

MISS UTILITY NOTE: INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION...

APPROVAL SHEET AMALYN BETHESDA, PARCEL N 495, PLAT 16552 L.34166 F.342, ELECTION DISTRICT NO. 7 BETHESDA, MONTGOMERY COUNTY, MARYLAND, WSSC MAP 212 NW 07, GRID B4-6 & C4-6, TAX MAP GP 342, GRID GP 42

Table with columns: DATE, DESIGN, DRAWN, SCALE, JOB NO., SHEET NO. Values: DATE: SEPTEMBER 2018, SCALE: N/A, JOB NO.: 3891, SHEET NO.: 02 OF 60

PRELIMINARY NOT FOR CONSTRUCTION