

JUN 6 2012



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

MCPB No. 12-68  
Site Plan No. 82009008A  
Project Name: Woodmont/7200  
Date of Hearing: April 12, 2012

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "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 on 2.48 acres of CBD-2 zoned-land; and

WHEREAS, on April 30, 2009, the Planning Board approved the site plan designated Site Plan No. 820090080 (MCPB No. 09-46), to construct a maximum of 37,136 square feet of retail use and 286,879 square feet of office use; and

WHEREAS, on October 24, 2011, Applicant filed an application for approval of an amendment to the previously approved site plan(s) to include additional properties in the application and to amend the uses to 182,950 square feet of hotel use, 81,165 square feet of general retail use, and 755,739 square feet of general office use on 5.8 acres of land in the CBD-2 zone, located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue ("Property"), in the Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 82009008A, Woodmont/7200 ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 28, 2012, setting forth its analysis of, and

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Approved as to  
Legal Sufficiency:

A handwritten signature in black ink, appearing to be "M. NCPPC Legal Department".

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M-NCPPC Legal Department  
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recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 12, 2012, the Planning Board held a public hearing on the Application (the “Hearing”), and at the Hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 12, 2012, the Planning Board approved the Application, subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Planning Board APPROVES Site Plan No. 82009008A for 182,950 square feet of hotel use, 81,165 square feet of general retail use, and 755,739 square feet of general office on the Property, subject to 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 superseded by the conditions contained herein.
2. Project Plan Conformance  
The Applicant must comply with the conditions of approval for Project Plan No. 92007007B.
3. Preliminary Plan Conformance  
The Applicant must comply with the conditions of approval for Preliminary Plan No. 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 (“MCDPS”).

5. Stormwater Management

The Planning Board has accepted the recommendations of 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.

6. 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.

7. 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**

8. Capital Crescent Trail

The Applicant must complete the Bethesda Avenue right-of-way Capital Crescent Trail improvements prior to the issuance of any use and occupancy permit for the proposed retail in Phase 3, except that if a full funding grant agreement for the Purple Line is signed between The Maryland Transit Administration and the Federal Transit Administration prior to the construction of the phase 3 retail but after the Applicant has completed construction on the Phase 2 office and hotel the Applicant shall either move forward with the construction of the Bethesda Avenue Capital Crescent Trail improvements once the Lot 31 garage is completed or shall provide the County with the funds to construct the improvements. This condition shall only be applicable upon the Applicant’s commencement of development pursuant to the Site Plan.

9. 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 equivalent approved by M-NCPPC Staff) for office employees and retail customers in the public plaza and/or mews. The Applicant must coordinate with M-NCPPC 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 M-NCPPC Staff prior to approval of the certified Site Plan.

10. 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.

11. 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

### 12. Site Design

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.

### 13. 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.

### 14. Surety

Prior to issuance of the first building permit within each respective phase of development, the 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.

### 15. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved by M-NCPPC Staff 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 with the exception of the Bethesda Avenue Capital Crescent Trail must be completed prior to the issuance of the

final use and occupancy permit for the respective phase. 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.

#### 16. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to M-NCPPC 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 at least 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 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.
- l. 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.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that all site development elements as shown on Woodmont/7200 drawings stamped by The Maryland-National Capital Park and Planning Commission on January 24, 2012, 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 as presented at the Hearing and set forth in the Staff Report, 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 Application. The Site Plan is consistent with Project Plan Amendment No. 92007007B, as conditioned.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

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 data table below 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 development meets the minimum and maximum standards, respectively.

**Requirements of the CBD-2 Zone**

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CBD-2 Zone.

**Data Table**

<b>Development Standard</b>	<b>Development Standard Approved by the Board and Binding on the Applicant</b>
Gross Tract Area (sf.)	253,363
Previous Dedications (sf.)	40,659
Proposed Dedications (sf.)	856
Net Lot Area ("NLA") (sf.)	211,848
Maximum Density, non-residential (FAR)	3.93
Maximum Density, non-residential (sf.)	1,019,854
Consisting of: Office	755,739
Retail	81,165
Hotel	182,950
Building Height, Maximum (ft.)	143
Building Setback, Minimum	0
Parking Spaces, Maximum	900
On-Site Public Use Space, Minimum (% of NLA)	20
On-Site Public Use Space (sf.)	42,370
Off-Site Public Amenity Space (% of NLA)	23.3
Off-Site Public Amenity Space (sf.)	49,519



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

The buildings and structures of the 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 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 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 Sector 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 approved 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 Application has been designed to ensure compatibility with the existing uses and the general neighborhood. The approved development is in accordance with the Sector Plan and the requirements of the zone regarding use, setbacks, height, and massing. The Application makes provisions for generous sidewalks along Woodmont Avenue, Bethesda Avenue, Wisconsin Avenue, and Elm Street and creates 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 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 development is subject to the forest conservation law and will meet its afforestation requirements by paying a fee-in-lieu.

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

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

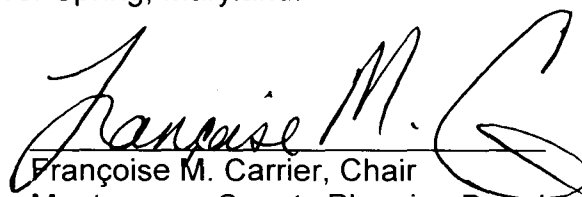
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 16 2012 (which is the date that this resolution is mailed to all parties of record); and

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 31, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board