

Resolution No. 13-1461
Introduced: October 13, 1998
Adopted: October 13, 1998

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY

By: County Council

Subject: APPLICATION NO. G-760 FOR AMENDMENT TO THE ZONING ORDINANCE
MAP, Robert R. Harris, Attorney for Government Employees Insurance Company
(GEICO), Applicant, OPINION AND RESOLUTION ON APPLICATION

Tax Account No. 423718

OPINION

Zoning Application No. G-760 requests reclassification from the R-60/TDR Zone to the TS-M Zone of 9.912 acres located at 5260 Western Avenue, known as a portion of Parcel A, GEICO Subdivision, Chevy Chase, in the 7th Election District.

The Hearing Examiner recommended approval of this application based on conclusions that the TS-M Zone at the proposed location is a proper use for the comprehensive and systematic development of the County; that the proposed development is capable of accomplishing the purposes of the TS-M Zone; that the proposed development is in substantial compliance with the applicable sector plan; and that the proposed development satisfies all of the technical requirements of the TS-M Zone. The Hearing Examiner also recommended approval of the development plan because it satisfies the requirements of §59-D-1.6 in that the TS-M Zone specifically complies with the recommendations contained in the sector plan, and does not conflict with the general plan, the County's CIP, or other plans or policies; that the development plan complies with the purposes, standards and regulations of the TS-M Zone; that the development plan provides for the maximum safety, convenience and amenities of residents of the development, and will be compatible with adjacent development; that the development plan

proposes a vehicular and pedestrian circulation system that is safe, adequate and efficient; that the development plan provides a site design that that will tend to prevent soil erosion and preserve natural features of the site; and that the development plan is supported by documents that adequately and sufficiently provide a method of assuring perpetual maintenance and care of recreational, common and quasi-public areas. The Planning Board and the Technical Staff provided similar recommendations. The District Council agrees with the findings and conclusions of the Hearing Examiner, the Planning Board and the Technical Staff.

The subject property lies at the southeastern edge of the Bethesda-Chevy Chase and Vicinity Planning Area, and within an area governed by the 1998 *Friendship Heights Sector Plan*. The site contains about 1,500 feet of frontage along the south side of Willard Avenue as it extends between North Park Avenue and Friendship Boulevard. The site also extends south along the west side of Friendship Boulevard for about 1,000 feet. The site possesses about 250 feet of frontage along the north side of Western Avenue. The site is located about 700 feet west of the Friendship Heights Metro Station. The site was originally classified under the R-60 Zone by the 1954 Regional District zoning. This classification was confirmed by subsequent comprehensive rezoning in 1958. A portion of the subject property contains the existing GEICO headquarters office building which was authorized under Zoning Applications C-798 in 1962 which classified the footprint of the GEICO building under the C-O Zone. The headquarters building contains 514,257 square feet and ranges in height between four and seven stories. Subsequent comprehensive zoning in 1974 and 1990 confirmed both the R-60 and C-O zoning for the site. However, the 1990 comprehensive zoning enlarged the C-O zoned area by 1.65 acres to allow for expansion of the GEICO building. When expansion failed to materialize, GEICO subsequently applied for a downzoning of the 1.65 acres to the R-60 Zone which was approved in 1992 under G-693. On July 14, 1998,

comprehensive zoning applied the R-60/TDR Zone to the entire site, which rendered the existing GEICO building a non-conforming use.

The surrounding area that is likely to be affected by the proposed development includes the area bounded on the northeast by Wisconsin Avenue, on the southeast by Western Avenue, on the southwest by River Road, and on the northwest by the *Friendship Heights Sector Plan* boundary line. The land use and zoning pattern of this area reflects mixed uses and a variety of zoning categories. North and east of the subject property is the Village of Friendship Heights which contains a number of residential mid-rise and high-rise buildings and a variety of office and commercial uses classified under the CBD and R-H Zones. Located to the northwest is the Town of Somerset which is developed under the R-60 Zone. Located southeast of the subject property is the Hecht Company, which is classified under the CBD-2 Zone. The Friendship Heights Metro Station is located at the juncture of Western and Wisconsin Avenues. Located to the south and west of the subject property is the residential community of Brookdale which includes the subdivisions of Orchardale and Brookdale. This community is developed with 350 homes under the R-60 Zone.

The application proposes three office buildings along Friendship Boulevard and four multi-family residential buildings along Willard Avenue. The offices are to be located in three buildings set back a minimum of 20 feet from Friendship Boulevard and 80 feet from Western Avenue. The largest office building will be located near the intersection of Friendship Boulevard and Willard Avenue and will not exceed nine stories in height. The middle office building will not exceed eight stories in height. The office building closest to Western Avenue will not exceed five stories in height. Modest retail components will be located at the street level of these buildings. The maximum square footage of the entire office and retail complex will not exceed 810,000 square feet. The four residential buildings will house 300 dwelling units, including moderately priced dwelling units. These residential buildings will be

set back 40 feet from Willard Avenue. Parking for the complex will be contained in underground garages beneath both the residential and office buildings. The office parking is proposed at 2,592 spaces, and the residential parking is proposed at 400 spaces. Vehicular access is proposed by way of an access road extending from Willard Avenue at its intersection with North Park Avenue along the southern perimeter of the site to Friendship Boulevard. The overall floor area ratio of the project is 2.85.

The development plan proposes substantial amenities. On-site open space is proposed at 4.07 acres. This open space will include approximately 150 new trees to be planted on the site after construction is completed. A promenade along Willard Avenue will contain a 40-foot width, a double row of street trees, and a 12-foot sidewalk extending from North Park Avenue to the intersection of Willard Avenue and Friendship Boulevard. A promenade along Western Avenue will include a 30-foot width, a double row of trees, and a sidewalk and separate bikeway. The office building located near Western Avenue will be setback at least 80 feet from the curb. Buildings located along Friendship Boulevard will be set back at least 20 feet from the curb and the setback area will include streetscape and a single row of trees.

The development plan also proposes significant off-site amenities. A greenway, which includes a variable width ranging from 50 to 70 feet, will extend from the western tip of the GEICO tract along its southern boundary to Western Avenue. The existing three-acre Brookdale Park which is currently leased to the Maryland-National Capital Park and Planning Commission will be enlarged to include an adjacent lot for a total size of 3.7 acres. A central open space area of about one acre will be located north of the Brookdale Park. A large open space area will also be located adjacent to Western Avenue and will contain sufficient size to accommodate Little League baseball games and a buffer area. These off-site amenities also involve tree preservation and approximately 255 existing trees will be preserved within a tree save area. An afforestation proposal will locate 250 new trees on the portions of

the GEICO tract which are outside the subject property. The Applicant has also provided a staging plan which provides for a program for the sale of the existing GEICO homes located in the Brookdale community.

The development plan also provides for other binding elements which include a combined preliminary plan for both the TS-M and R-60/TDR zoned areas, traffic mitigation, a pedestrian circulation system, on-site stormwater management facilities, and notice to subsequent purchasers. These binding elements assure that the sector plan's guidelines will be properly implemented and that the proposed development will not have an adverse impact on its neighbors and will be served by adequate public facilities.

The District Council determines that the development plan satisfies the requirements of §59-D-1.61. The requested reclassification to the TS-M Zone specifically complies with the recommendations contained in the sector plan and does not conflict with the general plan, the County's CIP, or other applicable County plans or policies. The development plan complies with the purposes, standards and regulations of the TS-M Zone and provides for the maximum safety, convenience and amenities of residents of the area as well as being compatible with adjacent development. The development plan also proposes a vehicular and pedestrian circulation system that is safe, adequate and efficient. The development plan provides for a site design that will prevent soil erosion and preserve vegetation and other natural features of the site. The development plan is supported by documents that adequately and sufficiently provide a method of assuring perpetual maintenance of recreational, common or quasi-public areas.

The District Council concludes that the application satisfies the requirements of the TS-M Zone. The TS-M Zone at the proposed location constitutes a proper use for the comprehensive and systematic development of the County. The proposed development is capable of accomplishing the

purposes of the zone. The proposed development is also in substantial compliance with the applicable sector plan. The proposed development satisfies all the technical requirements of the TS-M Zone.

For these reasons, and because to grant the instant application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution:

The revised development plan, submitted as Ex. 263 (a), is hereby approved.

Application No. G- 760, for the reclassification from the R-60/TDR Zone to the TS-M Zone of 9.912 acres located at 5260 Western Avenue, known as a portion of Parcel A, GEICO Subdivision, Chevy Chase, in the 7th Election District, is granted for the TS-M Zone in the amount requested subject to the specifications and requirements of the revised development plan approved above; provided that within 10 days following this action the applicant must submit to the Hearing Examiner for certification under Section 59-D-1.64 a reproducible original and three copies of the approved development plan.

This is a correct copy of Council action.


Mary A. Edgar, CMC
Secretary of the Council

FILE COPY

Date of Mailing: May 13, 1999



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Preliminary Plan No.: 1-99039
Project: Friendship Commons (GEICO)
Date of Hearing: February 11 and 25, 1999

*Action: **APPROVAL, SUBJECT TO CONDITIONS.** (Motion by Commissioner Bryant; seconded by Commissioner Perdue; with a vote of 4 to 0; Bryant and Hussmann voting in favor of the Motion.*

INTRODUCTION

By application filed November 16, 1998, Government Employees Insurance Company ("GEICO" or the "Applicant") sought preliminary plan review of a Preliminary Plan entitled "Friendship Commons." The application sought approval to develop 810,000 square feet of commercial office space and 500 dwelling units on a site encompassing approximately 26.5 acres in the TS-M and R-60/TDR zones. Notice of the application was sent to the owners of 62 adjoining and confronting properties, to three municipalities and to six civic associations. The Maryland-National Capital Park and Planning Commission (the "Commission") scheduled the matter for review by the Commission's Development Review Committee on December 21, 1998. Several members from the community attended that meeting. At the meeting, the Committee set a tentative hearing date before the Montgomery County Planning Board (the "Board") for February 11, 1999.

In advance of that hearing, Commission staff received various comments and inquiries from interested parties and held various meetings with Applicant and community representatives in order to address those questions and comments, as well as issues of interest to Commission staff.

On February 11 and 25, 1999, the Board held public hearings to consider Preliminary Plan No. 1-99039. Notice of the February 11, 1999 hearing was sent out on January 29, 1999, and notice of the February 25, 1999 hearing was announced at the February 11, 1999 hearing and listed in the Planning Board's agenda for February 25,

1999. All interested persons were afforded the opportunity to testify, provide rebuttal testimony and cross-examine witnesses to the extent they chose to do so. There also was an opportunity to submit written testimony prior to and between the two hearing dates. Six people from the community spoke at the February 11, 1999 hearing generally supporting the application but raising questions as to certain aspects including traffic. Four of those six also spoke at the February 25, 1999 hearing. The Board's counsel addressed the procedures followed at every step in the hearings and concluded that all required evidentiary laws, rules and procedures had been followed in this subdivision case. Counsel confirmed that the Board's handling of this matter did not compromise, in any way, the interests of any one opposed in any way.

The testimony and evidence presented included, without limitation, the applicant's Preliminary Plan Application materials; the Approved and Adopted Friendship Heights Sector Plan dated March 1998 (the "Sector Plan"); copies of testimony taken by civic groups, organizations and individuals regarding the Preliminary Plan Application; the Applicant's traffic study dated December 4, 1998 and additional traffic information provided by the Applicant at the request of Staff dated February 2, 1999; the M-NCPPC Planning Department Staff Recommendations dated February 25, 1999; Development Review Division Memorandum dated February 19, 1999; Community-Based Planning Division Memoranda dated February 19, 1999; Transportation Planning Division Memorandum dated February 5, 1999, as revised February 11, 1999; Supplemental Memorandum dated February 19, 1999; the Applicant's letter dated February 22, 1999; and the recommendations of the Montgomery County Department of Public Works and Transportation, the Montgomery County Department of Permitting Services, the Maryland State Highway Administration, the District of Columbia Department of Public Works, and public utility companies. Based upon the testimony and evidence, the Board finds Preliminary Plan No. 1-99039 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan No. 1-99039, subject to the conditions listed at the end of this opinion.

DISCUSSION and FINDINGS

The Project is being developed pursuant to the Sector Plan as approved by the Montgomery County Council in Resolution No. 13-1148 dated January 27, 1998 and rezoning G-760 for the 9.9± acre, TS-M zoned portion of the Property approved by the

District Council in Resolution No. 13-1461 and an accompanying Development Plan adopted by the District Council on October 13, 1998.

The Property consists of approximately 26.5 acres and is located within the 1998 Friendship Heights Sector Plan and Friendship Heights Policy Area. The Property is generally bounded by Willard Avenue to the north and Friendship Boulevard to the east, adjoins the District of Columbia, and is 700± feet west of Friendship Heights Metro Station. The Preliminary Plan Application proposes to subdivide the Property to allow for redevelopment to replace the existing 514,257 square foot GEICO headquarters office building with three new office buildings located closer to the Metro station and the addition of 500 dwelling units on the remainder of the Property now occupied by office parking.

The Property is located in the southwest quadrant of Willard Avenue and Friendship Boulevard in the Friendship Heights section of Chevy Chase. In addition to impacting Willard Avenue and Friendship Boulevard, traffic generated by the Property will impact, to varying degrees: Western Avenue, including its intersection at River Road; River Road at Little Falls Parkway; Little Falls Parkway itself; and Friendship Boulevard at Jennifer Street.

The Applicant proposes to construct the following improvements:

1. 500 residential dwelling units, including 300 multi-family units located in four buildings along Willard Avenue and 200 single family attached units located in the interior portion of the Property;
2. 810,000 square feet of office space and ancillary retail use located in three buildings along Friendship Boulevard;
3. Subsurface parking beneath the multi-family and office buildings, and off-street parking for single family attached residences;
4. An expansion to Brookdale local park;
5. A ball field; and
6. Open space or greenspace areas throughout the Property.

There currently are no existing on-site streams, swales, wetlands or other hydrologic features on the Property. There are no historic or culturally significant sites or buildings on or within 100 feet of the Property. There are no rare, threatened or endangered species known to occur on the Property.

County Code Section 50-35(k)(the "Adequate Public Facilities Ordinance" or "APFO") directs the Planning Board to approve preliminary plans of subdivision only after finding that the public facilities, including the transportation system, will be adequate to serve the subdivision. From a transportation standpoint, this involves predicting future demand from approved development and comparing it to the capacity of existing and programmed public facilities. The Montgomery County Council delegated to the Planning Board and its staff all necessary administrative decisions not covered by the guidelines established by the Council for the APFO in the County's Annual Growth Policy. In its administration of the APFO, the Planning Board must consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

Subdivision applications may be subject to two different types of transportation tests. One is called the Policy Area Transportation Review. The other is called the Local Area Transportation Review. The Policy Area Transportation Review divides the County into policy areas. These are geographic areas for which the adequacy of public facilities is addressed on an area-wide basis. With regard to transportation, a staging ceiling may be established for each policy area. The staging ceiling for a policy area is the maximum number of jobs and residential units that can be accommodated by the existing and programmed transportation network serving the area, at an assigned level of service standard. Except for special circumstances, if a proposed subdivision is in a geographic policy area for which previously approved development exceeds the staging ceiling, then the Planning Board must find the public facilities to be inadequate.

Pursuant to the Fiscal Year 1999 Annual Growth Policy adopted by the Montgomery County Council on June 30, 1998, the Property is located within the Friendship Heights Policy Area. This Policy Area has ceiling capacity for 4,831 jobs and 1,205 housing units as of the date of this application. Based on the mix of uses provided as part of the Project and the analysis contained in M-NCPPC Transportation Planning Staff Memoranda dated February 5, 1999 (as revised February 11, 1999) and February 19, 1999, ("TPD

Memoranda"), the Board determined that the Project would result in 1,314 new jobs and 500 new dwelling units and would generate 1052 net new A.M. peak hour trips and 1034 net new P.M. peak hour trips. The Board concludes the Application therefore passes the Policy Area Transportation Review test.

Regarding the Local Area Transportation Review test, the Applicant submitted a detailed traffic impact study dated December 4, 1998, and additional information requested by the staff on February 2, 1999, which was reviewed by the M-NCPPC Transportation Planning Division. It is noted that the additional information requested by staff was not required as a matter of law but, nonetheless, was provided by the Applicant at staff's request for purposes of adding the traffic projected to be generated by the Friendship Place subdivision (Preliminary Plan No. 1-99030) during the peak hours employed by the Friendship Place traffic study to all 15 intersections studied in the Applicant's December 4, 1998 traffic study. This additional information reconciled alleged differences between the traffic studies for both projects. Even though the Planning Board recognized that many of the traffic and transportation-related issues raised at the subdivision hearings had been addressed in the Sector Plan and rezoning Case No. G-760, the Planning Board still afforded an opportunity for opposition testimony, rebuttal and cross-examination on these same issues at subdivision. No cross-examination of the Applicant or the Applicant's representatives was requested by any party in opposition.

Findings:

The Planning Board finds that the Applicant's December 4, 1998 expert traffic study was timely filed, afforded all parties sufficient time to review and respond, took into account all issues required to be considered under the Montgomery County Code and was, in and of itself, fully acceptable and persuasive on all requisite issues regarding the Adequate Public Facilities Ordinance the Annual Growth Policy and the LATR Guidelines. Based on the Applicant's traffic study and additional information provided by the Applicant and the analysis provided by staff in the TPD Memoranda, and for the reasons stated therein which the Planning Board hereby adopts as its own, the Planning Board concludes that the Project passes the Local Area Transportation Review test, if the transportation and improvements identified in the TPD Memoranda are provided. The Board expressly finds that the Applicant's analyses adhere to the guidelines contained in the Local Area

Transportation Guidelines dated April 1998. The Board finds that the Applicant's traffic studies and TPD Staff Memoranda and testimony provided credible and convincing evidence regarding all of the issues raised concerning traffic and transportation including, but not limited to, trip generation rates, intersection levels of service and critical movements, lane use factors, traffic growth assumptions and background traffic, and applicable peak hours. Staff confirmed and the Board hereby adopts as a finding that the traffic study and additional traffic information submitted by the Applicant's traffic engineer comply with all of the requirements set forth in the LATR Guidelines and as accepted by the Board. The Board further notes that there were no studies or evidence submitted into the record refuting the findings of the Applicant's traffic engineer or TPD Staff regarding traffic and transportation.

Section 50-24(b) of the Subdivision Regulations provides that the subdivider shall also provide, in addition to any required dedication for widening existing frontage roads, such reasonable improvements to the roads necessary to meet the needs of the subdivision for access and traffic. In the TPD Memoranda, the Planning Department staff recommended the Applicant provide certain right-of-way dedications and additional roadway improvements required to maintain safe travel conditions, including improvements and/or funding for turn lanes, curb radius expansion, traffic signalization and phasing, median removal, lane use changes and restriping, and implementing traffic mitigation measures.

The Planning Board, after considering all the evidence and testimony of record, finds the improvements and access modifications recommended by Staff and set forth in the conditions of approval below are necessary and adequate to serve the needs of the Project for access and traffic. The improvements will facilitate the safe and efficient traffic movements on the public roads abutting the Property. The improvements will also assure that vehicles entering and leaving the property will be able to do so in a safe and efficient manner.

The Planning Board further finds that the proposed on-site stormwater management concept plan conditionally approved by the Montgomery County Department of Permitting Services by letter dated January 22, 1999, will provide adequate control of stormwater runoff from the Property. The approved stormwater management concept consists of on-site water quantity control via underground storage and on-site water quality control via structural sand-filters and water quality inlets. The Planning Board also finds that the

proposed storm drainage improvements are acceptable because the runoff from the developed 2-year storm event will be stored and released at the predeveloped 2-year storm event rate and that the preliminary forest conservation plan, as reviewed and recommended by Staff, meets the requirements of Montgomery County Code Chapter 22A.

The Planning Board finds that the project satisfies requirements as to the dedication of land for public use, includes required public improvements (roads and sidewalks, water and sewer and storm drainage), meets sediment control standards, is an appropriate block and lot design, provides adequate open space and recreation areas and is consistent with the Friendship Heights Sector Plan and the approved Development Plan for the TS-M zoned portion of the Property.

Therefore, having considered all of the evidence presented and all the testimony taken, the Planning Board finds the Preliminary Plan to be in accordance with the Subdivision Regulations of the Montgomery County Code, the applicable recommendations of the Sector Plan, and the provisions of the Maryland Code Ann., Art. 28, and approves Preliminary Plan No. 1-99039 subject to the following conditions:

- (1) Prior to recording of plat(s), Applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of 500 dwelling units and 810,000 square foot office use. The Applicant shall provide the following Local Area Transportation Review improvements as outlined in the Transportation Planning Division staff memorandum dated 2-5-99 and as amended 2-19-99.
 - a) To satisfy Local Area Transportation Review (LATR), participate equally with Friendship Place (Preliminary Plan No. 1-99030) in a project to (a) provide separate left-turn lanes along eastbound and westbound Western Avenue at River Road, (b) if necessary or required by the District of Columbia, increase the curb radius in the southeast corner from 15 feet to 20-30 feet in accordance with plans approved by the District of Columbia Department of Public Works. To the extent possible, include a sidewalk to allow for pedestrian safety within the existing road right-of-way, and (c) change the traffic signal phasing to provide concurrent signal phasing along Western

Avenue. Implementation of this condition shall be accomplished before issuance of occupancy permits for either Friendship Place or Friendship Commons with funding provided by both applicants at the time the improvement is constructed.

- b) To satisfy Local Area Transportation Review (LATR), participate equally with Friendship Place (Preliminary Plan No. 1-99030) in a project to (a) provide separate northbound and southbound right turn lanes on River Road at Little Falls Parkway, (b) remove the existing medians on Little Falls Parkway and change the lane use on the eastbound and westbound approaches to provide one left-turn lane and one through/right lane on the eastbound approach of Little Falls Parkway and one right-turn lane, two through lanes and two left-turn lanes on the westbound approach of Little Falls Parkway, and (c) change the traffic signal phasing to provide concurrent phasing for Little Falls Parkway. Implementation of this condition shall be accomplished before issuance of occupancy permits for either Friendship Place or Friendship Commons with funding provided by both applicants at the time the improvement is constructed.
- c) To satisfy Local Area Transportation Review (LATR), participate equally with Friendship Place (Preliminary Plan No. 1-99030) in a project to improve the intersection of Friendship Boulevard/Jenifer Street and Western Avenue (a) to restripe Friendship Boulevard approaching Western Avenue within the existing curbs, and (b) modify the signal phasing to provide split phasing for Friendship Boulevard and Jenifer Street. Implementation of this condition shall be accomplished before issuance of occupancy permits for either Friendship Place or Friendship Commons with funding provided by both applicants at the time the improvement is constructed.
- d) Participate with the owner/developer of Friendship Place (Preliminary Plan No. 1-99030) to fund a traffic signal at the site access (located on Friendship Boulevard) based on actual traffic generated from each primary development within one year of completion and occupancy of both projects, if deemed necessary by MCDPW&T warrant analysis.
- e) Applicant to enter into a Traffic Mitigation Agreement with M-NCPPC and

MCDPW&T for new construction under G-760. In conjunction with other new development, participate in the Friendship Heights Transportation Management Organization (TMO) and pay to Montgomery County the transportation management fee required by the Transportation Management District (TMD) legislation to support the TMD, regardless of whether the development included in the approved site plan is considered new or existing development by the TMD.

To assist in attaining the objectives of the Transportation Management District, including achieving and maintaining a non-auto driver mode share of 39 percent of employees, the Traffic Mitigation Agreement shall include management strategies such as:

- a. Offer employees a transit/van pools allowance of at least \$5 a month per employee
- b. Establish a "Donor Day" incentive program
- c. Provide employee access to ride-matching and emergency ride home programs
- d. Designate preferential car pool parking spaces
- e. Appoint a transportation coordinator to assist employees in exercising commuting options and to provide for coordination and trip reduction monitoring with the Friendship Heights transportation management organization
- f. Devise a technique to avoid the use of retail parking spaces by employees during peak traffic hours

In the event that the Friendship Heights TMO is not established, to fund the operation of traffic mitigation activities in addition to those listed above, the applicant shall 1) support the Barlow Center Transportation Management Organization which is required by Site Plan No. 8-95031 or 2) operate a GEICO program for its new development or 3) participate in the interim transportation management program organized by Montgomery County for Friendship Heights, whichever is in effect. The amount of parking shall be determined at time of site plan approval.

- (2) Compliance with the conditions of approval of the preliminary forest conservation plan. The Applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate.
- (3) Prior to submission of access permits for Friendship Boulevard, Applicant to coordinate with the representatives of Preliminary Plan No. 1-99030 (Friendship Place) and MCDPW&T to finalize driveway locations.
- (4) Provide final landscape/streetscape plans, parking facilities plan, recreational facilities plan, pedestrian/bikeway and vehicular circulation plan to be reviewed and approved at site plan.
- (5) Applicant to provide dedication by record plat of Open Space/ball field, the Greenway and Enlarged Brookdale Park as required by the conditions of approval for Zoning Applicant G-760 and shown therein.
- (6) Prior to recordation of Property, the Applicant and technical staff to make a final determination as to the total number of lots on the Property. The lots are to be reflected on the final record plat and are to be recorded among the land records.
- (7) Terms and conditions of access to be approved by MCDPW&T prior to recording of plats.
- (8) Prior to recording of plats, submit for technical staff approval the Home Owner's Association and Site Plan Enforcement documents.
- (9) Dedication of Willard Avenue and Friendship Boulevard as shown on plan.
- (10) Conditions of MCDPS storm water management approval dated 1-22-99.
- (11) No clearing, grading or recording of plats until site plan approval.
- (12) Final number and location of dwelling units, TDR's and building location/orientation to be reviewed at site plan stage.
- (13) Other necessary elements.

- (14) The validity of Preliminary Plan No. 1-99039 is dependent upon the Applicant proceeding with and abiding by the conditions of approval for Zoning Application G-760. In the event that any inconsistency between the conditions of approval for Zoning Application G-760 or the conditions of approval for the preliminary plan arise, the most restrictive conditions shall apply.
- (15) Applicant to revise the preliminary plan to delineate the proposed Ball Field with 180 foot foul lines and an additional setback of 100 feet from any dwellings, 25 feet of which must be dedicated as an open space buffer for the Ball Field.
- (16) Grading at the boundary of the Enlarged Brookdale Park shall be in accordance with the Applicant's concept drawing dated 2-10-99. Final grading plan to be reviewed and approved at site plan.
- (17) Approval of the preliminary plan is contingent upon the Applicant's first entering into an interim extension of the existing lease and a new lease with M-NCPPC for the Enlarged Brookdale Park. Negotiations for the new lease shall commence by April 30, 1999 prior to dedication of the park areas as required by the conditions of approval for Zoning Application G-760.
- (18) Provide details of Ball Field lay-out with site plan submission. Details shall include field dimensions, team and visitor area designations and fence construction details for the area abutting Western Avenue to prevent foul balls from entering the roadway.
- (19) The Preliminary Plan will remain valid until June 13, 2002 (37 months from the date of mailing, which is May 13, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for extension must be filed.

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