



MCPB
Item No.:
Hearing Date: 4/12/12

Woodmont / 7200, Project, Preliminary, and Site Plan Amendment Review, 92007007B, 12007020B, 82009008A

NJB

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Revised: 4/4/12

Completed: 3/28/12

Description

Location: In the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue

Zone: CBD-2

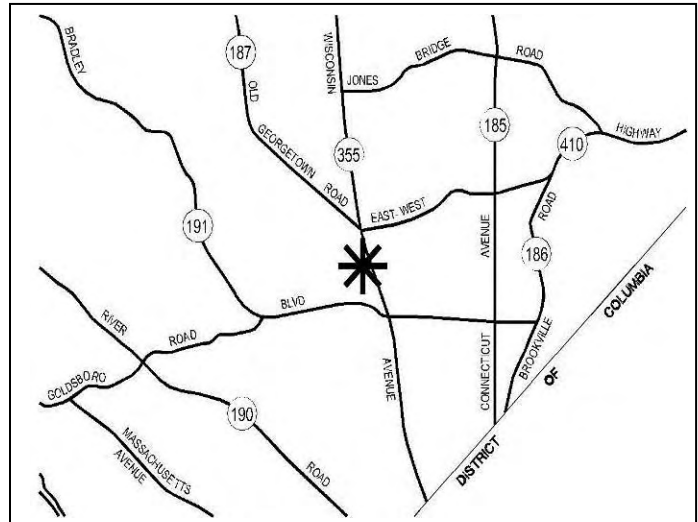
Master Plan: Bethesda CBD Sector Plan

Property size: 5.8 acres

Application to amend a previously approved project plan, preliminary plan, and site plan by adding 168,950 SF of office, 25,088 SF of retail, and 182,950 SF of hotel to the existing and previously approved uses. Total development on site will be 182,950 SF of hotel (230 rooms), 755,739 SF of office, 81,165 SF of retail, and 210 dwelling units.

Applicant: Street Retail; JBG

Filing Date: October 24, 2011



Summary

Staff Recommendation: Approval with Conditions

These applications are amendments to the previously approved Woodmont East applications in order to incorporate an adjacent property. A key issue is the surface alignment (i.e., on-street) of the Capital Crescent Trail, especially because it is increasingly likely that the tunnel alignment will not be feasible. Staff, the applicant, and other County agencies have worked extensively to design an alignment on the north side of Bethesda Avenue, as recommended in the Bethesda CBD Sector Plan.

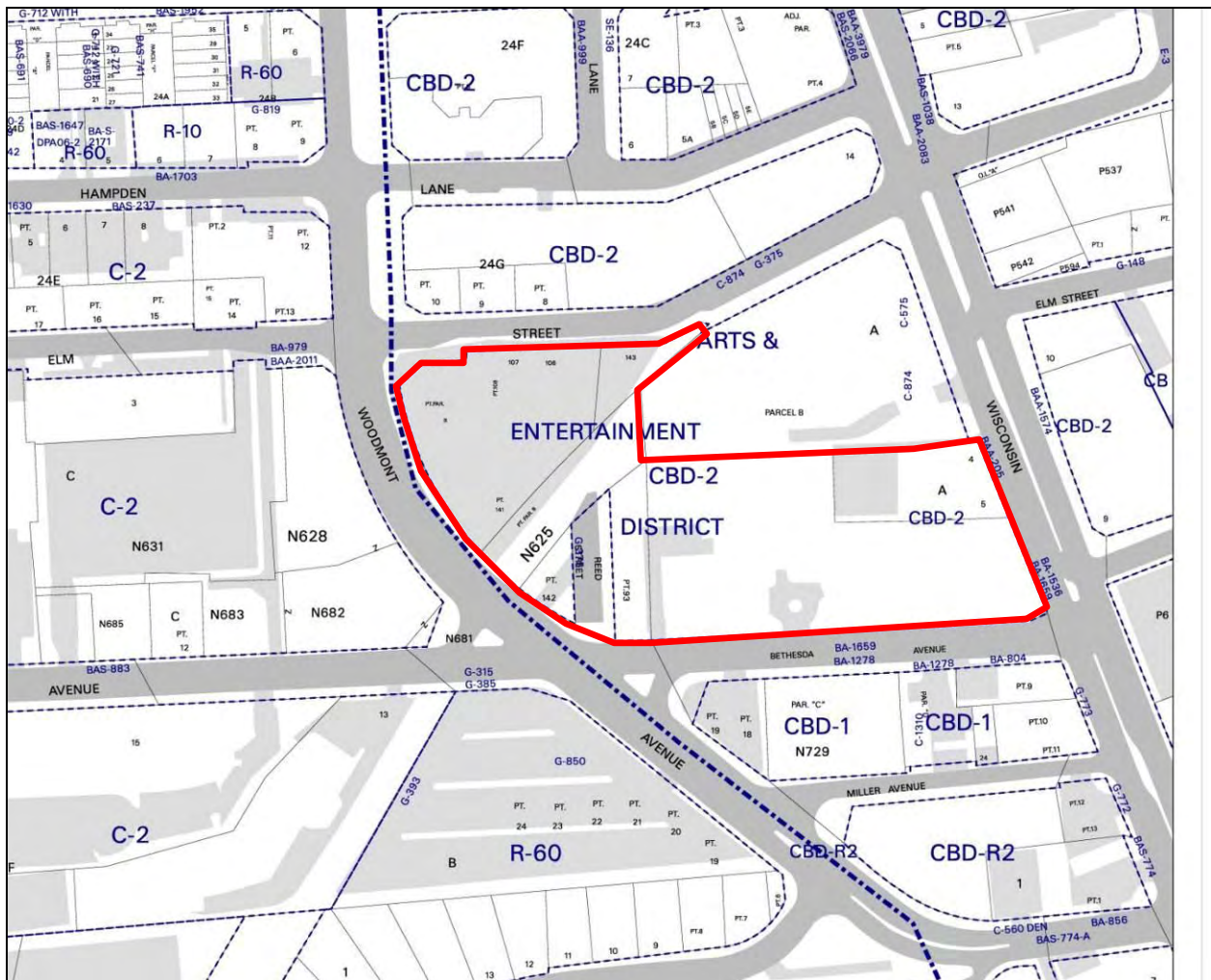
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SITE DESCRIPTION

Vicinity

The subject site is located on the east side of Woodmont Avenue, running the full block between Bethesda Avenue and Elm Street and on Bethesda Avenue running the full block between Woodmont Avenue and Wisconsin Avenue. Adjacent and confronting uses (both existing and approved but not yet built) include office, retail, and multi-family buildings and a public parking garage. The site is in the vicinity of the Bethesda Metro Station and a proposed southern entrance to the Metro as well as the terminus of the proposed Purple Line. The MNCPPC's Elm Street and Caroline Freeland Parks are also within a few blocks of this site.



Vicinity Map

The aforementioned pending or recently approved site plan applications include a mixed-use retail/residential/public parking garage project on Lots 31 and 31A on the south side of Bethesda Avenue and several multi-family residential buildings to the north on Hampden and Montgomery Lanes. The general context of this area is the retail center of the Bethesda CBD, with a diverse and lively mix of well-integrated uses – both horizontally and vertically.

Site Analysis

The subject property consists of several platted lots, parts of lots, and parcels, as well as an abandoned portion of right-of-way for the former Reed Street, all of which comprise a gross tract area of 5.81 acres. Subtracting previous and proposed right-of-way dedications leaves a net lot area of 4.85 acres. The subject site is currently occupied by 536,238 square feet of office and retail uses fronting on Woodmont Avenue and Bethesda Avenue, although the popular movie theatre and ice cream shop entrances are within the interior of the site. The only buildings proposed to be removed by the site plan would be the stand-alone restaurant and an office building fronting on Bethesda Avenue. The approved project and preliminary plans include a third phase, a multi-family residential building on Elm Street that would replace the existing parking deck.

This site accommodates an existing section of the Georgetown Branch of the Capital Crescent Trail that allows bicyclists and walkers to follow the trail from Woodmont Avenue, through the site and a tunnel under Wisconsin Avenue, and back to grade at Elm Street Park. The trail then continues east to Silver Spring. With construction of the proposed Purple Line, the trail may be removed from the tunnel. The applicant will construct a multi-use path along the frontage of the site on Bethesda Avenue to create an alternative to the tunnel-route of the trail.



Aerial Photo Looking North

PROJECT DESCRIPTION

Previous Approvals

Project Plan

Project Plan 920070070, known as Woodmont East, was originally presented to the Planning Board on November 8, 2007. After much testimony against the project due to a lack of “open” and “green” space and concerns about the Capital Crescent Trail, the applicant requested a deferral and worked with the community and Staff on a revised plan. This revised project plan was brought to the Board on March 6, 2008 (resolution approved on June 18, 2008) for the creation of one lot and construction of an optional method, mixed-use development for a maximum of 250 multi-family dwelling units (including 12.5% MPDUs), a maximum of 225 hotel rooms, 40,350 square feet of retail space, and 78,300 square feet of office space, including existing uses.

The approved development consisted of three distinct building masses: the existing retail/office building along Woodmont Avenue, a 143-foot tall residential tower on Elm Street, and a hotel with ground-floor retail at the intersection of Bethesda Avenue and Woodmont Avenue. The residential tower and hotel were to be connected by a bridge-like feature that spanned an interior “mews” that would accommodate – within a larger open space – easements for the Purple Line and Capital Crescent Trail. This hotel building was set back from Woodmont Avenue to accommodate two large panels of grass and shade trees, seating areas, and a fountain.

A parking garage for both proposed buildings was to be built under the entire site, except for the area occupied by the existing retail/office building. Access to the garage was proposed from both Elm Street and from Bethesda Avenue; the Bethesda Avenue entrance also served as a drop-off for the hotel. As designed, the construction of this shared parking garage would have led to the inevitable rerouting of the Capital Crescent Trail during construction. Several conditions of approval were tied to the means and duration of the detour. As detailed below, changes in the use, the architecture, and other site details will do much to lessen the impact of this development on the trail during construction.

Preliminary Plan

Like the project plan, Preliminary Plan 120070200 was originally presented to the Planning Board on November 8, 2007; and, likewise, a decision on the plan was deferred. The revised plan was heard on March 6, 2008 and approved on June 19, 2008 for the creation of one lot containing 2.22 net acres. Development was limited to 250 multi-family dwelling units (including 12.5% MPDUs), a 225-room hotel, 40,350 square feet of general retail use, and 78,300 square feet of general office use.

The currently submitted plans add an additional existing building, known as the Artery Building. The original Preliminary Plan for the Artery Building (#119830150) was approved on August 4, 1983. This plan approved 366,854 square feet of office use and 26,796 square feet of retail use on the current Artery Building site.

Project Plan Amendment

Project Plan Amendment 92007007A was approved by the Planning Board on April 30, 2009. The project plan amendment changed approximately 208,000 square feet of floor area approved for the hotel use to office use; eliminated the “bridge” connecting the residential and office towers; increased the width of the mews from 50 feet to approximately 64 feet; removed the vehicular

entrance/drop-off area on Bethesda Avenue; provided access to the garage via the alley on the adjacent property directly east of the subject property; and modified the below-grade parking garage, so that it would be built only on the southern side of the site (the residential parking garage will be built during Phase 3 and there will be no underground connection between the two garages – this modification will allow the Capital Crescent Trail to remain open and on-site during construction, except for brief detours required during construction).

Preliminary Plan Amendment

Preliminary Plan Amendment 12007020A was also approved on April 30, 2009. It made the same changes to the project that the project plan amendment made.

Site Plan

Site Plan 820090080 was approved by the Planning Board on April 30, 2009. The site plan covers Phase 2 of the three-phase project. The site plan includes an office building with retail at grade along Woodmont and Bethesda Avenues; open space for gathering, sitting, socializing, and recreating; improvements to the Woodmont Avenue right-of-way and to the Woodmont/Bethesda Avenue intersection; and finalizes the required easements and reservations required by the proposed Purple Line and existing Capital Crescent Trail.

In addition, Site Plan 819840020 was approved on August 6, 1992. This plan approved 366,854 square feet of office use and 26,796 square feet of retail use on the Artery Building site, that is, the property that is being added to the application by the subject amendment.

Right-of-Way Abandonment

On July 28, 2009, the Montgomery County Council approved AB702 to abandon the right-of-way for Reed Street. Reed Street was an unimproved right-of-way that extend into the site from Bethesda Avenue. It encompassed 8,308 square feet, and this area has been incorporated into the subject property.

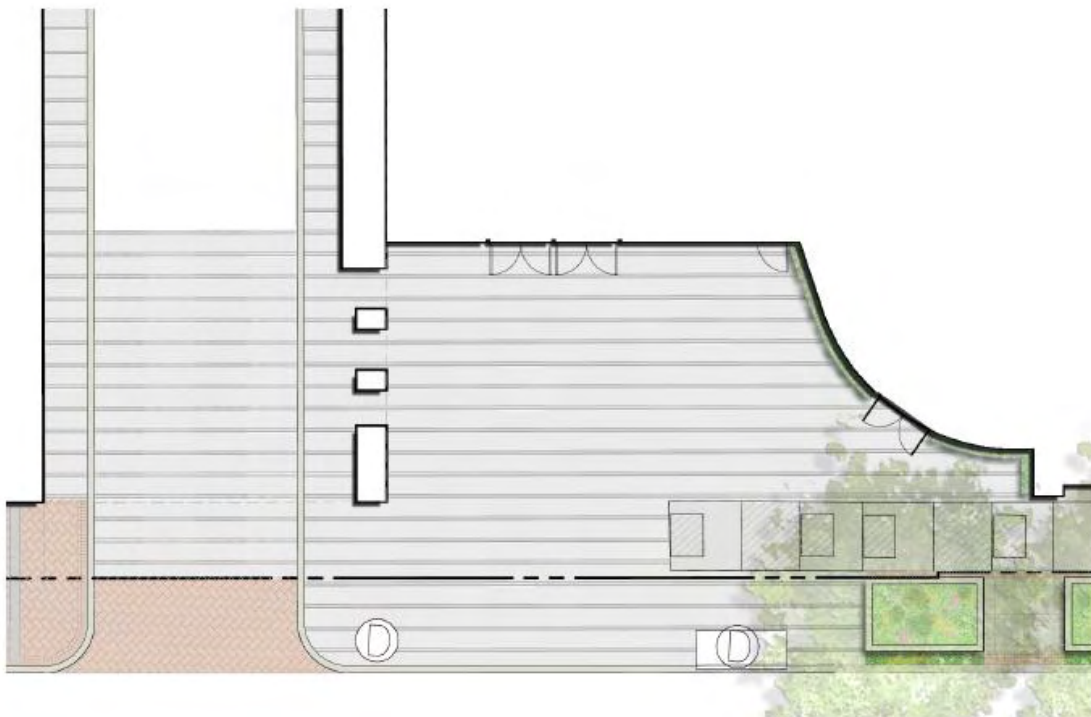
Proposal

The amended project plan encompasses a larger subject property than previous applications. Whereas the original applications were for a 2.48 acre-site, the site has been expanded to 5.82 acres by incorporating additional properties on the same block. The project plan proposes to add 77,321 additional square feet of office space, an additional 5,766 square feet of retail, and it reintroduces a 182,950 square foot hotel. Although residential floor area will be reduced by 22,974 square feet, the number of dwelling units remains at 210, as in previous applications. This proposal is referred to as the “Project” throughout the staff report.

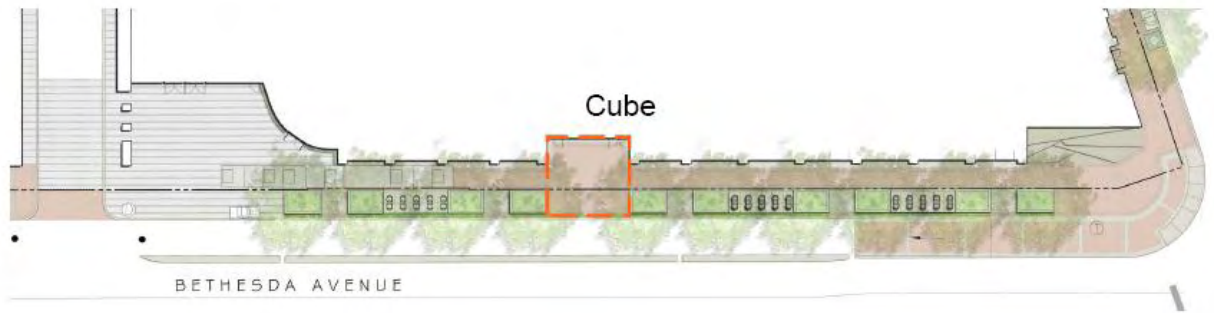
Subdivision of Land

The preliminary plan would subdivide the site into two lots: proposed Lot 1, measuring 143,928 square feet, and proposed Lot 2, measuring 67,724 square feet. The preliminary plan provides dedication of 856 square feet of right-of-way for Wisconsin Avenue.

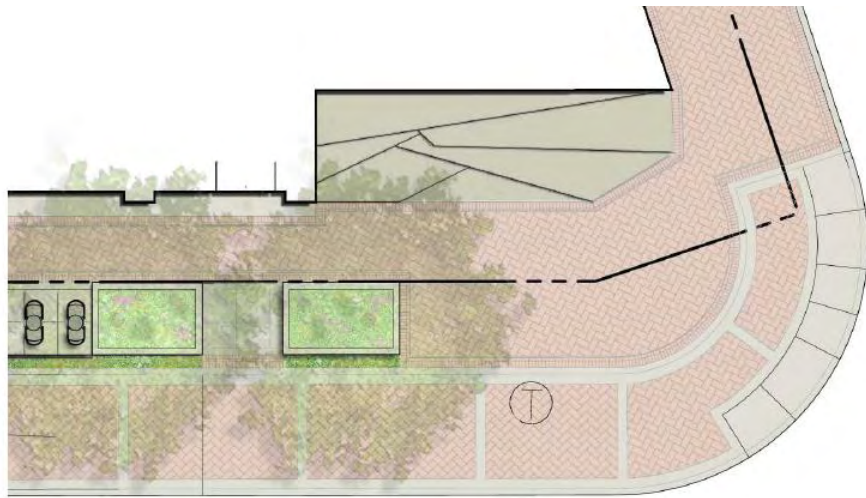
Proposed Lot 1 will contain the new land added to the application along Bethesda Avenue and Wisconsin Avenue and will include the proposed hotel building and the existing Artery office building, as well as the previously approved office/retail building that was part of the original Woodmont East project. Proposed Lot 2 will contain the other buildings previously approved as part



Public Use Space – "Court"

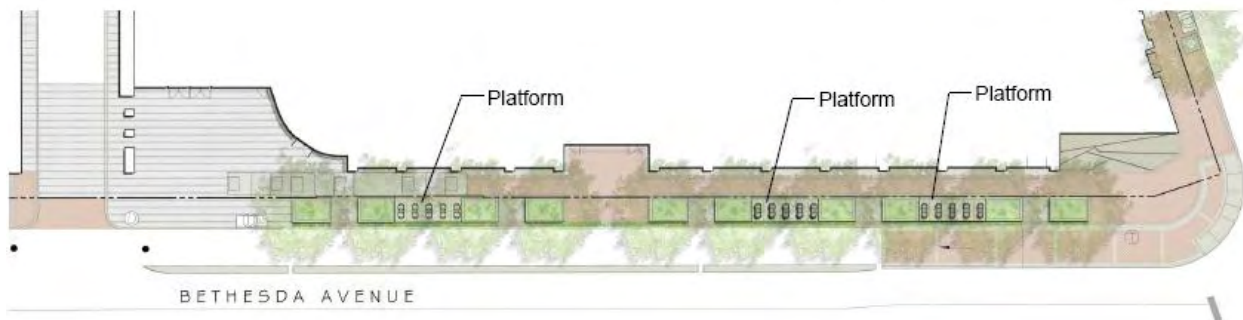


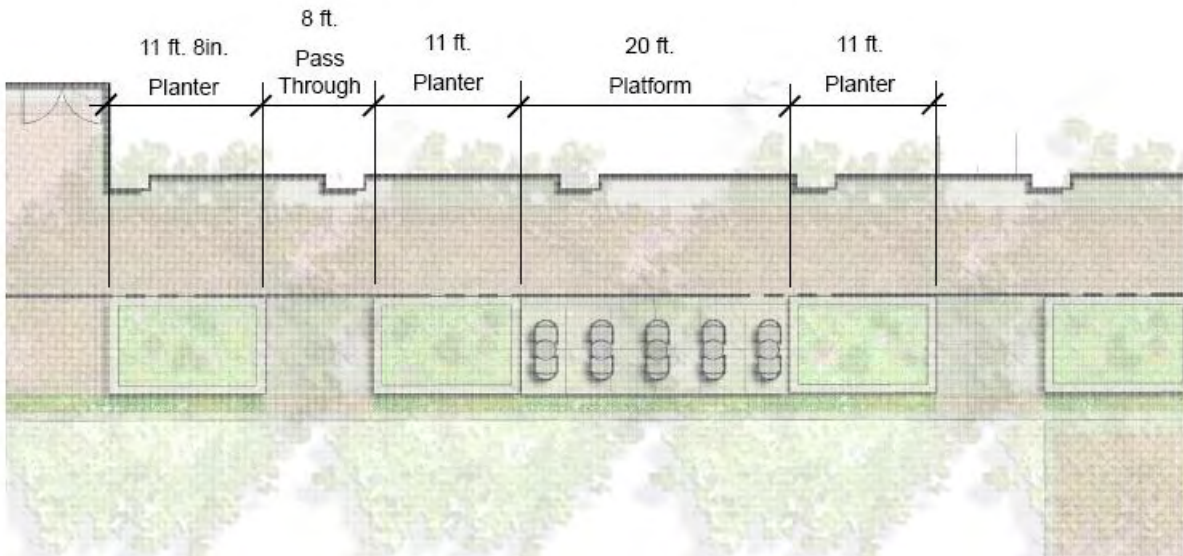
Public Use Space – "Cube"



Public Use Space – “Sculptural Stair”

Off-site amenity space consists of streetscape improvements along Bethesda and Wisconsin Avenues, including landscaped terrace seating platforms within the Bethesda Avenue right of way.





Vehicular and Pedestrian Circulation

Two vehicular entrances are proposed to provide access to the site from Bethesda Avenue. One will provide access to the parking garage and the loading spaces, and the other will provide access to the parking garage and a drop-off area for the proposed hotel. A third vehicular entrance is proposed from Elm Street, which will provide access to the parking garage and loading spaces for the residential building and the existing office/retail building on proposed Lot 2.

Pedestrians will access the development from the sidewalks along Wisconsin, Bethesda, and Woodmont Avenues. Additional pedestrian and bicyclist access is provided by the existing Georgetown Branch trail, which enters the subject property at the exit from the tunnel under Wisconsin Avenue. Construction of the new alignment of the Capital Crescent Trail on Bethesda Avenue will provide another means of pedestrian and bicyclist access to the site.

Phasing

For purposes of adequate public facilities review, the applicant is proposing to divide the Project into three phases:

Phase 1: This phase contains 286,879 square feet of office use, 37,136 square feet of retail use, and 210 multi-family dwellings. This phase is the previously approved Woodmont East Preliminary Plan.

Phase 2: This phase contains 182,950 square feet of hotel use, 114,045 square feet of office use, and 5,950 square feet of retail use. This phase consists of all the existing and proposed hotel, office, and retail uses along Wisconsin Avenue and Bethesda Avenue west of the previously approved Woodmont East site, except for the two upper floors of office use and the ground floor retail use proposed to be added to the Artery building.

Phase 3: 54,905 square feet of office and 19,138 square feet of retail. This phase contains the two upper floors of office use and the ground floor retail use proposed to be added to the Artery building.

PROJECT ANALYSIS

Sector Plan

The Bethesda CBD Sector Plan is organized around several goals that the Proposal satisfies:

- Establishment of a vibrant and diverse downtown,
- Development by infill that complements the existing urban fabric,
- Development of a wide range of housing,
- Creation of employment opportunities,
- Creation of an appealing environment for working, shopping, and entertainment.
- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

A full analysis of the Sector Plan conformance was completed during the original project and preliminary plan reviews and can be found in the attached resolutions. The changes proposed by the preliminary plan amendment do not alter the intent, purposes, and findings of the original approval.

In addition, the proposed development includes construction of an alternate alignment for the Capital Crescent Trail along Bethesda Avenue. This alignment is recommended in the Sector Plan as an alternative to the tunnel alignment, and will be of critical importance if the trail is not retained in the tunnel with the Purple Line. Because it is becoming increasingly likely that the trail will not remain in the tunnel after construction of the Purple Line, the trail on Bethesda Avenue has been designed as the primary route between Woodmont Avenue and Wisconsin Avenue. The connection between Wisconsin Avenue and Elm Street Park is outside the scope of this project and will be reviewed in more detail in the future. The conditions in the staff recommendation require construction of the trail prior to release of the initial use and occupancy permit. However, MCDOT states, in its letter of March 23, 2012, that the trail must not be built until after the parking garage in the Lot 31 project opens to the public, in order to avoid the loss of the parking spaces on Bethesda Avenue before the new spaces in the garage become available. The MCDOT requirement could delay construction of the trail by several years, and, therefore, staff continues to recommend the condition as written. Construction of the Bethesda Avenue trail alignment meets the goal of the Sector Plan to create circulation patterns that encourage walking and bicycling.

Transportation

Transportation Planning Staff and the staff of other applicable agencies have reviewed the adequacy and safety of the pedestrian, cyclist, and vehicular circulation patterns and impacts. A detailed review of their analysis is incorporated below in the Preliminary Plan Findings section of the staff report.

In brief, for the original Woodmont East project, the applicant proposed to mitigate 71 peak-hour trips to satisfy the Policy Area Mobility Requirements (PAMR) requirements of the Adequate Public Facilities (APF) test by contributing \$400,000 to study existing and future traffic operations along Bethesda Avenue between Woodmont Avenue and Wisconsin Avenue, including an evaluation of alternate traffic circulation options (including prohibiting eastbound Bethesda Avenue to northbound Wisconsin Avenue left turns at the Bethesda Avenue/Wisconsin Avenue intersection) in the area, safe crossing of the Capital Crescent Trail across Wisconsin Avenue at Bethesda Avenue,

and implementation of safety improvements at the intersection of Wisconsin Avenue and Bethesda Avenue. The changes to the plans proposed by the amendment do not add any additional PAMR requirements.

Environment

The entire development, both existing and proposed, is located on compacted, urban soils; there are no existing environmental features on site. The applicant proposes to meet all afforestation and reforestation requirements through a fee-in-lieu payment.

Development Standards

The subject project plan amendment is zoned CBD-2, which is governed by the development standards in Section 59-C-6 of the Montgomery County Zoning Ordinance. As the data table shows, all of the requirements of the zone are met by the subject project plan. Because this project is within a Parking Lot District, parking spaces are not required to be provided but parking calculations have been provided to indicate the difference between the required number of spaces and, ultimately, the tax to be paid.

Project Data Table for the CBD-2 Zone

Development Standard	Permitted/ Required	Previously Approved		Proposed for Approval
		Woodmont East	Artery Building	
Gross Tract Area (sf.)	18,000	108,005	95,878	253,363
Previous Dedications (sf.)		11,713		40,659
Proposed Dedications (sf.)		0		856
Net Lot Area (sf.)		96,292	95,878	211,848
Maximum Density (FAR)	5	5	4	4.79
Maximum Density, total (sf.)	1,266,815	540,025	393,062	1,212,890
Maximum Density, non-residential (FAR)	4	3	4	3.93
Maximum Density, non-residential (sf.)	1,013,452	324,015	393,062	1,019,854
Consisting of: Office		286,879	354,799	755,739
Retail		37,136	38,263	81,165
Hotel		0	0	182,950
Maximum Dwelling Units, total	N/a	210	0	210
Minimum MPDU (%)	12.5	12.5	N/a	12.5
Minimum MPDUs (du)		27	N/a	27
Building Height, Maximum (ft.)	143	143	122	143
Building Setback, Minimum	N/A	0	0	0
Parking Spaces, Maximum				
Retail	95			
Office	1,423			
Restaurant (Indoor)	625			
Restaurant (Outdoor)	4			
Hotel Guest Rooms	115			
Hotel Conference	75			
Less 15% Retail Metro Credit	-14			
Total Required	2,323			
Mixed Use Calculation Requirement	2,160			900
On-Site Public Use Space, Minimum (% of NLA)	20	29	32	20
On-Site Public Use Space (sf.)	42,370	27,951	30,581	42,370
Off-Site Public Amenity Space (% of NLA)	N/a	37.3	8.4	23.3
Off-Site Public Amenity Space (sf.)		35,885	8,028	49,519

FINDINGS

Project Plan

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a project plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

As the following Findings demonstrate, the subject project plan amendment adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

(a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

Intents and Purposes Of The CBD Zones

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

(1) *“To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board.”*

The Project Plan proposes to use the optional method of development and is in conformance with the Bethesda Central Business District Sector Plan. The proposed development is a mixed-use building with residential, hotel, office, and retail uses, all of which are permitted in the CBD-2 Zone.

The Project Plan will accomplish important Sector Plan objectives as outlined in detail in the Analysis Section of the Staff Report. Namely, the proposal meets the land use and zoning recommendations of the Sector Plan; exceeds the urban design expectations of the Sector Plan; encourages pedestrian and bicycle use with numerous connections and upgrades to trails and sidewalks; expands housing opportunities in the downtown and does so in proximity to transit facilities; and proposes a number and diversity of public-use facilities on- and off-site.

(2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The variety of land uses and activities proposed with this Project Plan are numerous and directly in line with the Sector Plan’s goals and recommendations. These include increased shopping and dining opportunities; recreational opportunities; hotel accommodations to bring visitors to the area; access to public transit; and needed office space downtown. The Project Plan also responds to the need for a variety of housing, including Moderately Priced Dwelling Units, in the Metro Core Area of downtown Bethesda. By creating usable public space, the Project will help meet the recreational needs of local residents.

Under the optional method, this project encourages the development of active urban streets by providing public space along street edges and improves the quality of the pedestrian environment within the improved streetscapes. The improved streetscape, along with the public amenities – especially the large urban, green open spaces, addresses the need for increased public interaction to enhance the ambiance of downtown Bethesda. This project will also increase the vitality of downtown Bethesda and add economic infrastructure for commercial and retail businesses. The Sector Plan identifies the location of the Capital Crescent trail on the north side of Bethesda Avenue, which creates different transportation opportunities in the CBD. However, the location of the trail will eliminate

parking on the north side of Bethesda Avenue, requiring potential retail tenants to rely on parking garages rather than on-street parking.

(3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The Project will provide a compatible and desirable relationship with adjacent and surrounding uses. The design and integration of existing and proposed buildings along Bethesda Avenue provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian environment due to the upgraded streetscape, public spaces, trail and sidewalk connections, and site amenities. The building and site designs respond to the unique transition space this Project occupies between the center of the Metro Core and the edge of the surrounding CBD.

(4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is located within blocks of the Bethesda Metro Station and even closer to many bus stops. It is also directly adjacent to the future Purple Line and a connecting Metro Station. This proximity to transit facilities as well as other downtown shopping, restaurants, and cultural establishments will help alleviate the dependency on the automobile for the residents of the development. The public plaza and streetscape improvements along Woodmont Avenue, Bethesda Avenue, Wisconsin Avenue, and Elm Street will facilitate the desire for pedestrian connectivity to the metro core areas of Bethesda. The proposed construction of the Capital Crescent Trail on Bethesda Avenue will enhance pedestrian and bicyclist access within the central business district and to the Bethesda Metrorail station.

The applicant will also provide amenities for residents commuting by bicycle and will enter into a traffic mitigation agreement (TMAg) with the Planning Board and MCDOT to help the Project achieve the non-driver commuting goal for development in the Bethesda CBD. The TMAg will outline possible transit alternatives, monitoring of the mode-share program, and commuter display information.

(5) *“To improve pedestrian and vehicular circulation.”*

This Project Plan encourages the development of active urban streets and open spaces and improves the quality of the pedestrian environment by providing enhancements to the streetscape as prescribed by the Sector Plan. Vehicular circulation patterns are largely unchanged, but have been analyzed to minimize any impacts of increased traffic and with the integration of a higher volume of pedestrians and cyclists.

The streetscape improvements along Woodmont Avenue, Bethesda Avenue, Wisconsin Avenue, and Elm Street facilitate the desire for pedestrian connectivity to the Metro station. In addition, construction of the Capital Crescent Trail on Bethesda Avenue will improve pedestrian and bicyclist circulation in the central business district.

(6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

The Project continues to propose 210 dwelling units and includes 12.5% MPDUs. The unit types provided within the building vary from one- to three-bedroom units. This range of unit types allows for people of various incomes to live in the Central Business District.

(7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The Project Plan addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Project is assembling several lots to make two more functional lots accommodating appropriately sized multi-use buildings. The application also combines two separate developments; the Woodmont East site, and the Artery building site, consolidating properties and uses within a key block of the CBD.

Further Intents of the CBD-2 Zone

Section 59-C-6.213(c) of the Zoning Ordinance states that it is further the intent that the CBD-2 Zone:

- (1) *“To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral area within and adjacent to the districts; and*
- (2) *To provide an incentive for the development of residential uses to meet the needs of those employed with the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.”*

The proposed development creates an appropriate transition from the core area of the CBD to the mixed-use neighborhood to the south through innovative massing. Further, the integration of public spaces between and around the site enhances the feeling of openness as one moves from the tightly-packed core to the less dense surrounding context.

The proposed residences are within blocks of a large transit station and directly adjacent to future transit, and integrated with one of the most widely used trail systems in the County. Both the residential and the employment opportunities provided by the Project Plan encourage travel by various methods of mass transit.

Requirements of the CBD-2 Zone

The table on page 15 demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development. The proposed development meets the area, public use space, building height, and density standards of the CBD-2 Zone.

Amenities and Facilities Summary

On-Site Improvements

- Public commons with over 3,600 square feet of green area, fountains, seating, and plantings.
- Public plaza and mews with benches, landscaping, water features, lighting.
- Provision of public artworks within the open space.
- Signage and way finding delineating the numerous trails, open spaces, and parks within the Bethesda CBD.
- Improvements to the Georgetown Branch Trail.
- Connections to the Discovery Trail and Elm Street from the plaza.
- Landscaped terraces and recreational opportunities for residents and office employees.

Off-Site Improvements

- Construction of the Capital Crescent Trail along Bethesda Avenue.
- Streetscape improvements along Woodmont Avenue, Wisconsin Avenue, Elm Street, and Bethesda Avenue.
- Enhancement and renovations to Elm Street Park, including play equipment, landscaping, drainage improvements, and seating.

(b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

Zoning and Land Use

The subject property is zoned CBD-2, which is recommended by the Sector Plan. The proposed mixed-use development is composed of 210 dwelling units, a 182,950-square-foot hotel with up to 230 rooms, 81,165 square feet of retail space, and 755,739 square feet of office space. The proposal will be implemented under the optional method of development and proposes a density of 4.79 FAR. The maximum total density permitted for this site under the optional method of development is 5.0 FAR.

The minimum required on-site public use space for this project is 20 percent of the net lot area and the Project proposes 20 percent. As conditioned, the proposal conforms to the approved and adopted Sector Plan.

Sector Plan Conformance

The Approved and Adopted Bethesda CBD Sector Plan is organized around several goals that the Project satisfies:

- Establishment of a vibrant and diverse downtown,
- Development by infill that complements the existing urban fabric,
- Development of a wide range of housing,
- Creation of employment opportunities,
- Creation of an appealing environment for working, shopping, and entertainment.
- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

The Project will continue the tradition of great urban streets provided along Bethesda Row with diverse open spaces, gathering areas, and a variety of living, working, shopping, and recreational opportunities. The Project is quintessential infill development – creating two lots out of several to accommodate numerous complementary uses and articulated in a fashion that transitions from one adjacent building to another. The Project will be within walking distance of the Bethesda Metro Center and other Metrobus and Ride-On bus stops as well as to future mass-transit options.

In order for the Project to function and accommodate the goals of the core area, the design emphasizes distinct volumes and spaces according to use. This unique site within the Metro Core District provides for a consolidated approach to incorporate building design elements along Woodmont Avenue and Bethesda Avenue. This achieves a “fine-grain” texture and takes advantage of views over the adjacent and confronting buildings, and allows sunlight and air into the space, maintaining a feeling of open space at the intersection. The architectural detailing will create a strong visual statement at the southwest corner of the Metro Core District to unify and enhance the existing urban fabric. The retail component and lobbies at the ground plane reinforce the existing pedestrian scale.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The Project has been designed to ensure compatibility with the existing uses and the general neighborhood. The proposed development is in accordance with the Sector Plan and the requirements of the Zone regarding use, setbacks, height, and massing. The mixed-use project has made provisions for generous sidewalks along Woodmont Avenue, Bethesda Avenue, Wisconsin Avenue, and Elm Street and created 42,370 square feet of on-site public use space that will enhance the pedestrian activity of the neighborhood. Because vehicular activity is limited, pedestrian and vehicular conflicts are minimized. The scale and design of the massing and the orientation of the proposed buildings are appropriate relative to the adjacent properties and provide an attractive and interesting architectural design that adds character to the area.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The Project proposes a mix of uses on a site that has access to the necessary water and sewer lines. The stormwater management system is designed to minimize impacts on the existing system through alternatives for quantity control. Full quantity and quality control of stormwater runoff will be included in the final project configuration at site plan review.

The applicant is promoting smart growth within the urban environment by minimizing parking spaces, providing bicycle facilities, and developing near the existing Metro Station and will not, therefore, overburden existing public services with the proposed project. In addition, the improvements that are being made to the streetscape and trail connections facilitate and encourage pedestrian accessibility to the Metro and encourage the future residents, employees, and retail patrons to take advantage of existing infrastructure.

A traffic study was completed for the proposed development and is detailed in the Preliminary Plan LATR analysis on page 25. A TMAg is required of the applicant.

- (e) The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The approval of the Optional Method of Development at this location will permit a greater mixed-use density than allowed under the standard method of development within an area of extensive public transit, entertainment, and shopping opportunities. The difference between the permitted density (standard vs. optional method) is 2.0 FAR. The higher density also allows for buildings that can afford to provide underground parking, extensive renovations to local trails, and a large public plaza.

The Project will also provide more on-site public use space and more off-site public amenity space along the pedestrian network than would be achieved under the standard method of development. The standard method of development requires 10 percent of the net lot area to be attributed to public use space, while the optional method requires a minimum of 20 percent, as well as public amenities to support the increased density. The proposed optional method development will also provide public art, which is essential to the cultural and aesthetic identity of a downtown. The optional method is more desirable to accomplish the goals of the Sector Plan and is a more efficient type of development in the Metro Core.

- (f) The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The proposed development provides 12.5% MPDUs on site, in compliance with Chapter 25A of the Montgomery County Code.

- (g) When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

The Project is entirely within the CBD-2 Zone and does not propose any density transfers.

- (h) As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The property will satisfy the requirements of the Final Forest Conservation plan by payment of a fee-in-lieu.

- (i) As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The MCDPS Stormwater Management Section approved the stormwater management concept on September 8, 2011. The stormwater management concept proposes to meet required stormwater

management goals via environmental site design to the maximum extent practicable with the use of green roofs and micro-bioretenion.

Preliminary Plan

Master Plan Conformance

The Bethesda CBD Sector Plan is organized around several goals that the preliminary plan satisfies:

- Establishment of a vibrant and diverse downtown,
- Development by infill that complements the existing urban fabric,
- Development of a wide range of housing,
- Creation of employment opportunities,
- Creation of an appealing environment for working, shopping, and entertainment.
- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

A full analysis of the Sector Plan conformance was completed during the original project and preliminary plan reviews and can be found in the attached resolutions. The changes proposed by the preliminary plan amendment do not alter the intent, purposes, and findings of the original approval.

In addition, the proposed development includes construction of an alternate alignment for the Capital Crescent Trail along Bethesda Avenue. This alignment is recommended in the Sector Plan as an alternative to the tunnel alignment, and will be of critical importance if the trail is not retained in the tunnel with the Purple Line. Construction of the Bethesda Avenue trail alignment meets the goal of the Sector Plan to create circulation patterns that encourage walking and bicycling.

Roads and Transportation Facilities

The existing site is currently developed with 469,839 SF of office and 66,399 SF of commercial/retail uses. For access, the site currently has a right-turn in/right-turn out driveway on Wisconsin Avenue, two full-movement driveways on Bethesda Avenue, and two full-movement driveways on Elm Street. A portion of the site has been previously approved but unbuilt density of 208,579 SF of office, 9,000 SF of commercial/retail, and a 210-unit high-rise residential building (216,010 SF) remain. The plan amendments propose to remove 91,629 SF of office and 19,322 SF of commercial/retail from the site and add 168,950 SF of office (i.e., a net office density of 77,321 SF), 25,088 SF of commercial/retail (i.e., a net commercial/retail density of 5,766 SF), and a 230-room hotel (182,950 SF) to the site. Vehicular ingress and egress to/from the proposed development will remain similar to existing conditions, with the hotel drop-off and lay-by accommodated on-site. Pedestrian/bicyclist access to the site and through the site will be provided primarily along Bethesda Avenue and the plaza and mews adjacent to Woodmont Avenue. The immediate area is well served by transit and includes the Red Line Bethesda Metro Station, Metrobuses, RideOn buses and the Bethesda Circulator. Future transit in the area includes the western terminus and station for the Purple Line and a second entrance to the Red Line, under the Apex Building just north of the site.

Consistent with the Bethesda CBD Sector Plan, the staff recommendation includes a condition that requires the applicant to construct the Capital Crescent Trail along site frontage (i.e., along the north

side of Bethesda Avenue between Wisconsin Avenue and Woodmont Avenue). Recently, the Council T&E committee reviewed the Purple Line and Capital Crescent Trail projects and voted to eliminate the option with the trail over the Purple Line within the Bethesda tunnel. At that time, the T&E Committee asked Maryland Transit Administration (MTA) to evaluate the feasibility of providing a sidewalk alongside the Purple Line that connects Woodmont Plaza to Elm Street Park and asked Montgomery County Department of Transportation (MCDOT) to provide their comments on single tracking of the Purple Line within the Bethesda tunnel, which would enable the trail to be built alongside the Purple Line. However, MTA is concerned that a single-track option would not permit the Purple Line to maintain required 6-minute headways. The Committee also voted to fund the Capital Crescent Trail in the County's Capital Improvements Program (CIP), for the Georgetown Branch portion of the trail from Bethesda to the Lyttonsville area.

- **Master Plan Roadways and Pedestrian/Bikeway Facilities**

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* has the following master-plan facilities along the property frontage:

1. Wisconsin Avenue, to the east of the site, as a six- to eight-lane divided major highway (M-6) with a minimum right-of-way width of 114 feet.
2. Bethesda Avenue, to the south of the site, as a two-lane business street with a minimum right-of-way width of 60 feet.
3. Woodmont Avenue, to the west of the site, as a two-lane arterial (A-68) with a minimum right-of-way width of 80 feet.
4. Elm Street, to the north of the site, as a two-lane primary residential street with minimum right-of-way width of 60 feet.

The 2005 Countywide Bikeways Functional Master Plan recommends the surface alignment for the Capital Crescent Trail (SP-44) to be along Bethesda Avenue (along site frontage) and the tunnel alignment for the Capital Crescent Trail (SP-6) to be under the Apex and Air Rights Buildings. The Functional Master Plan also recommends bike lanes along Woodmont Avenue (BL-6) between Battery Lane to the north and Wisconsin Avenue to the south and along Elm Street (BL-7) from Arlington Road to the west to Bethesda Metro Station.

- **Adequate Public Facilities Review**

A traffic study (dated January 30, 2012) was prepared by the consultant for the applicant and submitted with the application per the *LATR/PAMR Guidelines* since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

- **Trip Generation**

The peak-hour trip generation estimate for the proposed development was based on Bethesda CBD trip generation rates included in the *LATR/PAMR Guidelines*. A site trip generation summary is provided in Table 1, which shows that the increase in density proposed as part of the subject plan amendment will generate 171 peak-hour trips during weekday morning peak period and 182 peak-hour trips during weekday evening peak period.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED WOODMONT/7200 DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
A. Proposed Density – (CBD Rates)						
Office – 168,956 SF	215	38	253	63	190	253
Retail – 25,088 SF	8	8	16	33	32	65
Hotel – 230 rooms	31	20	51	28	23	51
Total Trips (A1)	254	66	320	124	245	369
B. Demolition of Existing Density – (CBD Rates)						
Office – 91,629 SF	116	21	137	34	103	137
Retail – 19,322 SF	7	6	13	25	25	50
Total Trips (B1)	123	27	150	59	128	187
C. Net Additional Density – (CBD Rates)						
Office – 77,327 SF	99	17	116	29	87	116
Retail – 5,766 SF	2	2	4	8	7	15
Hotel – 230 rooms	31	20	51	28	23	51
Net Additional Trips (C1 = A1 – B1)	132	39	171	65	117	182

Source: Wells and Associates, Inc. Local Area Transportation Review and Policy Area Mobility Review; January 30, 2012.

- **Local Area Transportation Review**

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the Bethesda CBD congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the APF test.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED WOODMONT/7200 DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Arlington Rd/Elm St	714	913	742	948	745	957
Arlington Rd/Bethesda Ave	898	1,013	991	1,097	1,045	1,124
Woodmont Ave/Hampden Ln	443	688	518	777	528	782
Woodmont Ave/Elm St	654	961	796	1,134	816	1,144
Woodmont Ave/Bethesda Ave	572	799	717	994	759	1,037
Wisconsin Ave/Montgomery Ave/Ln	985	966	1,197	1,119	1,202	1,134
Wisconsin Ave/Waverly St/Elm St	829	958	962	1,134	979	1,152
Wisconsin Ave/Elm St	655	735	725	825	741	843
Wisconsin Ave/Bethesda Ave	790	965	892	1,019	957	1,086
Wisconsin Ave/Leland St/Woodmont Ave	853	963	986	1,266	989	1,278
Bethesda Ave/West Site Access Drwy	--	--	--	--	482	631
Bethesda Ave/East Site Access Drwy	--	--	--	--	469	657

Source: Wells and Associates, Inc. Local Area Transportation Review and Policy Area Mobility Review; January 30, 2012.
Note: Bethesda CBD Policy Area Congestion Standard: 1,800 CLV

- **Policy Area Mobility Review**

A summary of the PAMR trip mitigation requirements for the proposed development is presented in Table 3.

The proposed development, as a result of being located within the Bethesda CBD, is required to mitigate 25% of the net new trips generated by a similar development using Countywide trip generation rates. In addition, by virtue of being located within the Bethesda CBD, the applicant is eligible to receive a CBD trip credit equivalent to the difference in net new trips between similar developments located outside the CBD (determined using Countywide trip generation rates) and located within the CBD (determined using CBD trip generation rates).

Thus, as summarized in Table 3, a development similar to that proposed on the site would generate 293 net new peak-hour trips during the morning peak-period and 302 net new peak-hour trips during the evening peak-period using Countywide trip generation rates (Line C1). This results in a mitigation requirement of 73 peak-hour trips during the morning peak period and 76 peak-hour trips during the evening peak period (Line G1) for the application to satisfy the PAMR requirements of the APF test. The proposed development, as a result of being located within the Bethesda CBD, will generate 171 net new peak-hour trips during the morning peak period (i.e., 122 fewer peak-hour trips compared to Countywide peak-hour trips noted above) and 182 net new peak-hour trips during the evening peak period (i.e., 120 fewer peak-hour trips compared to Countywide peak-hour trips

noted above) towards its PAMR mitigation requirement (Line F1 and Line H1). With the above credit, the proposed development will fully off-set the PAMR mitigation requirement of 73 peak-hour trips during the morning peak period and 76 peak-hour trips during the evening peak period and satisfy the PAMR requirements of the APF test.

**TABLE 3
PAMR MITIGATION REQUIREMENT CALCULATION
PROPOSED WOODMONT/7200 DEVELOPMENT**

	Morning Peak-Hour	Evening Peak-Hour
A. Proposed Density – (Countywide Rates)		
Office – 168,956 SF	279	263
Retail – 25,088 SF	47	186
Pass-by (34% of retail)	-16	-63
Hotel – 230 rooms	154	161
Total Trips (A1)	464	547
B. Delete Approved/Unbuilt Density – (Countywide Rates)		
Office – 91,629 SF	148	152
Retail – 19,322 SF	35	141
Pass-by (34% of retail)	-12	-48
Total Trips (B1)	171	245
C. Net Additional Density – (Countywide Rates)		
Office – 77,327 SF	131	111
Retail – 5,766 SF	12	45
Pass-by (34% of retail)	-4	-15
Hotel – 230 rooms	154	161
Net Additional Trips (C1 = A1 – B1)	293	302
D. Proposed Density – (CBD Rates)		
Office – 168,956 SF	253	253
Retail – 25,088 SF	16	65
Hotel – 230 rooms	51	51
Total Trips (D1)	320	369
E. Delete Approved – (CBD Rates)		
Office – 91,629 SF	137	137
Retail – 19,322 SF	13	50
Total Trips (E1)	150	187
F. Net Additional Density – (CBD Rates)		
Office – 77,327 SF	116	116
Retail – 5,766 SF	4	15
Hotel – 230 rooms	51	51
Net Additional Trips (F1 = D1 – E1)	171	182
G. PAMR Mitigation Requirement		
PAMR (G1 = C1 x 0.25)	73	76
H. Trip Credit for CBD Location		
Trip Credit (H1 = C1 – F1)	122	120
I. Adjusted PAMR Mitigation Requirement		
(I1 = H1 – G1)	+49	+44
[PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]	(Pass PAMR)	(Pass PAMR)

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the property. The application is within the Bethesda Chevy Chase School cluster area which is currently operating between 105-120% of capacity at the elementary and middle school levels. However, the application for the original subdivision was filed before January 2007, and the current amendment application is not subject to the current Subdivision Staging Policy. Therefore, the application is not subject to a school facilities payment. Electrical, telecommunications, and gas services are also available to serve the Property.

Environment

There are no streams, wetlands, floodplains, or sensitive features on-site, nor any forest or significant specimen trees. The site is located in the Little Falls watershed. The site slopes down away from Wisconsin Avenue and drains towards the southeastern portion of the property. The site is subject to Section 22A of the Montgomery County code. A preliminary and final Forest Conservation Plan were submitted on January 24th, 2012. The forest conservation worksheet shows a gross tract area of 4.86 acres with an additional 0.58 acres of offsite land disturbance for a total of 5.44 acres. There is no forest, significant and specimen trees on-site, nor any offsite trees which are affected by this development. All afforestation and reforestation requirements will be met through a fee-in-lieu payment.

Wisconsin Avenue is an urban highway, and, given its proximity to the site, motor vehicle traffic-generated noise impacts are anticipated. A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for commercial units facing Wisconsin and Bethesda Avenue. Conditions relating to the noise analysis are part of this recommended approval including that the noise analysis must provide further details for and location of noise mitigation techniques to attenuate current noise levels to no more than 62 dBA Ldn for areas proposed for common outdoor activity. Options for creating quieter areas within the exterior open space should be considered to enhance its value and usage, except for any type of structural noise mitigation that would visually screen the public-use areas. The conditions also require the applicant to verify that interior noise levels will not exceed 45 dBA Ldn through a shell analysis and to construct the building to achieve this interior noise level.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on September 8, 2011. The stormwater management concept proposes to meet required stormwater management goals via environmental site design to the maximum extent practicable with the use of green roofs and micro-bioretenment.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The proposed subdivision was reviewed for compliance with the dimensional requirements for the CBD-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Proposed on-site Public Use Space meets the minimum requirement of 20%. A summary of this review is included in Appendix A. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Truncation

Section 50-26(c)(3) of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections that ensures that adequate sight distance is available and creates space for traffic channelization. But the regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and channelization needs at the intersections adjacent to the subject property.

In this case, the applicant is proposing to provide an approximate 10-foot truncation at the intersection of Bethesda Avenue and Wisconsin Avenue. Full truncation at this intersection is not necessary because adequate sight distance exists. The intersection is signalized, which further enhances its safety and removes the concern that there is not sufficient space within the right-of-way to place traffic signal equipment. Providing full truncation would negatively impact the design of the proposed Project and the provision of the required public use space. The Project is proposing to provide exactly the required amount of public use space. The area that would be required for standard truncation measures approximately 220 square feet and is included in the provided public use space. For these reasons, Staff recommends that the Planning Board find that the proposed truncation in this location is appropriate at this intersection.

In order to ensure that the sidewalk and multi-use path at the intersection allow for unimpeded flow of pedestrians and bicyclists, the staff recommendation includes as a condition of approval for the site plan that the applicant not place any obstructions in the area that otherwise would have been within the standard truncation area. Another condition requires dedication of a public improvements easement (PIE) over the same area, which ensures that improvements related to pedestrian and bicycle circulation can be installed in the future, as needed.

MCDOT does not support the provision of less than full truncation. Although its review letter of March 23, 2012, does not precisely state a reason for the non-support, the concern is related to pedestrian and bicycle circulation. It is staff's opinion that the previously mentioned conditions that prohibit placement of obstructions in the area that would otherwise constitute standard truncation and require dedication of a PIE adequately protect pedestrian and bicycle circulation.

Site Plan

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

Neither a development plan, diagrammatic plan, nor a schematic development plan were required for the subject site. The subject site plan is consistent with project plan amendment 92007007B, as conditioned by this staff report.

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

The proposed uses are allowed in the CBD-2 Zone, and the site plan fulfills the specific purposes of the zone by providing an expanded source of employment in a desirable urban environment, a transitional density from the core to the periphery of the CBD, and makes effective use of transit facilities for employees and residents.

As the project data table on page 15 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, density, and public use space, the proposed development meets the minimum and maximum standards, respectively.

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

The buildings and structures of the proposed development are located along the street, which is appropriate for the character envisioned by the Sector Plan. These locations provide easy access to the buildings from adjoining sidewalks and parking. The locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space that is provided by the site plan amendment extends the inviting public space from Woodmont Avenue to Wisconsin Avenue, which will help activate both the retail uses and the sidewalk along the property. Streetscape improvements are further provided to enhance the pedestrian environment. The recreation facilities for the residential portion of the site take advantage of nearby public amenities and the urban environment. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Sector Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. The vehicular circulation is designed to minimize pedestrian and bicycle conflicts. The emphasis on pedestrian and bicycle circulation within the site and the recommendations of the Master Plan are an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed structures and uses extend and expand retail, commercial, and hotel uses along Bethesda Avenue and are compatible with the existing and proposed adjacent and confronting development. The Project has been designed to ensure compatibility with the existing uses and the general neighborhood. The proposed development is in accordance with the Sector Plan and the requirements of the Zone regarding use, setbacks, height, and massing. The mixed-use project has made provisions for generous sidewalks along Woodmont Avenue, Bethesda Avenue, Wisconsin Avenue, and Elm Street and created 42,370 square feet of on-site public use space that will enhance the pedestrian activity of the neighborhood. Because vehicular activity is limited, pedestrian and vehicular conflicts are minimized. The scale and design of the massing and the orientation of the proposed buildings are appropriate relative to the adjacent properties and provide an attractive and interesting architectural design that adds character to the area.

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

The proposed development is subject to the forest conservation law and will meet its afforestation requirements by paying a fee-in-lieu.

The stormwater management concept proposes to meet required stormwater management goals via environmental site design to the maximum extent practicable with the use of green roofs and micro-bioretenion.

RECOMMENDATION AND CONDITIONS

Project Plan

Staff recommends **Approval** of Project Plan Amendment 92007007B for a maximum of 193,036 square feet of multi-family residential use consisting of 210 multi-family dwelling units, including 12.5% MPDUs; 182,950 square feet of hotel use, 81,165 square feet of general retail use; and 755,739 square feet of general office use. The total maximum floor area is 1,212,890 square feet.

1. Replacement of Original Conditions

All conditions imposed by the approval of Project Plan No. 92007007A in Planning Board Resolution No. 09-47, dated May 29, 2009, are hereby superseded by the conditions contained herein.

2. Development Ceiling

The proposed development is limited to a Floor Area Ratio of 4.79, which includes a maximum of 193,036 square feet of multi-family use consisting of 210 multi-family dwelling units, 182,950 square feet of hotel use, 81,165 square feet of general retail use, and 755,739 square feet of general office use.

3. Building Height and Mass

The proposed development is limited to 143 feet in height from the measuring point on Wisconsin Avenue (elevation 348.54).

4. Transportation

- a. The applicant must not prevent bicycle and pedestrian access to the tunnel located under Wisconsin Avenue, through which the interim Georgetown Branch Trail passes, during and after construction of this development, except as allowed by condition 4.b. below.
- b. Any temporary detour of the trail from the site may not exceed 5 days and must be approved by MNCPPC and MCDOT staff prior to relocation, except in the case of emergency.
- c. The applicant must identify on the site plan the on-site interim and Bethesda Avenue right-of-way permanent future alignments and designs for the Capital Crescent Trail.
- d. Prior to certification of the site plan, the applicant must provide a detailed intersection design for the Woodmont Avenue/Bethesda Avenue intersection. The crosswalks must provide as direct a connection as possible from the tunnel opening, across the intersection and to the existing trail on the south side of Bethesda Avenue, recognizing the safety concerns presented by the irregularly shaped intersection and as approved by MCDOT, MCDPS, and MNCPPC staff.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The applicant must provide a minimum of 12.5% MPDUs on site for the residential component, consistent with the requirements of Chapter 25A of the Montgomery County Code. The applicant is not receiving any density bonus with this project plan approval. The final number and distribution of MPDUs will be determined at site plan for the residential building.

- b. The applicant must obtain an agreement to build pertaining to the construction and staging of MPDUs from DHCA prior to issuance of any building permits for the residential building.
6. Public Use Space
 - a. The applicant must provide a minimum of 20% of the net lot area for on-site public use space and a minimum of 23.3% of the net lot area for off-site public amenity space exclusive of any café reservation areas. These areas may be phased with the development as detailed in each site plan approval.
 - b. The final design and details of the public use space will be determined during site plan review.
 - c. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
 - d. The applicant must provide a way-finding sign along the Capital Crescent Trail near Woodmont Avenue indicating the locations of local parks and trails.
7. Streetscape
 - a. The applicant must relocate all utilities underground as part of the proposed streetscape improvements.
 - b. The applicant must provide the standard Bethesda Streetscape paving, lighting, and planting details along the Woodmont Avenue, Elm Street, and Bethesda Avenue frontages unless amended or modified during site plan review.
8. Staging of Amenity Features
 - a. The applicant may construct the proposed development in phases. A detailed development program will be required prior to approval of each certified site plan.
 - b. The applicant must install the landscaping no later than the next growing season after completion of any open space within any proposed construction phase.
 - c. The applicant must complete the Bethesda Avenue right-of-way Capital Crescent Trail improvements prior to issuance of the final use-and-occupancy permit(s) for the proposed retail in Phase 3.
9. Maintenance and Management Organization

Prior to issuance of the final use-and-occupancy permit for the first office/retail building constructed, the applicant must create a maintenance plan for all on-site public use space. Implementation of the maintenance plan may be undertaken by the applicant or subsequent private owners unless an alternative arrangement is made with the Bethesda Urban Partnership or another public entity.
10. Coordination for Additional Approvals Required Prior to Certification of the Site Plan
 - a. The applicant must obtain written approval from the Montgomery County Department of Parks for the improvements and enhancement of Elm Street Park and the Capital Crescent Trail section within the park.
 - b. The applicant must obtain approval from MCDOT and MCDPS in consultation with MNCPPC staff for the final design and extent of any and all non-standard improvements within the rights-of-way.

- c. The applicant must obtain written approval from the Maryland Transit Authority to ensure compatibility of the site plan designs and proposed improvements to the Purple Line Transit Way and the Capital Crescent Trail.

Preliminary Plan

Staff recommends **Approval** of Preliminary Plan Amendment 12007020B pursuant to Chapter 50 of the Montgomery County Code, subject to the following conditions.

1. All conditions imposed by the approval of Preliminary Plan No. 12007020A in Planning Board Resolution No. 09-45, dated May 29, 2009, are hereby superseded by the conditions contained herein.
2. The applicant must comply with the conditions of approval for Project Plan Amendment 92007007B.
3. Approval under this preliminary plan is limited to a maximum of 193,036 square feet of multi-family residential use consisting of no more than 210 multi-family dwelling units (including a minimum of 12.5% MPDUs), 182,950 square feet of hotel use, 81,165 square feet of general retail use, and 755,739 square feet of general office use.
4. The final number of dwelling units and MPDUs will be determined at Site Plan.
5. The final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
6. The applicant must comply with the conditions of approval for the final forest conservation plan No. 82009008A, dated January 20, 2012. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
 - a. Provide a revised Preliminary FCP Data Table to include 0.33 acres of offsite disturbances.
 - b. Alter the limits-of-disturbance line along Wisconsin Avenue to protect the existing street trees.
7. No clearing, grading or recording of plats prior to certified site plan approval.
8. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated March 23, 2012 (“Agency Letter”), and does hereby incorporate them as conditions of the Preliminary Plan approval, except for the recommendation that truncation not be reduced at the intersection of Wisconsin Avenue and Bethesda Avenue and that multi-use path on Bethesda Avenue not be constructed until after the Lot 31/31A parking garage is operational. Therefore, the applicant must comply with each of the recommendations, except as noted above, as set forth in the Agency Letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its letter dated February 10, 2012 (“Agency Letter”), and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the applicant must comply with each of the recommendations as set forth in the Agency Letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. The applicant must satisfy the provisions for access and improvements as required by MCDOT prior to recordation of plat(s).

11. The applicant must satisfy the provisions for access and improvements as required by MDSHA prior to issuance of access permits.
12. The applicant must dedicate and show on the record plat dedication of an approximately 856-square-foot area for the right-of-way for Wisconsin Avenue, as shown on the preliminary plan.
13. The applicant must show on the record plat that the following rights-of-way along the property frontage have widths that are consistent with the Bethesda CBD Sector Plan:
 - a. Wisconsin Avenue – minimum of 57 feet from the roadway right-of-way centerline.
 - b. Bethesda Avenue – minimum of 30 feet from the roadway right-of-way centerline or 60 feet from the opposite right-of-way line.
 - c. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline.
 - d. Elm Street – minimum of 30 feet from the roadway right-of-way centerline.
14. The applicant must finalize design details for frontage improvements along Bethesda Avenue to accommodate the Capital Crescent Trail at least 30 days prior to the submission of a certified site plan for the development. The following design elements, in addition to the trail concept details provided on the Preliminary Plan and Site Plan dated January 20, 2012, must be included by the applicant:
 - a. Low-level plantings with a bollard and chain within the entire length of the buffer area between the trail and the travel lanes. Planting placed in the buffer must not grow into the road or the trail.
 - b. A reduction in garage driveway width to encourage slow turns by vehicles turning into and out of the driveway.
 - c. Adequate differentiation for the trail from the sidewalk through redundant measures, including variation in the elevation of the trail as shown in the plan, the barrier to the edge of the proposed amenity space, and asphalt paving, where appropriate.
 - d. Colored paving (green color) for the driveway at the two site access points per the NACTO Urban Bikeway Design Guide for two-way cycle tracks.
 - e. Signs inside the garage and along the trail to identify trail crossings, sidewalks, and vehicle crossings.
 - f. A trail cross slope of 2% maximum at the driveways.
 - g. Adequate lighting to illuminate both the sidewalk and the trail, especially at intersections and driveways.
 - h. Bollards at all driveway access points and intersections to prevent motor vehicles from entering the trail.
15. Prior to release of any building permit, the applicant must satisfy Local Area Transportation Review (LATR) by constructing an exclusive left-turn lane and a shared through/right-turn lane on the westbound approach of Elm Street at the intersection of Woodmont Avenue in accordance with MCDOT requirements.
16. The applicant must satisfy the Policy Area Mobility Review (PAMR) requirements associated with Phase 1 of the application by mitigating 30% of the new peak-hour trips during the weekday morning (7:30 to 9:30 a.m.) peak period and evening (4:00 – 6:00 pm) peak period by mitigating 71 peak-hour trips at \$11,000 per peak hour trip for a total of \$781,000.00. This PAMR mitigation payment must be made to CIP Project No. 500119, Bethesda Bikeway and Pedestrian Facilities to plan, design, and construct the Capital Crescent Trail along Bethesda Avenue, Willow Lane, and 47th Street. The study must include review of existing and future traffic operations along Bethesda Avenue between Woodmont Avenue and Wisconsin Avenue, evaluation of alternate traffic management and circulation options in the

area, and implementation of a safe crossing of Capital Crescent Trail across Wisconsin Avenue at Bethesda Avenue/Willow Lane. The applicant may be allowed to split the PAMR payment into two installments of 50% each, with the first payment made prior to issuance of building permit for any new development on the site and the second payment made within a year of the first payment.

17. The applicant must construct the frontage improvements along Elm Street, Woodmont Avenue, and Bethesda Avenue, not including construction of the Capital Crescent Trail on Bethesda Avenue, in coordination with MCDOT. Improvements to Woodmont Avenue and Bethesda Avenue must be complete and open to traffic prior to release of the initial use and occupancy permits. Improvements to Elm Street must be complete and open to traffic prior to release of the initial use and occupancy permits for the residential building.
18. The applicant must ensure that the ownership issues are fully resolved so that the Purple Line and Georgetown Branch Trail can be accommodated as designed by the Maryland Transit Administration (MTA) by providing the following:
 - a. A perpetual easement/reservation area that varies from 32 feet to 38 feet wide within, and parallel to, the Georgetown Branch right-of-way from the western property line to the eastern property line. Within this area, the applicant must comply with following restrictions:
 - i. The foundation of the office building must be set 1 foot back from the south side of the easement/reservation area.
 - ii. Permanent facilities must not be constructed and/or installed within the easement/reservation area if they might interfere with access to the tunnel by MTA or County emergency, construction, and maintenance equipment.
MTA must review and approve the site plan as submitted for the references herein to reflect that the easement/reservation and other construction constraints are reflected on the certified site plan. This easement is for the Purple Line or public use, as needed.
 - b. A perpetual easement/reservation area – as indicated on the site plan to accommodate a future switch-back ramp for the Georgetown Branch Trail and that is publicly accessible – must be noted on the record plat. This easement must be a minimum of 1,960 square feet along the property’s eastern edge adjoining the tunnel. The record plat notes regarding this easement/reservation must include language that:
 - i. Grants access to the future switch-back ramp reservation area by the State and/or County to construct the switchback ramp and the connecting Trail segments; and
 - ii. Grants perpetual public access within this easement/reservation area by the County to maintain the switchback ramp and connecting Trail segments; and
 - iii. Grants perpetual public access by Trail users.
The ultimate size and delineation for this easement/reservation area must be finalized at the time of certification of the site plan and delineated on the Record Plat.
 - c. A perpetual easement/reservation area that satisfies the American Association of State Highway and Transportation Officials (AASHTO) standards of a minimum 10-foot wide paved shared use path with a 2-foot lateral clearance on each side from the western property line to the eastern property line parallel to the easement for the Purple Line except on the future switch-back ramp. On the switch-back ramp,

- future design considerations by MTA may limit the 2-foot lateral clearance on each side. The easement/reservation area for the shared use path should match the new flared design where the path intersects with the sidewalk along Woodmont Avenue.
19. The applicant must provide the minimum vertical clearances for the 32-foot-wide Georgetown Branch perpetual easement as follows:
 - a. Four feet below the top of the rail for the Purple Line (at an elevation to be identified by the MTA) along any segment of any Purple Line track.
 - b. Twenty-three (23) feet above the top of the rail for the westbound Purple Line track.
 20. The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD). The TMAg must be signed and executed by all parties prior to the release of any new building permit for development on the subject property. The Agreement must include trip reduction measures as identified in the MCDOT letter dated March 23, 2012, comment No. 9.
 21. The applicant must prepare in connection with the residential development an analysis of future transportation noise levels prior to Site Plan submittal. The analysis must be conducted by an acoustical professional.
 - a. At time of building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 dBA Ldn.
 - b. The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to M-NCPPC staff.
 - c. The certification and builder acceptance letter must be provided to M-NCPPC Environmental Planning staff before building permits are approved.
 22. The applicant must submit a copy of Montgomery County Council Resolution No. 16-1059 for the Abandonment of Reed Street prior to recordation of the plat. The applicant must comply with any conditions contained in the Council Resolution.
 23. The certified preliminary plan must contain the following note: "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 preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
 24. The applicant must grant and the record plat must show a public improvements easement on the area that would have been standard truncation at the intersection of Woodmont Avenue and Bethesda Avenue.
 25. The record plat must show necessary easements.
 26. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid according to the following phasing schedule:

Phase 1: 286,879 square feet of office use, 37,136 square feet of retail use, and 210 multi-family dwellings. This phase is the previously approved Woodmont East Preliminary Plan No. 12007020A; the APF review is valid until June 29, 2020.

Phase 2: 182,950 square feet of hotel use, 114,045 square feet of office use, and 5,950 square feet of retail use. The APF review for Phase 2 will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

Phase 3: 54,905 square feet of office and 19,138 square feet of retail. The APF review for Phase 3 will remain valid for one hundred and nine (109) months from the date of mailing of the Planning Board Resolution.

Site Plan

Staff recommends **Approval** of Site Plan Amendment 82009008A. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on January 24, 2012, are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Replacement of Original Conditions
These conditions of approval supersede the original conditions of approval of Site Plan No. 820090080 in full. All conditions imposed by the approval of Site Plan No. 820090080 in Planning Board Resolution No. 09-46, dated May 29, 2009, are hereby superseded by the conditions contained herein.
2. Project Plan Conformance
The applicant must comply with the conditions of approval for Project Plan 92007007B.
3. Preliminary Plan Conformance
The applicant must comply with the conditions of approval for preliminary plan 12007020B.

Environment

4. Forest Conservation
The applicant must comply with the conditions of the approved final forest conservation plan. The applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.
5. Noise Attenuation
 - a. Provide certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 62 dBA Ldn.
 - b. Provide certification that interior noise levels, after construction is complete and before occupancy, that the interior noise levels do not exceed 45 dBA Ldn.
6. Stormwater Management
The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its letter dated February 10, 2012 ("Agency Letter"), and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the applicant must comply with each of the recommendations as set forth in the Agency Letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. Green Roof

A green roof of at least 5,000 square feet must be provided on the proposed office/retail building that is located at the intersection of Bethesda Avenue and Woodmont Avenue.

8. LEED Certification

The applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the applicant must provide to staff a written report for public record purposes only from the applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

Transportation & Circulation

9. Capital Crescent Trail

The applicant must complete the Bethesda Avenue right-of-way Capital Crescent Trail improvements prior to issuance of the final use-and-occupancy permit(s) for the proposed retail in Phase 3.

10. Transportation

- a. The applicant must provide a minimum of twenty (20) bike lockers for office employees in the parking garage or office building and ten (10) inverted-U bike racks (or approved equivalent) for office employees and retail customers in the public plaza and/or mews. The applicant must coordinate with MNCPPC staff to determine the final location and timing of installation of the bicycle parking facilities prior to approval of the certified site plan.
- b. The applicant must provide a flare for the on-site Capital Crescent Trail from 10 to approximately 20 feet wide at the intersection of the Trail with the Woodmont Avenue sidewalk. The final design to be approved by MNCPPC staff prior to approval of the certified site plan.
- c. The applicant must provide way-finding facilities to guide the Capital Crescent Trail users through the Woodmont Avenue/Bethesda Avenue intersection and to the tunnel. This should include signage, pavement markings, in-laid medallions, and/or other appropriate measures. Way-finding facilities must be approved by MNCPPC staff prior to approval of the certified site plan.
- d. The applicant must work with MCDOT to provide special signalization timing to allow bicyclists and pedestrians to pass across the Woodmont Avenue/Bethesda Avenue intersections from the southwest to the northeast corner in one traffic signal phase. If approved by MCDOT, this improvement must be complete and operational prior to release of the office/retail building use-and-occupancy permit.

11. Easement Areas, Purple Line, and Trail Issues

- a. Any utilities within the future easement for the Capital Crescent Trail that must be relocated to construct the Trail ramp will be done at the applicant's expense.
- b. The applicant must not construct and/or install any permanent facilities within the Purple Line easement or future easement areas that may interfere with access to the tunnel by MTA or MC emergency, maintenance, and construction equipment.
- c. The record plat must include a note providing that the public use space will provide unobstructed access between the face of the tunnel and Woodmont Avenue, along the north side of the easement area.
- d. Sloped sections of the Trail ramp may not exceed 8.33%.
- e. Paving within the Purple Line easement areas must be constructed to support vehicular traffic.

12. Pedestrian Circulation

In order to facilitate pedestrian circulation, show an area on the site plan corresponding to the area that would be dedicated for public right-of-way if standard 25-foot truncation at the intersection of Bethesda Avenue and Wisconsin Avenue had been required of this project. Provide a plan note that states that the applicant must not place any structures or other items, including temporary items, that would interfere with pedestrian movement on the sidewalk within what would have been the 25-foot truncation area at the intersection.

Site Plan

13. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Area 1 staff.
- b. The applicant must provide a revised design of the intersection of the on-site Capital Crescent Trail with the Woodmont Avenue sidewalk per condition 10.b. above prior to certified site plan.

14. Private Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for mixed-use development.
- b. All onsite down-light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

15. Surety

Prior to issuance of first building permit within each relevant phase of development, applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.

- c. Prior to issuance of the first building permit, applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

16. Development Program

The applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Provide a phasing plan indicating the improvements associated with each phase.
- b. Streetscape improvements for each phase must be completed as building construction is completed. Street tree planting may wait until the next growing season.
- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

17. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.
- e. Provide final details for proposed art work.
- f. Provide a plan for relocating and/or decommissioning existing onsite artworks.
- g. Provide final trail and open space way-finding signage design per condition 6.d of Project Plan Amendment No. 92007007B.
- h. Provide final trail way-finding facilities design per condition 10.c. above.
- i. Provide the height of all light poles including the mounting base.
- j. Show on the site plan two additional street trees on the Bethesda Avenue frontage in front of the hotel building.
- k. The applicant must finalize design details for frontage improvements along Bethesda Avenue to accommodate the Capital Crescent Trail at least 30 days prior to submission

of a certified site plan for the development. The design must incorporate the elements listed in Condition No. 14 of Preliminary Plan Amendment No. 12007020B.

- I. The Planning Board has accepted the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) in its letter dated February 13, 2012 (“Agency Letter”), and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the applicant must comply with each of the recommendations as set forth in the Agency Letter, which may be amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

APPENDICES

Appendix A: Preliminary Plan Data Table and Checklist

Appendix B: Previous Resolutions

Appendix C: Agency Correspondence Referenced in Conditions

Preliminary Plan Data Table and Checklist

Plan Name: Woodmont/7200				
Plan Number: 12007020B				
Zoning: CBD-2				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Optional				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	18,000 SF	67,724 SF	NB	3/28/12
Minimum Public Use Space	20%	20%	NB	3/28/12
Height	143 feet	143 feet	NB	3/28/12
Max FAR	5.00	4.79	NB	3/28/12
MPDUs	12.5%	12.5%	NB	3/28/12
TDRs	N/a		NB	3/28/12
Site Plan Req'd?	Yes		NB	3/28/12
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	NB	3/28/12
Road dedication and frontage improvements		Yes	Agency Letter	3/23/12
Environmental Guidelines		N/a	Staff memo	3/15/12
Forest Conservation		Yes	Staff memo	3/15/12
Master Plan Compliance		Yes	Staff memo	11/28/11
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency Letter	2/10/12
Water and Sewer (WSSC)		Yes	Agency memo	2/10/12
10-yr Water and Sewer Plan Compliance		Yes	Agency memo	2/10/12
Well and Septic		N/a	Agency memo	2/10/12
Local Area Traffic Review		N/a	Staff memo	3/27/12
Policy Area Mobility Review		Yes	Staff memo	3/27/12
Transportation Management Agreement		Yes	Staff memo	3/27/12
School Cluster in Moratorium?		No	NB	3/28/12
School Facilities Payment		No	NB	3/28/12
Fire and Rescue		Yes	Agency letter	2/13/12



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

MCPB No.09-47
Project Plan No. 92007007A
Project Name: Woodmont East
Date of Hearing: April 30, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review project plan applications; and

WHEREAS, on December 10, 2008, JBG Associates, LLC ("Applicant"), filed an application for approval of a project plan for a maximum of 210 multi-family dwelling units, including 12.5% MPDUs, 37,136 square feet of retail use, and 286,879 square feet of office use ("Project Plan"), on 2.48 gross acres of CBD-2-zoned land, on Woodmont Avenue between Bethesda Avenue and Elm Street. ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 92007007A, Woodmont East (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated April 20, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on April 30, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on April 30, 2009, the Planning Board approved the Application subject to conditions, on motion of Commissioner Robinson; seconded by

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

Approved as to
Legal Sufficiency:

A handwritten signature in blue ink, appearing to read "Tracy Harris".

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

Commissioner Presley; with a vote of 5-0; Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 92007007A for a maximum of 210 multi-family dwelling units, including 12.5% MPDUs, 37,136 square feet of retail use, and 286,879 square feet of office use ("Project Plan"), on 2.48 gross acres of CBD-2-zoned land, subject to the following conditions:

1. Replacement of Original Conditions

These conditions of approval supersede the original conditions of approval of project plan 920070070 in full.

2. Development Ceiling

The proposed development is limited to a Floor Area Ratio of 5.0, which includes a maximum of 210 multi-family dwelling units, 37,136 square feet of retail space, and 286,879 square feet of office space.

3. Building Height and Mass

The proposed development is limited to 143 feet in height from the measuring point on Elm Street (elevation 338.17).

4. Reed Street Abandonment

This approval is contingent on the abandonment of the Reed Street right-of-way (AB-702) by the Montgomery County Council.

5. Transportation

- a. The tunnel located under Wisconsin Avenue, through which the interim Georgetown Branch Trail passes, must remain open to bicycle and pedestrian traffic during and after construction of this development, except as allowed by condition 5.b. below.
- b. Any temporary detour of the trail from the site may not exceed 5 days and must be approved by MNCPPC and DOT staff prior to relocation, except in the case of emergency. A minimum of 5 days prior notice of any anticipated closing must be provided to the Capital Crescent Trail Coalition, the Montgomery County Parks Department, and posted on site.
- c. The Applicant must identify on the site plan the interim and permanent future alignments and designs for the Capital Crescent Trail.
- d. At the time of site plan review, the Applicant must provide a detailed intersection design for the Woodmont Avenue/Bethesda Avenue intersection. The crosswalks must provide as direct a connection as possible from the tunnel opening, across the intersection and to the existing trail on the south

side of Bethesda Avenue, recognizing the safety concerns presented by the irregularly shaped intersection and as approved by MCDOT, MCDPS, and MNCPPC staff.

6. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide a minimum of 12.5% MPDUs on site for the residential component, consistent with the requirements of Chapter 25A of the Montgomery County Code. The Applicant is not receiving any density bonus with this project plan approval. The final number and distribution of MPDUs will be determined at site plan for phase 3.
- b. The Applicant must obtain an agreement to build pertaining to the construction and staging of MPDUs from DHCA prior to issuance of any building permits for the residential building.

7. Public Use Space

- a. The Applicant must provide a minimum of 25.5% of the net lot area for on-site public use space and a minimum of 38.5% of the net lot area for off-site public use space exclusive of any café reservation areas. These areas may be phased with the development as detailed in each site plan approval.
- b. The final design and details of the public use space will be determined during site plan review.
- c. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
- d. The applicant must provide a way-finding sign along the Capital Crescent Trail near Woodmont Avenue indicating the locations of local parks and trails.

8. Streetscape

- a. The Applicant must relocate all utilities underground as part of the proposed streetscape improvements.
- b. The Applicant must provide the standard Bethesda Streetscape paving, lighting, and planting details along the Woodmont Avenue, Elm Street, and Bethesda Avenue frontages unless amended or modified during site plan review.

9. Staging of Amenity Features


- a. The Applicant may construct the proposed development in phases. A detailed development program will be required prior to approval of each certified site plan.
- b. The Applicant must install the landscaping no later than the next growing season after completion of any open space within any proposed construction phase.

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 21, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board



MAY 29 2009

MCPB No. 09-45
Preliminary Plan Amendment No. 12007020A
Woodmont East
Date of Hearing: April 30, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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

WHEREAS, on December 10, 2008, JBG Associates, LLC ("Applicant"), filed an application for approval of an amendment to a previously approved preliminary plan of subdivision of property that would amend the approved uses from 78,300 square feet of office, 40,350 square feet of retail, a 225-room hotel, and 250 dwelling units to 286,879 square feet of office, 37,136 square feet of retail, and 210 dwelling units on one lot on 2.48 acres of land located on the east side of Woodmont Avenue between Bethesda Avenue and Elm Street ("Property" or "Subject Property"), in the Bethesda CBD Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan Amendment No. 12007020A, Woodmont East ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 24, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on April 30, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N.C. Planning Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

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

WHEREAS, on April 30, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan Amendment No. 12007020A to amend the approved uses from 78,300 square feet of office, 40,350 square feet of retail, a 225-room hotel, and 250 dwelling units to 286,879 square feet of office, 37,136 square feet of retail, and 210 dwelling units on one lot on 2.48 acres located on the east side of Woodmont Avenue between Bethesda Avenue and Elm Street ("Property" or "Subject Property"), in the Bethesda CBD Sector Plan area ("Sector Plan"), subject to the following conditions:

1. All conditions imposed by the approval of Preliminary Plan No. 120070200 are hereby superseded by the conditions contained herein.
2. The Applicant must comply with the conditions of approval for Project Plan Amendment No. 92007007A.
3. The development is limited to a maximum of 210 multi-family dwelling units (including a minimum of 12.5% MPDUs), 37,136 square feet of general retail use, and 286,879 square feet of general office use.
4. Prior to release of any building permit, the Applicant must satisfy Local Area Transportation Review (LATR) by constructing an exclusive left-turn lane and a shared through/right-turn lane on the westbound approach of Elm Street at the intersection of Woodmont Avenue in accordance with MCDOT requirements.
5. The Applicant must satisfy Policy Area Mobility Review (PAMR) by mitigating 30% of the new peak-hour trips during the weekday morning (7:30 to 9:30 a.m.) peak period and evening (4:00 to 6:00 p.m.) peak period as described below:
 - a. For Phase 2 or the first 36 PAMR trips, the Applicant must contribute \$11,000 per new peak hour trip for a total of \$400,000 towards construction of MCDOT and the MDSHA project for pedestrian safety improvements at the intersection of Wisconsin Avenue and Montgomery Lane/Montgomery Avenue. The contribution must be made prior to issuance of any use and occupancy permit for Phase 2.
 - b. For Phase 3, the Applicant must identify non-automobile transportation improvements equivalent to 35 new peak-hour vehicular trips prior to the public hearing for the Phase 3 site plan.
6. The Applicant must construct the frontage improvements along Elm Street, Woodmont Avenue, and Bethesda Avenue, in coordination with MCDOT. These

improvements must be complete and open to traffic prior to release of the initial use and occupancy permit.

7. The Applicant must grant a 32-foot-wide perpetual easement to Montgomery County within the Georgetown Branch right-of-way from the western property line to the eastern property line as delineated on the Bi-County Transitway Easement exhibit prepared by MHG on February 18, 2009, which must be incorporated into the certified Preliminary Plan. The perpetual easement must be shown on the record plat and the easement agreement must be recorded in the land records of Montgomery County, Maryland prior to recordation of the plat and must be referenced on the plat. Within this area, the Applicant must comply with following restrictions:
 - a. The foundation of the office building must be set 1 foot back from the south side of the easement.
 - b. Permanent, non-removable facilities must not be constructed and/or installed within the easement if they might interfere with access to the tunnel by MTA or County emergency, construction, and maintenance equipment.

MTA must review and approve the site plan as submitted for the references herein to reflect that the easement and other construction constraints are reflected on the certified site plan. This easement is for the Purple Line or public use, as needed.

8. The Applicant must enter into an agreement with the Maryland Transit Administration (MTA) and Montgomery County to provide the following easements to Montgomery County:
 - a. A perpetual easement that increases the width of the far eastern portion of the 32-foot-wide easement required by Condition 7, up to a maximum of 38 feet wide to accommodate the turning radius of the Purple Line, as delineated on the Bi-County Transitway Easement exhibit prepared by MHG on February 18, 2009, which must be incorporated into the certified Preliminary Plan. Within this area, the Applicant must comply with following restrictions:
 - i. The foundation of the office building must be set 1 foot back from the south side of the easement.
 - ii. Permanent, non-removable facilities must not be constructed and/or installed within the easement if they might interfere with access to the tunnel by MTA or County emergency, construction, and maintenance equipment.

MTA must review and approve the site plan as submitted for the references herein to reflect that the easement and other construction constraints are reflected on the certified site plan. This easement is for the Purple Line or public use, as needed.

- b. A perpetual easement – as indicated on the site plan to accommodate a future switch-back ramp for the Georgetown Branch Trail and that is publicly accessible – must be noted on the record plat. This easement must be a

minimum of 1,960 square feet along the Subject Property's eastern edge adjoining the tunnel and shall be limited to a width of 28 feet. The record plat notes regarding this easement must include language that:

- i. Grants access to the future switch-back ramp easement by the State and/or County to construct the switchback ramp and the connecting Trail segments; and
- ii. Grants perpetual public access within this easement by the County to maintain the switchback ramp and connecting Trail segments; and
- iii. Grants perpetual public access by Trail users.

The ultimate size and delineation for this easement must be finalized at the time of certification of the site plan and delineated on the Record Plat.

- c. A perpetual easement that satisfies the American Association of State Highway and Transportation Officials (AASHTO) standards of a minimum 10-foot wide paved shared use path with a 2-foot lateral clearance on each side from the western property line to the eastern property line parallel to the easement for the Purple Line except on the future switch-back ramp. On the switch-back ramp, future design considerations by MTA may limit the 2-foot lateral clearance on each side.

All of these easement areas must be shown on the record plat. The agreement must be recorded in the land records of Montgomery County, Maryland prior to recordation of the plat and must be referenced on the plat.

9. The Applicant must provide the minimum vertical clearances for the 32-foot-wide Georgetown Branch perpetual easement as follows:
 - a. Four feet below the top of the rail for the Purple Line (at an elevation to be identified by the MTA) along any segment of any Purple Line track.
 - b. Twenty-three (23) feet above the top of the rail for the westbound Purple Line track, not to exceed elevation 346 feet, based on the Maryland state datum.
10. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the Site Plan.
11. The proposed development must comply with the conditions of the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. Conditions include the following:
 - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
12. The Applicant must prepare in connection with the residential development an analysis of future transportation noise levels prior to Site Plan submittal. The analysis must be conducted by an acoustical professional.

- a. At time of building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 dBA Ldn.
 - b. The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to M-NCPPC staff.
 - c. The certification and builder acceptance letter must be provided to M-NCPPC Environmental Planning staff before building permits are approved.
13. The final number of dwelling units and MPDUs per condition #3 above will be determined at the time of Site Plan.
 14. The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (now MCDOT) letter dated August 27, 2007, or as amended. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 15. The Applicant must comply with the conditions of the MCDPS stormwater management approval dated February 27, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 16. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one-hundred and nine (109) months from the date of mailing of the Planning Board resolution.
 17. Other necessary easements must be shown on the record plat.
 18. The Applicant must dedicate all road rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Sector Plan unless otherwise designated on the Preliminary Plan.
 19. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of the plat.
 20. No clearing, grading or recording of plats prior to certified Site Plan approval.
 21. Final approval of the number and location of buildings, dwelling units, office density, on-site parking, site circulation, sidewalks, and bike paths will be determined at Site Plan.
 22. The Applicant must submit a copy of the Montgomery County Resolution for the Abandonment of Reed Street prior to recordation of the plat.

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

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

Roads and Transportation Facilities

Local Area Transportation Review

In accordance with the Local Area Transportation Review and Policy Area Mobility Review Guidelines, the Applicant submitted a traffic study to analyze the impact of this proposed development. Based on the results of the traffic study, the calculated Critical Lane Volume (CLV) values at ten studied intersections are less than the congestion standard of 1,800 CLV for the Bethesda Central Business District Policy Area and, thus, the LATR test is satisfied.

Policy Area Mobility Review

Policy Area Mobility Review (PAMR) was not required for the previously approved Preliminary Plan No. 120070200 under the FY 2007-2009 Growth Policy because that preliminary plan was filed with the Montgomery County Planning Department before January 1, 2008. However, PAMR is required under the current Growth Policy for the additional new peak-hour trips generated by the proposed amendment that are beyond the originally approved number of peak-hour trips. The Applicant must mitigate a total of 71 peak-hour trips for both the proposed Phase 2 office and the Phase 3 apartments as calculated below:

The Applicant is proposing to provide the following non-automobile mode transportation improvements in the Bethesda CBD, or Bethesda/Chevy Chase Policy Areas:

1. Phase 2: The Applicant must mitigate 36 new peak-hour trips generated by the Phase 2 commercial uses. MCDOT has agreed that the Applicant shall contribute \$400,000 towards construction of MCDOT and MDSHA projects for pedestrian safety improvements planned at the intersection of Wisconsin Avenue and Montgomery Lane/Montgomery Avenue. The \$400,000 contribution is based on \$11,000 per PAMR trip multiplied by the 36 new peak-hour trips to be mitigated.
2. Phase 3: The Applicant is using the trip credit from the previously approved 250 apartments and, thus, must satisfy PAMR for the proposed 210 apartments in Phase 3. To satisfy PAMR, the Applicant must identify non-automobile transportation improvements equivalent to 35 new peak-hour vehicular trips prior to certification of the future Phase 3 site plan.

Other Public Facilities and Services

Public facilities and services are available and will be safe and adequate to serve the proposed development. The Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery

County Fire and Rescue Service, which has determined that the Property has appropriate access for fire and rescue vehicles. MTA has also reviewed and accepted the access to the tail tracks through the proposed easement from Woodmont Avenue.

Other public facilities and services, such as schools, police stations, firehouses, and health services are operating according to the Growth Policy resolution currently in effect and will be safe and adequate to serve the Property. Electrical, gas, and telecommunications services are also available to serve the Property. Because the application for the original subdivision was filed prior to December 2006, the current amendment Application is not subject to work force housing requirements. Because the application for the original subdivision was filed before January 2007, the current amendment Application is not subject to the 2007-2009 Growth Policy and is, therefore, not subject to a school facilities payment.

2. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on February 27, 2009. The stormwater management concept consists of on-site water quality control via a green roof and a flow-through filter device. On-site recharge is not required for redevelopment applications. Channel protection for 0.25 acres of the Subject Property is not required because the one-year post-development peak discharge is less than or equal to two cubic feet per second. A waiver of on-site channel protection for 0.7 acres of the Subject Property and a waiver of water quality for 0.43 acres of the Subject Property were granted due to the existing shallow storm drain.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and


BE IT FURTHER RESOLVED, that the date of this Resolution is MAY 29 2009 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 21, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board



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

MCPB No. 09-46
Site Plan No. 820090080
Project Name: Woodmont East Phase 2
Date of Hearing: April 30, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

WHEREAS, on November 19, 2008, JBG Associates, LLC ("Applicant"), filed an application for approval of a site plan for a maximum of 37,136 square feet of retail use and 286,879 square feet of office use ("Site Plan" or "Plan") on 2.48 gross acres of CBD-2-zoned land, located on Woodmont Avenue between Bethesda Avenue and Elm Street ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820090080, Woodmont East Phase 2 (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 20, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on April 30, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on April 30, 2009 the Planning Board approved the Application subject to conditions on the motion of Commissioner Robinson, seconded by Commissioner Presley; with a vote of 5-0; Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820090080 for a maximum of 37,136 square feet of retail use

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

and 286,879 square feet of office use on 2.48 gross acres of CBD-2-zoned land, subject to the following conditions:

Conformance with Previous Approvals

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan Amendment 92007007A as enumerated in the staff report unless modified by the Planning Board.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan Amendment 12007020A as enumerated in the staff report unless modified by the Planning Board. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

Environment

3. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the approved preliminary forest conservation plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

4. Noise Attenuation

A noise analysis is not required for the office/retail phase of this development, but will be required prior to approval of the site plan for the residential phase of this development.

5. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Silver Rating (or County-approved equivalent) at a minimum.

6. Green Roof

A green roof of at least 5,000 square feet must be provided on the proposed office/retail building.

Parks, Open Space, & Recreation

7. Public Amenities

- a. The Applicant must provide a minimum of 23% on-site public use space and 8.5% of off-site public amenity space, exclusive of any café reservation areas, during the office/retail phase of development.

- b. The residential phase of development will be required to provide improvements to an additional minimum of 2.5% on-site public use space and 30% off-site public amenity space, exclusive of any café reservation areas.

Transportation & Circulation

8. Transportation

- a. The Applicant must provide a minimum of twenty (20) bike lockers for office employees in the parking garage or office building and ten (10) inverted-U bike racks (or approved equivalent) for office employees and retail customers in the public plaza and/or mews. The Applicant must coordinate with MNCPPC staff to determine the final location and timing of installation of the bicycle parking facilities prior to approval of the certified site plan.
- b. The Applicant must provide way-finding facilities to guide the Capital Crescent Trail users through the Woodmont Avenue/Bethesda Avenue intersection and to the tunnel. This should include signage, pavement markings, in-laid medallions, and/or other appropriate measures. Way-finding facilities must be approved by MNCPPC staff prior to approval of the certified site plan.
- c. The proposed development is subject to the MCDPS Right-of-Way Permitting and Plan Review Section conditions and comments dated March 23, 2009 unless amended by the Montgomery County Department of Permitting Services.

9. Easement Areas, Purple Line, and Trail Issues

- a. Any utilities within the future easement for the Capital Crescent Trail that must be relocated to construct the Trail ramp will be done at the Applicant's expense.
- b. The Applicant will not construct and/or install any permanent facilities with the Purple Line easement or future easement areas that may interfere with access to the tunnel by MTA or MC emergency, maintenance, and construction equipment.
- c. The record plat must include a note providing that the public use space will provide unobstructed access between the face of the tunnel and Woodmont Avenue, along the north side of the easement area.
- d. Sloped sections of the Trail ramp may not exceed 8.33%.
- e. Paving within the Purple Line easement areas must be constructed to support vehicular traffic.

Site Plan

10. Site Design

- a. The Applicant must provide a revised design of the northeastern section of the mews incorporating the retaining wall and landscape area near the existing parking deck and steps prior to certified site plan.
- b. The final design of the building façade will conform generally to the architectural elevations presented in the site plan application.

11. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, the fountain, plaza and mews paving, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, trail improvements, trail closures, and other features.

12. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading", if applicable.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.

- e. Minor modification of and additional information for site details and layout.
- f. Final trail and open space way-finding signage per project plan amendment condition 7.d.
- g. Final Trail way-finding facilities per 9.c. above.
- h. Provide the height of all light poles including the mounting base.

BE IT FURTHER RESOLVED that all site development elements as shown on Woodmont East Phase 2 drawings stamped by the M-NCPPC on February 19, 2009, shall be required, except as modified by the above conditions of approval; and

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

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

Neither a development plan, diagrammatic plan, nor a schematic development plan were required for the subject site. The subject site plan, as conditioned, is consistent with project plan amendment 92007007A.

2. *The site plan meets all the requirements of the Overlay Zone as well as the applicable requirements of the underlying zone.*

The proposed uses are allowed in the CBD-2 Zone, and the site plan fulfills the specific purposes of the zone by providing an expanded source of employment in a desirable urban environment, a transitional density from the core to the periphery of the CBD, and makes effective use of transit facilities for employees and residents.

As the following project data table indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development meets the minimum and maximum standards, respectively. With respect to public use space, this phase of the proposed development provides 23.02% of on-site public use space and 8.53% of off-site public amenity space. This is above the 20% minimum required and allows for a greater amount of permeable surface and landscaped open space.

Development Standard	Permitted/Required	Approved by the Board and Binding on the Applicant
Maximum Building Height (feet)	143	143
Minimum Building Setbacks (feet)		
To any property line	n/a	0
Minimum Public Use Space (% of net lot)		
On-Site Public Use Space	20%	23%
Off-Site Amenity Space	None	8%
Maximum Floor Area Ratio (FAR)	5	3.02
Parking Spaces	497	94

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

The buildings of the existing and proposed development are located along Woodmont Avenue and Bethesda Avenue, with the proposed office building is set back from Woodmont Avenue an average of 50 feet. Although the Sector Plan envisioned the buildings in this area to have no setbacks from the sidewalks, the community felt it necessary to retain more open space on this site and thus, the Applicant has accommodated a large plaza between the sidewalk and the office building. In most cases, this would result in an undesirable retail situation, but due to the high volume of pedestrian traffic and the existence of the Capital Crescent Trail on site, this building location is appropriate. Further, the design of the plaza provides easy access to the building from the adjoining sidewalks. Thus, the locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space that is provided is large for an infill CBD project. Approximately 26% of this 2 acre site (25,000 square feet) will be maintained as publicly accessible open space, including a large plaza with raised lawn panels, seating, shade trees, and a fountain and a mews area between the two taller buildings on site. The mews will contain further seating for shoppers, residents, and employees and container plantings to provide shade. This mews runs from

Woodmont Avenue between the office tower and future residential tower to the tunnel that currently houses the Capital Crescent Trail. In the future, a section of the mews will also house tail tracks for the Purple Line light-rail transit facility. These tracks will rarely be used, but will significantly impact the plaza especially if kept to within 110 feet of the tunnel entrance as requested by the County. The public benefit, however, of easy access to transit outweighs the potential impacts to the approximately 4,000 square feet of plaza area. Further, if the tracks are kept within this area, the remaining area of the plaza will remain open and clear at all times. This is an improvement from the original project plan that would have placed tracks from the tunnel to the Woodmont East right-of-way. Studies are still being completed and changes may occur as the County weighs the cost/benefit ratios of different options.

Street trees and lighting are provided along the street to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. There are no recreation facilities required for this site plan, but several amenities and bicycle facilities are provided. The phase 3 site plan for the residential component, however, will need to provide recreation facilities with that application. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements, such as lighting and a greater number of people observing and taking "ownership" of the open spaces. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed retail and office uses are compatible with the adjacent and confronting retail, office, and residential uses as well as with pending development plans. Building heights and massing will not adversely affect neighboring buildings or open spaces. The plaza uses will enhance the pedestrian-oriented nature of the area and add to the vibrancy of this space for employees and residents as well as visitors.

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

The proposed development is subject to the forest conservation law and will meet its afforestation requirements off-site or by paying a fee-in-lieu.

The stormwater management concept consists of on-site water quality control via a green roof and a proprietary flow-through filter device. Onsite recharge is not required because this is a redevelopment project. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second. A waiver of on-site channel protection for 0.7 acres and a waiver of water quality for 0.43 acres have been granted by the Department of Permitting Services due to the existing shallow storm drain system.

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

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

MAY 29 2009 BE IT FURTHER RESOLVED, that the date of this resolution is _____ (which is the date that this resolution is mailed to all parties of record); and

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

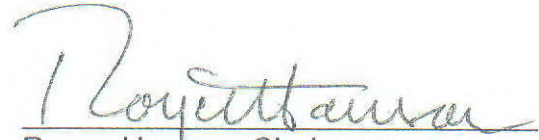
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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and

MCPB No. 09-46
Site Plan No. 820090080
Woodmont East Phase 2
Page 9 of 9

Presley voting in favor of the motion, at its regular meeting held on Thursday, May 21, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, appearing to read "Royce Hanson".

Royce Hanson, Chairman
Montgomery County Planning Board



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

March 23, 2012

Arthur Holmes, Jr.
Director

Mr. Neil Braunstein, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 12007020B
Woodmont/7200

Dear Mr. Braunstein:

We have completed our review of the January 20, 2012 updated version of the amended preliminary plan for this project. An earlier version of this preliminary plan was reviewed by the Development Review Committee at its meeting on November 28, 2011. These comments also apply to project plan no. 92007007B. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading, paving or streetscape plans, or application for access permit(s). Include this letter and all other correspondence from this department.

1. Previous review comments contained in our August 27, 2007 review comments letter for preliminary plan no. 120070200 (Woodmont East Phase II) remain applicable unless modified below.
2. Subject to satisfying the County Council's conditions of approval, record plat to reflect abandonment of Reed Street per Council Resolution no. 16-1059.
3. Regarding the master planned shared use path between Woodmont and Wisconsin Avenues, we have participated in a series of meetings with representatives for the applicants, the M-NCPPC, the MSHA, and others to balance the competing goals and uses of the public right-of-way to determine the most feasible location and design for that facility. We appreciate the insights and cooperation of the various parties. The result of those meetings concluded the path should be approximately 10-11 feet wide, be built at the sidewalk elevation at the two intersections (otherwise at the roadway pavement elevation), and be located in the currently-existing northern curb/parking lane of Bethesda Avenue. The applicants have proffered to construct this facility in conjunction with this development and prepare a traffic simulation analysis (for approval by the State and County) to optimize the at-grade pedestrian crossing of Wisconsin Avenue (MD 355) prior to issuance of the building permit.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

The Montgomery County Council, in their March 13, 2012, worksession on the County Executive's FY13-18 Recommended Capital Improvements Program for transportation projects, endorsed the construction of the on-street alternative for the Capital Crescent Trail between Bethesda Avenue and Willow Lane, and then extended to Silver Spring. Those improvements could be implemented under a combination of CIP Projects:

- *Bethesda Bikeway and Pedestrian Facilities (CIP Project No. 500119)* for the portion between Bethesda Avenue [Woodmont Avenue] and Willow Lane;
- *Capital Crescent Trail (new CIP Project – unassigned project number)* for the portion between the Bethesda Avenue/Wisconsin Avenue (MD 355) intersection and Silver Spring.

Portions of this project could also be implemented by private parties in conjunction with their development activities.

It should be noted that the County Executive recommended delaying completion of the Bethesda Bikeway and Pedestrian Facilities CIP project for three years, to avoid further loss of parking spaces due to the development on Lots 31/31A. The County Council supported a two year deferral. But the point remains: **we cannot allow the closure of the curblane nor any parking spaces on the north side of Bethesda Avenue until the new public parking garage (being built as part of Lots 31/31A development project) becomes operational.**

The County Council worksession report also recommended the creation of a public/private workgroup to comprehensively address measures to improve the pedestrian/bicycle crossing of Wisconsin Avenue (MD 355) between Bethesda Avenue and Willow Lane. The mitigation measures suggested in the Council report, which originate from Planning Board recommendations, involve traffic operations and signal timing/progression; they will require more analysis than that envisioned for the applicants' proffered traffic simulation.

We support approval of the applicants' proffered construction of the shared use path on Bethesda Avenue between Woodmont Avenue and Wisconsin Avenue (MD 355). We no longer recommend the applicants be required to conduct the previously proffered traffic simulation study. **However, the construction of that pedestrian/bicyclist facility cannot commence until after the new public parking garage on the Lots 31/31A development is open to the public.** If the construction for this development is completed prior to the opening of the new (Lots 31/31A) parking garage, the County will construct the shared use path as envisioned in the Capital Improvements Program.

In order for the applicants to receive credit for "amenity area off site" (per the Public Use Space Plan), we believe they should be responsible for implementing the improvements planned within the amenity area. If the shared use path along Bethesda Avenue is not constructed in conjunction with their project (but after opening of the Lots 31/31A development garage), they will need to execute a Declaration of Covenants (for Road Improvements) to reimburse the County for that construction. The decision to enter into such an agreement (versus permit and bond) can be deferred to the permit stage for this project.

3. Design Exceptions: the applicants have requested a number of Design Exceptions to MCDOT standards, policies, and procedures. We offer the following comments on those requests:

- Driveway separation: we approve the applicants' proposed entrance locations. We recommend the driveway aprons be at least twenty four (24) feet wide at the right-of-way line; additional width may be necessary to accommodate the truck turning radii.
- Off-street [truck] loading [spaces]: the applicants have proposed to provide fewer off-street truck loading spaces than those specified for a development of this size under the Executive Branch's "Off-Street Truck Loading Space" policy. Considering the type of development, difficulty of accommodating the standard size and dimensions of truck loading spaces on-site, and the impact of widened driveway aprons on the aforementioned shared use path on Bethesda Avenue, we approve the applicants' request – subject to execution and recordation of a County-approved Restricted Access Easement which establishes the applicability, maintenance, and operations of the coordinated on-site management for the jointly used loading docks. This document should be recorded prior to the issuance of any applicable building permits, with a copy sent to the County for their records.

We have also concluded that this site is not appropriate for back-in truck movements, across the shared use path/future relocated Capital Crescent Trail, **from Bethesda Avenue; truck movements will need to be made head-in, head-out.** We also note the "Vehicle Sweep" diagrams in the Design Exception package show the two tractor trailers will have to cross into the opposite lane of traffic and/or conflict with the opposite curbline; neither of these maneuvers are acceptable. To remedy these concerns, we support allowing the applicants to provide WB-40 truck loading spaces (instead of the typical WB-50 truck loading spaces) within their garage. If this approach is determined to be infeasible, the applicant should pursue creation of a "truck bridge" to unload tractor trailers at a remote location and deliver goods to the site using solely SU-30 trucks. This arrangement should be addressed in the Restricted Access Easement document (for management of the shared truck loading spaces) discussed above.

- Amenity Space in the public right of way along Bethesda Avenue: the applicants have requested permission to install private amenities (including but not limited to level platformed café seating, steps, and retaining walls) in the Bethesda Avenue right-of-way. We approve this request subject to the execution and recordation of a County-approved Declaration of Covenants for Maintenance and Liability, plus posting of necessary surety and insurance, prior to approval of the record plat. These amenities are to be installed under a revocable permit; it is important to acknowledge that they may be altered and/or removed by the County at the applicants' expense in conjunction with the aforementioned future traffic study to improve the pedestrian/bicycle crossing of Wisconsin Avenue (MD 355) between Bethesda Avenue and Willow Lane.
- Truncation of corner lots per Sec. 50-26 (c)(3): since this project review will precede the pedestrian/bicycle crossing study for the intersection of Wisconsin Avenue (MD 355) and Bethesda Avenue, we do not support approval of the applicant's request to reduce the right-of-way truncation at that intersection. We recommend any non-standard improvements constructed by the applicants [under applicable permit(s)] be subject to a County-approved Declaration of Covenants for Maintenance and Liability, plus posting of necessary surety and insurance.

- Existing and previously approved electric vaults to remain in the right of way: The Design Exception application indicates “Pedestrian traffic will have a clear path of 16’ where no grates would be located around the proposed grates.” As this site is located in a Central Business District, underground utilities are already allowed in the public right-of-way. We approve this Design Exception request with the clear path area as proposed.
 - Width of lanes in Business District Road: We recognize that the 60’ wide right-of-way on Bethesda Avenue must accommodate multi-modal traffic in a manner that balances their different needs. We believe the applicant’s proffered 10’-11’ wide lanes (which includes the use of the gutter pan) reflects a reasonable approach for this specific urban situation. We approve this Design Exception request.
4. We note this plan proposes to extend the curb extension on the northeastern corner of the Woodmont Avenue/Bethesda Avenue intersection from that which was reviewed in 2007. The proposed change appears to impact existing metered parking spaces. We do not support extending the curb extension beyond that approved in 2007.

The design/location of the crosswalk [and related handicap ramps] discussed in our August 10, 2007 review comments letter for the non-standard crosswalk on the northern leg of Woodmont Avenue at Bethesda Avenue will need to be amended at the permit stage for this development – since the northern curblines on Bethesda Avenue is being moved out/south in conjunction with the shared use path.

The Bethesda Avenue curblines modification may require relocation of traffic signal facilities at that intersection. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicants.

5. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicants.
6. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards (unless a Design Exception is granted). Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
7. Bike Sharing. Provide space in the Project for a bike sharing docking station (or similar provision required by the bike sharing system). The location of this docking station will be selected by the Applicant with approval of the TMD, based upon the requirements of the bike sharing system and in a highly-visible, convenient and well-lit location on the Project. If zoning regulations or other provisions adopted prior to building permit so provide, the Project shall be required to pay the capital cost of such station and five years of operating expenses in return for offsetting parking reductions or other benefits.

8. Incorporate the following design elements intended to facilitate the use of non-auto modes of transportation:
 - Design building frontages/lobbies to provide two-way visibility for transit vehicles, shuttles and taxis
 - Provide electric and water connections in outdoor settings to enable outreach events to be staged more readily.
 - Provide kiosks in busy outdoor areas to provide opportunity for information displays, assistance.
 - Incorporate display space into hotel and office lobbies and other high pedestrian activity areas and opportunity for information on each level of parking facilities.
 - Provide opportunity and connections for electronic (LCD) display screens and Real Time Transit Information Signs in lobbies, elevators, and parking facilities. This will enable outreach to building tenants, employees, visitors, etc.
 - Provide concierge/reception desk with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.

9. The applicant will need to work with our Division of Transit Services/Commuter Services to revise the draft Traffic Mitigation Agreement (TMAg). The revised TMAg should include, but not be limited to, the following elements to further support the premise that projects within TMDs are supposed to be “transit oriented developments” and as such support alternatives to use of the single occupant automobile:
 - Carpool/Vanpool Parking. Provide carpool and vanpool parking spaces in highly visible, preferentially-located spots (specific number to be determined).
 - Electric Car Charging. While this is not broadly needed at this time, future increased use of electric vehicles may prove challenging if not built into developments at this early stage. Provide at least two electric car charging stations on site
 - Bicycle Facilities. Locate some bicycle racks in Public Amenities Space in addition to the parking facility.
 - Shower Facilities. Provide showers and changing rooms/lockers in convenient locations within the office development complex. This enables larger numbers of employees to bike or walk to work or to/from transit in a variety of weather conditions.

10. We support allowing the applicants more time (to certified site plan if necessary) to incorporate the above comments.

Thank you for the opportunity to review this preliminary plan. We appreciate the cooperation and patience of the applicants and the M-NCPPC. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or at (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

cc: Holly Hull; JBG Associates, LLC
Ines E. Vega; VIKA, Inc.
Patricia Harris; Lerch, Early & Brewer, Chtd.
Christopher Kabatt; Wells & Associates
Rose Krasnow; M-NCPPC Area 1
Robert Kronenberg; M-NCPPC Area 1
Cherian Eapen; M-NCPPC Area 1
Catherine Conlon; M-NCPPC DARC
Scott Newill; MSHA AMD
Ken Hartman; Bethesda-Chevy Chase Regional Center
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Henry Emery; MCDPS RWPR
Edgar Gonzalez; MCDOT DO
Bob Simpson; MCDOT DO
Bruce Johnston; MCDOT DTE
Holger Serrano; MCDOT DTE
Sogand Seirafi; MCDOT DTE
Aruna Miller; MCDOT DTE
Gerald McCauley; MCDOT DTE
Robert Elder; MCDOT DTE
Rick Siebert; MCDOT DPM
Jeremy Souders; MCDOT DPM
Sande Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Stacy Coletta; MCDOT DTS
Deanna Archey; MCDOT DTS
Emil Wolanin; MCDOT DTEO
Fred Lees; MCDOT DTEO
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
Kyle Liang; MCDOT DTEO
Will Haynes; MCDOT DTEO
David Adams; MCDOT DTEO



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 10, 2012

Mr. Jason Evans
Vika, Inc.
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Woodmont East - Artery Plaza
Preliminary Plan #: 12007020B
SM File #: 240205
Tract Size/Zone: 5.8/CBD-2
Total Concept Area:
Lots/Block: 4&5, 93, 142, 105-110 / A
Watershed: Little Falls Branch

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP with the use of green roofs, and micro-bioretenion. A waiver is granted for Cpv, partial WQv, and recharge due to the location of the existing underground garage, existing shallow storm drains, and the presence of hydric soil type D soils. As a condition of this waiver, a hydrodynamic structure is required for the treatment of some garage deck and roof areas that are not fully treated.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. For garage decks that do not drain to WSSC you must provide a valve in order to close off the drain while the deck is being cleaned (either dry or wet). The resultant material must be vacuumed or pumped so that it does not go down the storm drain. A floor cleaning plan must be detailed on the approved erosion and sediment control/stormwater plan.
6. Provide a copy of the mechanical drawings showing the schematic profiles of the garage drains to verify if they go to the storm drain or to WSSC.
7. Provide easements and covenants for all stormwater structures, including the green roofs, bio-filters and the hydrodynamic structures.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

8. Maintenance access entrance and path to be reinforced to meet H-20 loading (tertiary road section).
9. The green roof is to be a minimum of 37,400 square feet. Lot 2 has proposed a minimum of 10,000 square feet of green roof.
10. The green roof is to be designed by a professional with green roof experience.
11. Provide adequate access to all structures for inspection and maintenance. Show the access path for underground structures on design plans. Also provide a narrative on the plan that details how to access the green roofs.
12. The green roof is to be 8 inches thick.
13. Provide a copy of the mechanical plans showing the schematic profiles of the drains to verify all roof areas drain to stormwater structures and that the covered parking drains to a WSSC system.
14. **When the site planning process begins for Lot 2 and prior to taking the revised site plan to the Planning Board this concept must be revised to address stormwater management in accordance with the criteria at time of that submittal.**

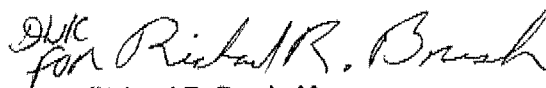
This list may not be all-inclusive and may change based on available information at the time.

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 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 240-777-6332.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla CN240205 Woodmont East Artery Plaza.DWK

cc: C. Conlon
SM File # 240205

ESD Acres: 1.09
STRUCTURAL Acres:
WAIVED Acres: 3.33



FIRE MARSHAL COMMENTS

DATE: 13-Feb-12
TO: Ines Vega
VIKA, Inc
FROM: Marie LaBaw
RE: Woodmont 7200 (see Woodmont East Phase II)
92007007B 12007020B 82009008A

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **13-Feb-12** .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.

***** Interior corridor connection from address side access of 7200 Wisconsin Ave to lobby on Bethesda Ave to be finalized prior to certified site plan *****

***** Lot 2 building to be reviewed in detail at time of relevant site plan *****