



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

Item # _____
MCPB 11/08/07

MEMORANDUM

DATE: October 29, 2007
TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Cathy Conlon, Subdivision Supervisor *CC*
Robert Kronenberg, Site Plan Supervisor *RK*
Development Review Division



FROM: Joshua Sloan (301.495.4597) *JS*
Dolores Kinney (301.495.1321) *DK*
Development Review Division

PROJECT NAME: Woodmont East – Phase II
CASE #: 920070070 & 120070200
REVIEW TYPE: Project Plan & Preliminary Plan

ZONE: CBD-2
APPLYING FOR: Creation of one lot and construction of an optional method mixed-use development for 250 multi-family dwelling units (including 32 MPDUs), a 250 room hotel, 36,300 square feet of retail space, and 78,300 square feet of office space.

LOCATION: The northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue.

MASTER PLAN: Bethesda Central Business District Sector Plan

REVIEW BASIS: Chapter 50 of the Montgomery County Subdivision Regulations and Section 59-C-6.215(b) of the Montgomery County Zoning Ordinance.

APPLICANT: Street Retail, Inc.
FILING DATE: April 2, 2007 (Project) and October 6, 2006 (Preliminary)
HEARING DATE: November 8, 2007

Attached is the staff report for the proposed Woodmont East – Phase II Project Plan & Preliminary Plan. Staff recommends **Approval** with conditions as delineated in the staff report.

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STAFF RECOMMENDATION

PROJECT PLAN

Approval of Project Plan 920070070 subject to the following conditions:

1. Development Ceiling
The proposed development is limited to a Floor Area Ratio of 5.0, which includes 250 multi-family dwelling units (including 32 MPDUs), a 250 room hotel, 36,300 square feet of retail space, and 78,300 square feet of office space.

2. Building Height and Mass
The proposed development is limited to 143 feet in height from the measuring point on Elm Street (elevation 334.00).

3. Reed Street Abandonment
This approval is contingent on the abandonment of the Reed Street right-of-way by the Montgomery County Council.

4. Transportation

- a. The tunnel located under Wisconsin Avenue, within which the Interim Georgetown Branch Trail (the "Trail") is located, must remain open to pedestrian and bicycle traffic during and after construction of this development. The Applicant must satisfy this condition by detouring the Trail at the western terminus of the tunnel either north to Elm Street or south to Bethesda Avenue pursuant to one of the following three alternatives:

- The Trail will exit the tunnel through the northern knock out panel located along the northwestern corner of the Apex property;
- The Trail will exit the tunnel through the existing western terminus and will be temporarily rerouted south through the Artery Property; or
- The Trail will exit the tunnel through the existing western terminus onto the northeastern corner of the Woodmont East II Property.

The precise route and details regarding the temporary roadway, intersection and streetscape improvements, construction methods, directional signage, and other safety measures must be determined during the time of site plan review and prior to the Planning Board Hearing on the site plan. Further, any necessary easement(s) will be secured by the Applicant prior to the Planning Board Hearing on the site plan.

- b. The alternative Georgetown Branch Trail detour must be reviewed and approved by Planning Board Staff and the relevant County agencies prior to the Planning Board Hearing on the site plan. This alternative route must include adequate signage and markings to help trail users navigate between the tunnel and the Capital Crescent Trail trailhead at Bethesda Avenue adjacent to Lot 31/Lot 31A. Prior to the Planning Board Hearing on the site plan, the Applicant must enter into a Memorandum of Understanding (MOU) with the County that identifies the interim and permanent future alignments and sketch level designs for the Georgetown Branch Trail.
- c. Prior to the Planning Board Hearing on the site plan, the Applicant must provide a pedestrian and bicycle circulation plan for the construction phase. This detailed plan must include specific detour routes, proposed way-finding signage/markings, and the expected duration of any disturbances to bicycle and pedestrian mobility through and around the site. The plan must be submitted with the site plan application for review by the M-NCPPC, DPWT, other relevant County and State agencies, and the public.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide a minimum of 12.5% MPDUs on-site, 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.
- 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.

6. Public Use Space

- a. The Applicant must provide a minimum of 28% of the Net Lot Area for on-site Public Use Space and a minimum of 38% of the Net Lot Area for off-site Public Amenity Space. The final design and details will be determined during site plan review.
- b. The proposed Public Use Space must be easily and readily accessible to the general public and available for public enjoyment.
- c. The Applicant must provide a way-finding sign along the Georgetown Branch 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 two phases. A detailed development program will be required prior to approval of the Certified Site Plan.
- b. The Applicant must install the landscaping no later than the next growing season after completion of the building and plaza.
- c. The Applicant must complete the on-site Georgetown Trail improvements prior to issuance of use-and-occupancy permits unless modified by the site plan Development Program.

9. Maintenance and Management Organization

Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a Maintenance Plan for all on-site Public Use Space unless an alternative arrangement is made with the Bethesda Urban Partnership or another public entity.

10. Coordination for Additional Approvals Required Prior to Site Plan Approval

- a. The Applicant must obtain written approval from the Montgomery County Department of Parks for the improvements and enhancements to the Georgetown Branch Trail and Elm Street Park.
- b. The Applicant must obtain written approval from the Montgomery County Department of Public Works and Transportation (DPWT) for the final design and extent of any and all streetscape improvements within the rights-of-way.
- c. The Applicant must obtain written approval from Planning Department Staff and the Maryland Transit Authority for all easements and reservations for the Purple Line Transitway and the Georgetown Branch Trail.
- d. The Applicant must obtain approval from the County Council for the abandonment of the Reed Street right-of-way.

PRELIMINARY PLAN

Approval of Preliminary Plan 120070200 (*Appendix B*), pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) The Applicant must comply with the conditions of approval for Project Plan 920070070.
- 2) The development is limited to a maximum of 250 multi-family dwelling units (including 12.5% MPDUs), a 250-room hotel, 36,300 square feet of general retail use, and 78,300 square feet of general office use.
- 3) The applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements as required by the Montgomery County Department of Public Works and Transportation (DPWT):
 - a. Construct the frontage improvements along Elm Street, Woodmont Avenue, and Bethesda Avenue.
 - b. Construct intersection improvements at Woodmont Avenue and Bethesda Avenue that include a left-turn lane on the eastbound Bethesda Avenue approach at its intersection with Woodmont Avenue.
 - c. Construct intersection improvements at Elm Street and Woodmont Avenue that include providing for an exclusive left turn lane and a shared through/right turn lane on westbound Elm Street at its intersection with Woodmont Avenue, if required by DPWT.
 - d. Design the bicycle and pedestrian facilities, both interim and permanent, along the perimeter of the site to be consistent with current plans for the Lot 31/Lot 31A development and provide a safe and adequate trail crossing of the Bethesda Avenue/Woodmont Avenue intersection. Special signalization must allow bicyclists and pedestrians to pass through the intersection from the southwest to the northeast corner in one traffic signal phase.

The above improvements are similar to those required of the applicant for Preliminary Plan No. 120070690, Lot 31/Lot 31A, along their common street frontage. These improvements must be complete and open to traffic prior to release of the initial use and occupancy permit.

- 4) To 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), the Applicant must provide a 32-foot easement along the Georgetown Branch right-of-way from the western property line to the eastern property line to be finalized at site plan and delineated on the Record Plat.
- 5) Prior to the issuance of a building permit, the Applicant must file a plat(s) placing the following areas in reservation for a minimum of 40 years from the date of filing:
 - a. An approximately 514 square foot area along the Purple Line easement to accommodate operation of the Purple Line as it enters and exits the tunnel under the Apex Building, effectively increasing the width of the easement from 32 feet to 38 feet at the eastern end.
 - b. A 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 clearance on each side from the western property line to the eastern property line parallel to the easement for the Purple Line.
- c. A minimum of approximately 1,960-square-foot Reservation Area along the property's eastern edge adjoining the tunnel for a future switch-back ramp for the Georgetown Branch Trail to be finalized at the time of site plan and delineated on the Record Plat.
- 6) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT 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.
 - 7) The Applicant must coordinate with the Transportation Planning Staff to determine the ultimate number, location, and timing of installation of the bicycle parking facilities prior to certification of the site plan.
 - 8) 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:
 - 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.
 - 9) The Applicant must prepare 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 L_{dn}.
 - 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 MNCPPC staff.
 - c. The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are approved.
 - 10) The final number of dwelling units and MPDU's as per condition #1 above to be determined at the time of site plan.
 - 11) The Applicant must comply with the conditions of the MCDPWT letter dated August 27, 2007, unless otherwise amended (*Appendix C*).
 - 12) The Applicant must comply with the conditions of approval from the Montgomery County Department of Permitting Services stormwater management approval dated October 16, 2007 (*Appendix D*).
 - 13) 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 opinion.
 - 14) Other necessary easements must be shown on the record plat.
 - 15) The Applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
 - 16) The Applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat.
 - 17) No clearing, grading or recording of plats prior to certified site plan approval.

- 18) Final approval of the number and location of buildings, dwelling units, hotel rooms, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 19) The Applicant must submit a copy of the Montgomery County Resolution for the Abandonment of Reed Street prior to recordation of the Plat.

PROJECT DESCRIPTION

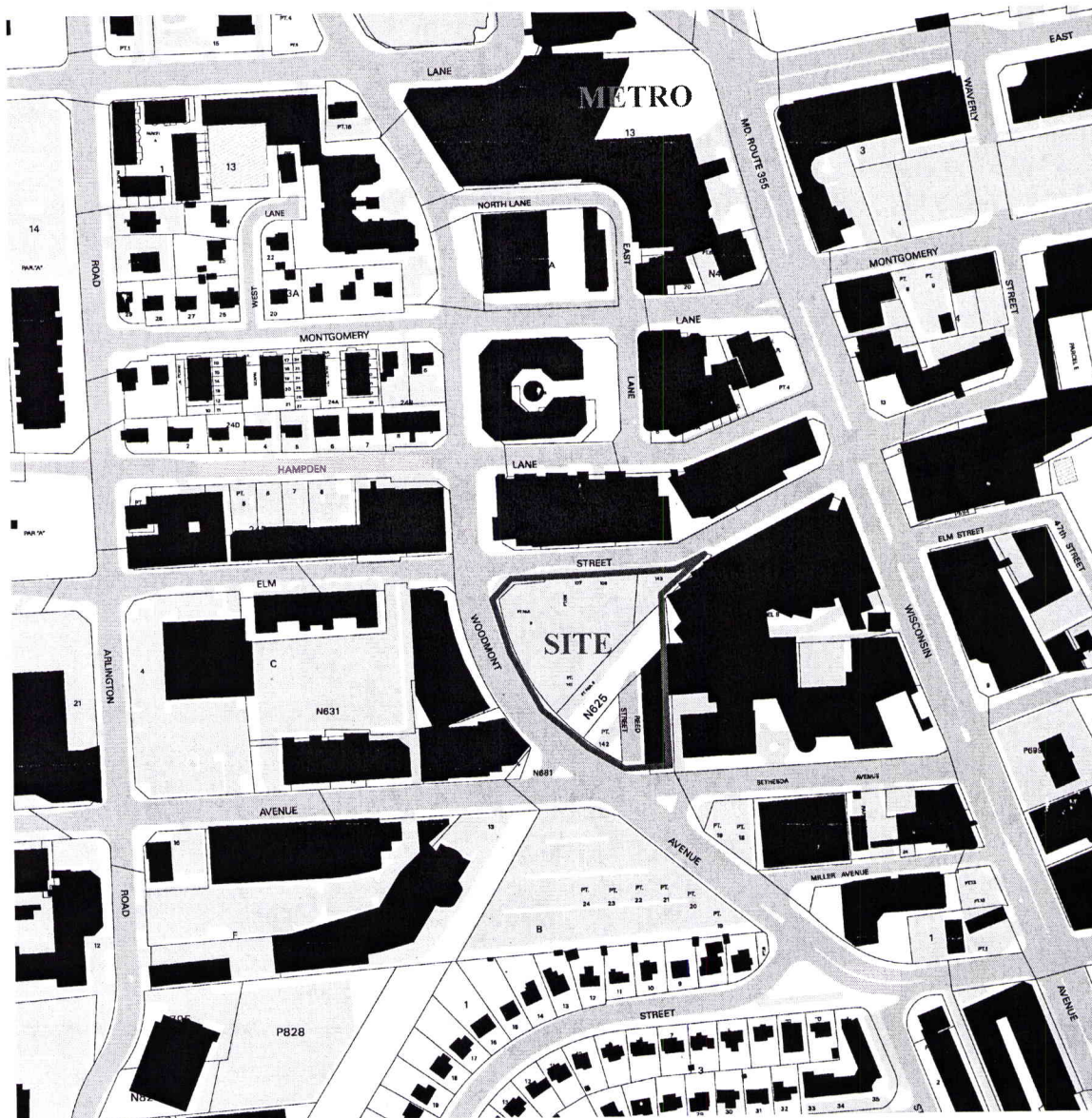
EXECUTIVE SUMMARY

Applicant	Street Retail, Inc. for The JBG Companies & Federal Realty Trust
Attorney	Holland + Knight, LLP
Engineer	Macris, Hendricks, and Glascock, PA
Architect	Shalom Baranes Associates, PC
Landscape Architect	Oehme, Van Sweden & Associates, Inc.
Traffic Consultants	The Traffic Group, Inc.
Plan #'s & Name	920070070 & 120070200: Woodmont East – Phase II
Zone	CBD – 2
Location	Northeast quadrant of the intersection of Woodmont Avenue & Bethesda Avenue (ADC Map Grid #36-A12)
Master Plan	Bethesda CBD Sector Plan
Gross Lot Area	107,965 square feet (2.48 acres)
Net Lot Area	96,499 square feet (2.22 acres)
Existing Use	106,436 square feet of retail, restaurant, and office space
Proposed Use	36,300 square feet of retail, 78,300 square feet of office, 250 multi-family residential units, and a 250-room hotel
Existing Density	0.99 FAR
Proposed Density	5.0 FAR
Community Concerns	The Georgetown Branch Trail, Green Space, Density & Congestion
Actions Required by Planning Board	Votes on the Project & Preliminary Plans and a recommendation to the County Council regarding the abandonment of Reed Street.
Further Approvals Required	Site Plan, Reed Street Abandonment

SITE VICINITY & DESCRIPTION

Site Location

The subject property is located in the southern central area of the Bethesda Central Business District within the Metro Core District of the Bethesda CBD Sector Plan and adjacent to the Arlington Road District. It occupies an entire block of Woodmont Avenue with minimal frontage on Bethesda Avenue to the south and a few hundred feet of frontage along Elm Street to the north. Taking into consideration previous dedications, the Property consists of 96,499 net square feet. The total gross area before any dedications is 107,965 square feet.

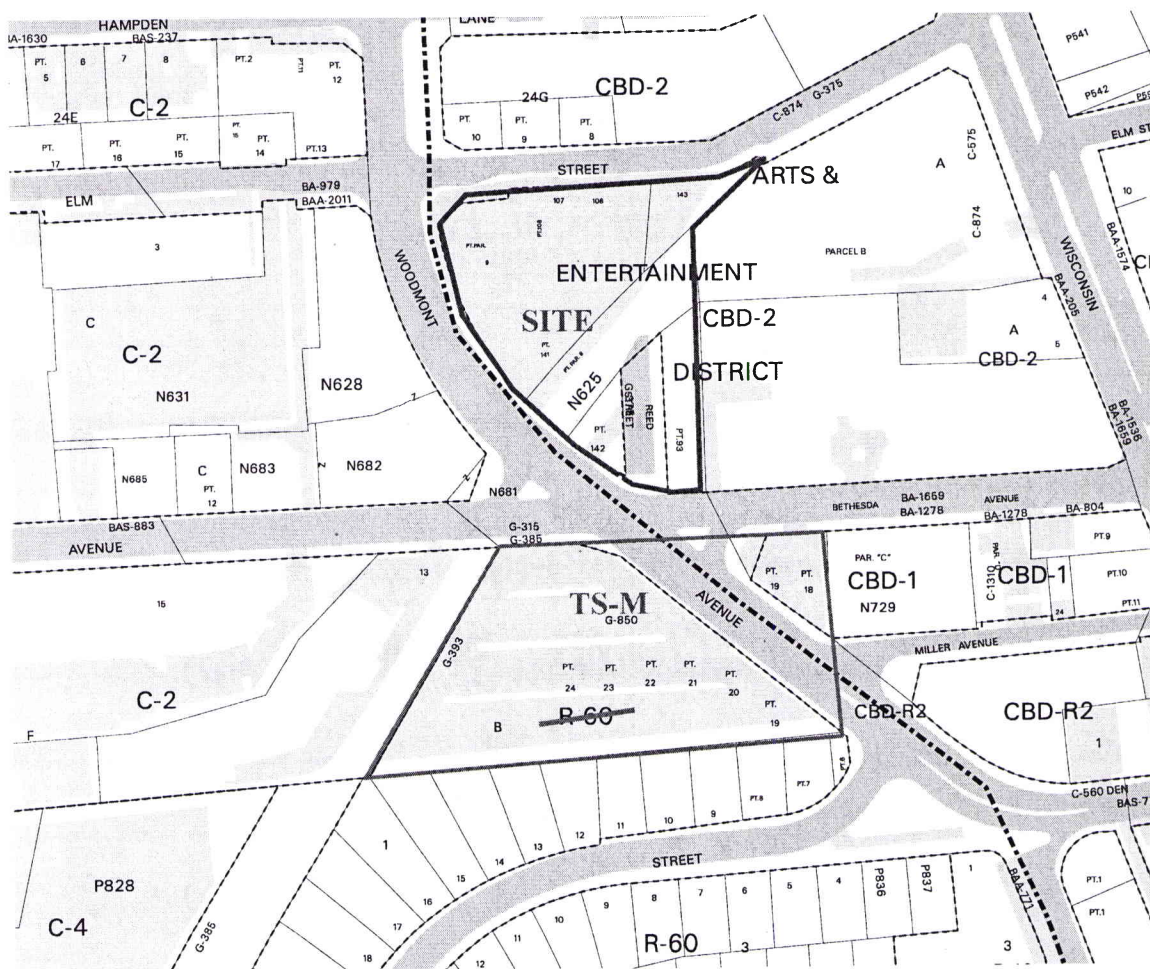


Vicinity Map

Adjacent Land Uses

1. **North:** To the north of the Property is Block 24G, bordered by Hampden Lane, Elm Street, Woodmont Avenue and Wisconsin Avenue. This block is improved primarily with large-scale office buildings including the complex known as One Bethesda Center, a 12-story mixed-use development consisting primarily of office units but also featuring a small number of residential units, ground-floor retail space, and a pedestrian plaza. A four-story brick structure known as the Elm Street Office Building is located directly across Elm Street at the northeast corner of Elm Street and Woodmont Avenue. This building houses several commercial and office uses and features a small street-level plaza for restaurant patron use. Directly to the east of this use is a smaller two-story commercial and office building that links the Elm Street Office Building to One Bethesda Center. Further to the east is a mid-rise commercial building with a ground floor bank oriented toward Wisconsin Avenue. All of these properties are zoned CBD-2.

To the northwest of the Property across Woodmont Avenue, additional commercial uses are located in an aging structure that is zoned C-2.



Zoning Map

2. *South:* Lots 31 and 31A are located across Bethesda Avenue and Woodmont Avenue to the south and southeast of the Property. Montgomery County currently operates surface parking lots at these locations. However, these properties have been recently re-zoned from R-60 and CBD-1 zones to the TS-M zone. An approved site plan proposes development on these lots to include the creation of two mixed-use structures with variable heights stepping up to 90 feet directly across Bethesda Avenue from the Property with approximately 250 multi-family residential dwelling units and 40,000 square feet of retail use. These plans also include a public/private parking garage with approximately 1,480 parking spaces below grade. Notably, the redevelopment of Lot 31 will include the relocation of Woodmont Avenue and the corresponding redevelopment of the Woodmont Avenue and Bethesda Avenue intersection.

Located to the southeast of the Property is the CBD-1 zoned block bordered by Bethesda Avenue, Miller Avenue, Woodmont Avenue and Wisconsin Avenue. The Seasons, a 15-story residential apartment building with street-level retail uses, is located on the western portion of this block immediately adjacent to Lot 31A. The eastern portion of this block along the south side of Bethesda Avenue currently features small-scale structures that contain primarily commercial uses.

3. *East:* The area to the east of the Property is zoned CBD-2. An older office building that is part of the Artery Plaza complex is located immediately adjacent to the Property. Although this structure reaches approximately eight stories in height, the Sector Plan permits a maximum height of 143 feet at this location. Further to the east is the remaining portion of the 11-story Artery Plaza complex, which features prominent public use components including stepped pedestrian areas that interweave between large-scale glass and stucco components that house offices and street-level retail uses.

The five-story commercial structure that includes the United Artists Cinema Building is adjacent to the northeastern portion of the Property. This CBD standard method project is a mixed-use development with office and commercial uses, an on-site parking garage and an entrance plaza. This moderate-scale building is composed primarily of concrete and glass and is angular in form.

4. *West:* Several C-2 zoned properties located to the west of the Property represent the first phase of Bethesda Row, a redevelopment effort that Federal Realty Investment Trust began in 1993 to transform a block of rundown commercial buildings into the lively urban environment that exists today and features distinctive architecture, mature landscaping, outdoor café-style restaurant seating, and a central fountain area. A three-story component of this development containing commercial and office uses is located directly across Woodmont Avenue. This building incorporates several off-site open-space embellishments, including street-front dining areas and a pedestrian plaza that protrudes from the northwest corner of the intersection of Woodmont Avenue and Bethesda Avenue.

Existing Site Conditions

The existing Phase I development on the northwest portion of the Property, which was developed in accordance with standard method requirements as a registered loophole property, will remain and is incorporated in the overall Woodmont East development. Phase I consists of a five-story building devoted to commercial and office uses (including street-level retail stores and restaurants) and an eight-screen below-grade movie theater with stadium-style seating and frontage along the building's southern façade parallel to the bike trail. The Property also encompasses the remaining portion of the block that extends from the southern façade of the existing building to Bethesda Avenue. In conjunction with the Project Plan approval and development of the site the Applicant is pursuing the abandonment of Reed Street, a paved right-of-way that lacks a curb-cut and dead-ends near the entrance to the Apex/Air Rights tunnel, as well as an attendant easement across Parcel Pt. 142 that provides vehicular access from Woodmont Avenue.



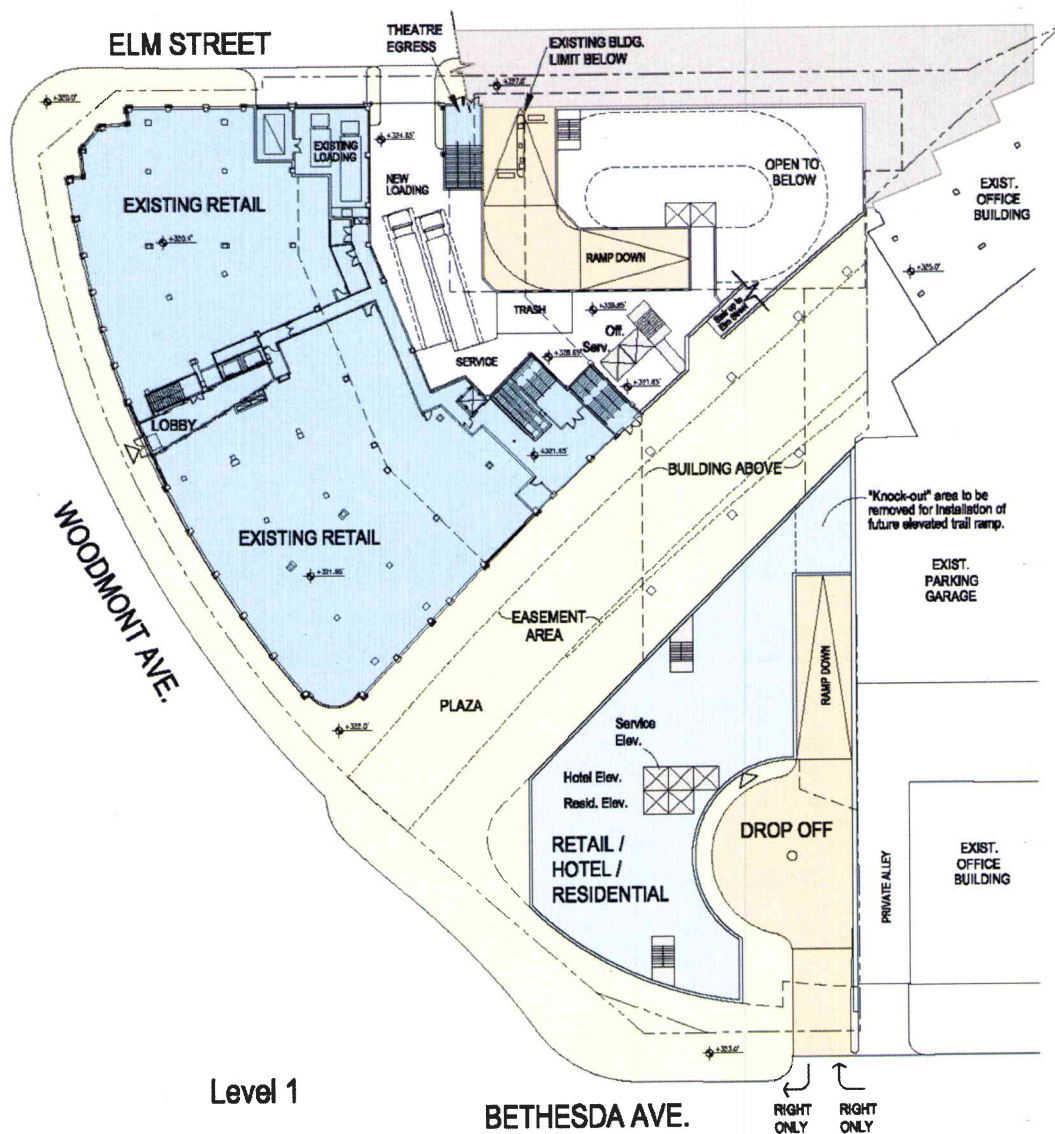
Aerial view of the Subject Site looking north.

Ownership of the Property is currently divided between Street Retail, Inc., which owns parcels P142, N625, N617, and N618 in fee simple, and Frederick S. Burke and Carter S. Kaufman, who are the fee simple owners and lessors of parcel P93. JBG is the ground lessee of parcel P93.

There are few environmental features on site. According to the approved NRI/FSD, there are 17 street trees (Elm & Zelkova) within the gross tract area and a strip of mowed lawn leading to an embankment below the parking structure on Elm Street. The site drains to Willet Branch, which is part of the Little Falls Creek watershed, designated as Class I waters. There are no floodplains, wetlands, streams, or environmental buffers on site. All soils on site are classified as "Urban". Finally, no rare, threatened, or endangered species have been observed on site.

The Subject Property is not listed as a Historic Site, nor is it within a Historic District.

PROPOSAL DESCRIPTION



Project Plan – Land Use (1 of 2)

space in addition to the hotel and residential areas. Final determination of the allocation of uses will be made during the site plan review. Depending on various market factors the Applicant may convert a portion of the residential area to hotel use for a maximum of 3.0 FAR commercial and a maximum 2.0 FAR residential. The components of the proposed mixed-use Project can be described as follows:

- *Residential Component:* Residential units will encompass approximately 304,135 square feet of the proposed building to achieve a density of approximately 2.8 FAR. Although the Project disperses residential units throughout the building, the main entrance for these residential uses will be provided through a lobby that fronts on Elm Street. A secondary residential lobby will be located off Bethesda Avenue. Woodmont East proposes a variety of residential unit types ranging from one-bedroom to three-bedroom units.
- *Hotel Component:* Currently, the Project is approved for 250 hotel rooms. These units will be concentrated in the lower floors of the Elm Street tower and along the segment of the building that spans across the County right-of-way for the Georgetown Branch Trail and the potential Purple Line to connect the northern and southern portions of the building. The primary entrance for hotel patrons will be located in a lobby at the southern portion of the building. The lobby will have access to Bethesda Avenue. A vehicular hotel drop off will be provided with access off Bethesda Avenue. The hotel component of the Project achieves a density of approximately 1.2 FAR.
- *Retail and Office Components:* Continuing the theme established by Street Retail with the Phase I development on the Property, the proposed development will provide an additional 4,350 square feet of ground-level retail space.¹ The retail component will combine with 78,300 square feet of existing office and 28,000 square feet of existing retail space on the Property to achieve an overall commercial density of approximately 1.0 FAR for the mixed-use building.

Architecture

The Property's location in the Bethesda CBD core was a primary influence in the context and massing of the proposed development. The Project is intended to complement those buildings that comprise the Property's immediate surroundings, all of which are relatively modern—being constructed from the 1950s through the 1990s—and present an eclectic mix of architectural styles with materials including brick masonry, precast concrete, glass and curtain-wall systems.

As a result of the existing buildings, the Purple Line, the urban context and the architectural program, the Project has been designed in such a way as to emphasize distinct volumes. The Project fits into a complex site at the edge of Bethesda's Metro Core District. This unique site allows the Project to concentrate density towards the northeast of the Property and step down to create a transition to the lower density zones to the southwest, achieving a "fine-grain" texture and taking advantage of views over the adjacent and confronting buildings.

¹ The proposed FAR actually allows the retail component to increase to 8,000 square feet, although only 4,350 square feet are currently shown on the plan.

When completed, the building's massing and architectural detailing will create of a strong visual statement at the southwest corner of the Metro Core District that unifies and enhances the existing urban fabric. The retail component and lobbies at the ground plane reinforce the existing pedestrian scale.

The façade of the new Woodmont Avenue residential and hotel component both reinforces the Woodmont Avenue "street wall" and contributes to the liveliness and strength of the Woodmont Avenue and Bethesda Avenue intersection, which will also be activated by the development of Lots 31 and 31A. The Project gradually extends this street façade into the plaza area, achieving a visual connection between the plaza and the intersection. Hotel and retail uses and a secondary residential entrance will be placed in the lower two levels of this component, with new retail located along the street front and pedestrian access to the hotel lobby provided via the public plaza and the car/taxi turnaround off of Bethesda Avenue. The top floor steps back from the street to create visual interest at the upper portion of the façade.

The new northern component of the Project replaces an existing elevated parking deck with a rectilinear tower form that improves the street frontage along Elm Street. On the west side of this tower, a projecting bay is anticipated to respond to views over confronting lower buildings; on the east, a sharp corner acknowledges the bend in Elm Street towards Wisconsin Avenue. This edge creates a distinct and dynamic visual form that will be visible from Wisconsin Avenue and to westbound commuters and pedestrians approaching the Project on Elm Street. The northern tower contains a residential entrance and amenities on its lower floors, hotel rooms at the lower levels, and residential units above. Although the quieter Elm Street is appropriate for the residential entrance, the Project will add significantly more life to the street than the current blank garage wall provides. The elevated interstitial space between the new Elm Street tower and the existing Woodmont office building will provide residential amenity space as well as a landscaped terrace. Due to its location, this tower will also contain a mechanical penthouse.

Both of the new street front buildings along Elm and Woodmont will be primarily masonry clad. Brick masonry, cast stone, cast masonry units, or architectural terracotta are materials being considered. This will create a relationship with the existing Woodmont office building and provide a visually unified connection across the Project. Window openings mixed with masonry exterior will provide additional articulation and visual interest.

The new "connector bar" that spans across the Purple Line Easement contains hotel rooms at the lower levels and residential units above. It will be articulated to emphasize its visual lightness and to reinforce its separation from the adjacent elements. This component is essentially a rectilinear bar energized by two dynamic gestures: 1) the strong angular cut at the southern corner that acknowledges the intersection and curve of Woodmont Avenue while visually anchoring the bar over the new Woodmont Avenue component; and 2) the "folded skin" element that extends outward from the bar along the western façade which balances space and scale. The play of the afternoon sunlight on this element will serve to activate the façade and create a dynamic form above the public plaza that will provide a visual draw into the plaza area. Further the "ceiling" of the bar, as seen from the plaza, will be treated such that the experience underneath its span will be akin to a protected outdoor living room.



Architectural Illustrative

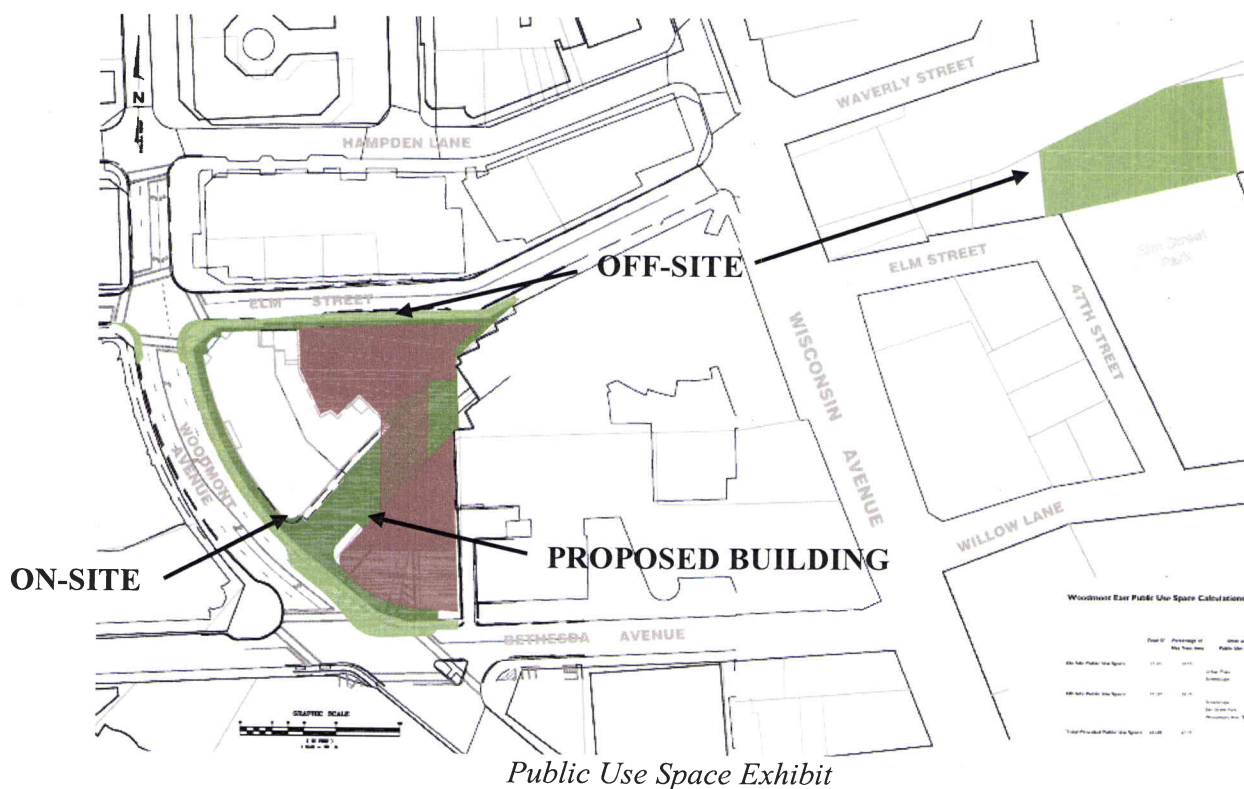
Public Use Space and Amenities

Public Space: The Woodmont East development has the difficult job of accommodating numerous uses and a variable context, but addresses this situation as an opportunity to provide a dynamic, functional, and appealing public space. As such, the Project proposes several unique outdoor features designed to promote an experientially integrated public space and further the Sector Plan's objective of enhancing the pleasure, safety, and convenience of walking and bicycling for pedestrians.

The Project's public use space components are intended to build on the successes of the Phase I development, especially those uses fronting the Georgetown Branch Trail, and transform this area into an even more vibrant CBD destination. A public plaza located between the existing building on the northern portion of the Property and the new eight-story building to the south will constitute the Project's primary public use component. The public plaza will be composed of high-quality paving materials and enhanced by interwoven landscaping elements that introduce green elements, water, and potential artwork into this area. Until the Purple Line is built, the Project will incorporate differentiated paving for the trail to a width of approximately 13 feet in order to delineate it and the upgraded trail will extend through the plaza generally parallel to and partially overlapping the easement for the future Purple Line. When the Purple Line is constructed, the trail will shift to the south and be routed into the Hotel building where it will ramp up to the elevation necessary to clear the Purple Line through the tunnel.

The Applicant envisions the plaza as an attractive gathering place for trail users, residents, hotel guests, restaurant and retail patrons, and the general public. As such, the plaza will feature programmable seating and additional movable elements provided to allow a more spontaneous response to user demands. Opportunities exist to provide additional program elements along the façade of the new building to complement the existing restaurant seating along the northern edge of the plaza. To create visual interest in the plaza and invite pedestrians to enter and linger, the Project will provide interesting water features and art features that will be integrated with the Project's hardscaping and architecture. Art features composed of glass or metal are being considered. The Applicant is also considering a variety of options for extending other program elements across the portion of the Property that approaches the entrance of the Apex/Air Rights Tunnel.

The Project will provide significant off-site public use space in the way of streetscape improvements and enhancements of Elm Street Park. These streetscape improvements will involve renovating the public and on-site space immediately adjacent to the Property along the Woodmont Avenue, Bethesda Avenue and Elm Street frontages in accordance with the recommendations of the Bethesda CBD Streetscape Plan calling for Bethesda brick pavers, Bethesda Street Lanterns and Washington Globe lights, wooden benches and tightly-spaced



street trees. The Applicant is examining alternatives for improving the east-west crosswalk across Woodmont Avenue in order to more clearly demark the Georgetown Branch Trail and create a visual connection to the Barnes & Noble plaza. Last, there are several proposed renovations to Elm Street Park that are sorely needed, such as drainage work, playground enhancements, and landscaping.

The total on-site public use area is approximately 27,401 square feet or 28.5 percent of the net lot area of the Property. The total off-site public use and amenity space is 37,278 square feet or 38.7 percent of the net lot area of the Property. The total on-site and off-site public use and amenity area represents 67.2 percent of the entire net lot area of the Property.

Private Areas: While the Project will provide a combination of interior and exterior spaces which will be available only to residents, it will also provide new outdoor areas for certain tenants of the existing Phase I development. The Project will provide an outdoor terrace at the second floor which will accommodate office users in the existing Phase I office building as well as the new residential uses on the Property. Private residential terraces will exist at the eighth, ninth and fourteenth floors. The Project also provides interior amenity space for the residents and hotel patrons which will be further detailed at the time of site plan review. Through the combination of outdoor private space and the facilities to be provided within the building, the Applicant will satisfy its Recreational Facilities requirement.

Vehicular and Pedestrian Circulation

Two entrances are proposed to provide vehicular access to and from Woodmont East's parking garage: one located off Elm Street and the second more limited driveway located off Bethesda Avenue. Residents, guests, and tenants accessing the garage will utilize internal elevators to enter the building. In addition, stairwell access to the private garage will be provided. The Bethesda Avenue access will be right-in and right-out only.

With both northern and southern lobby entrances providing resident and guest access, the Project is designed to enable a pedestrian-friendly streetscape along the public streets that border the Property. In addition, the Project proposes to link with the Discovery Trail by breaking up an existing large block with elevators, ramps, and stairways that allow for pedestrian access from the plaza area directly to Elm Street.

As indicated in the Transportation Analysis, it is anticipated that the proposed development will generate 162 AM peak hour trips and 178 PM peak hour trips.

The existing Phase I development garage provides 92 parking spaces for the office uses and no on-site parking for the existing theater, restaurant or retail uses. Because the Property is located within the Bethesda Parking Lot District, the Applicant is not required to provide any on-site parking. Nonetheless, in connection with the proposed Phase II building, the Project proposes a total of approximately 250 off-street below-grade parking spaces. In addition to exploring whether additional parking can be provided on-site, the Applicant is evaluating the feasibility of off-site parking for the Project.

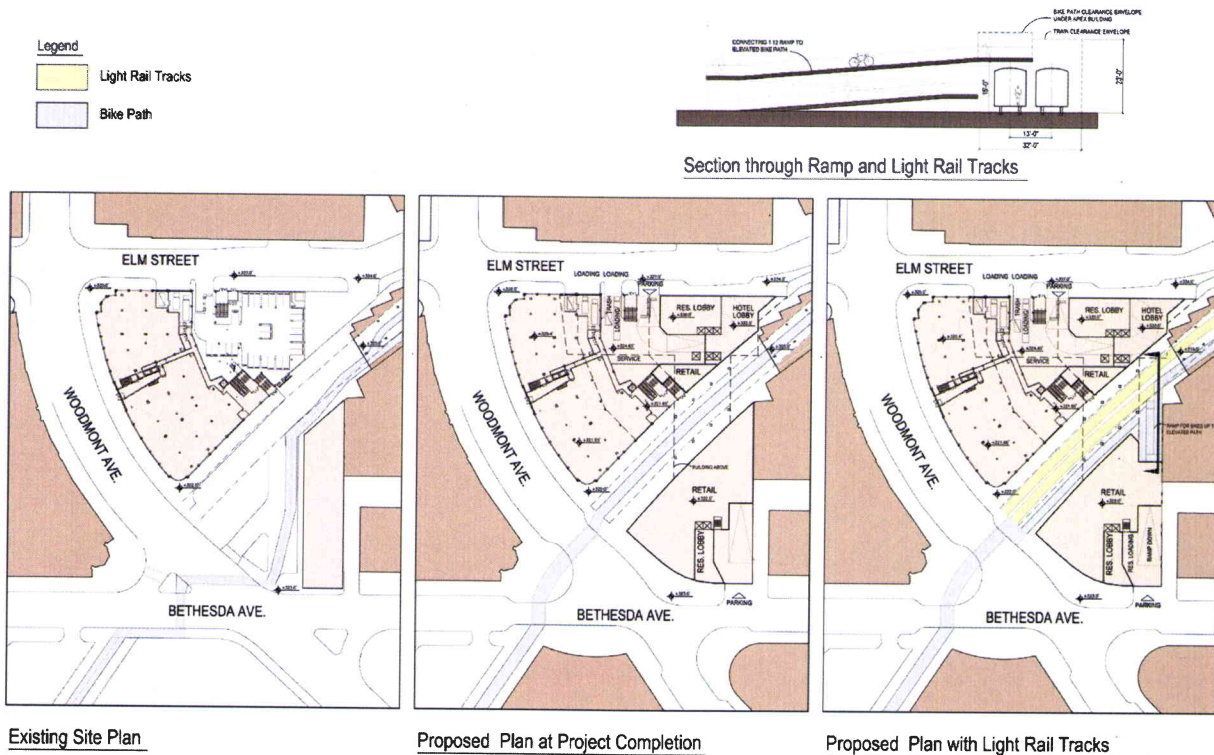
The new garage makes use of the below-grade portion of the Property that is not occupied by the existing movie theater and thus approximates a "dumbbell" shape that extends from north to south along the eastern half of the Property. A common single helix ramp with two-way traffic lanes will allow for access to all levels of below-grade parking. The Purple Line presents a particular challenge to the design of the building's garage because it is located across

Landscape & Lighting

and do so in an attractive, functional, and safe way. First, a large portion of this site will be put into a perpetual easement for the Purple Line tail tracks. Although these tracks may be rarely used if light rail is proposed, they need to be available for MTA use at any and all times. Second, the plaza needs to accommodate enough area for cyclists on the Georgetown Branch

Trail to safely move through the site and, in the future, ramp up to an elevation sufficient to clear the Purple Line and remain elevated through the tunnel. Third, the plaza needs to allow access to Elm Street and the Discovery Trail, which sits at a one-story elevation above the plaza. Fourth, the plaza needs to provide a pleasant respite to the busy urban context and allow visitors and shoppers to relax and enjoy some shade and passive recreational opportunities. Last, the space needs to provide access for the fronting retail stores.

Although most of the details need to be worked out as the final easements, building footprints, and circulation patterns are established, the Applicant has proposed a linear urban park to complement the existing open spaces and continue the strong pedestrian-oriented environment in downtown Bethesda. Accordingly, the site has an urban aesthetic using ornamental and shade trees and vertical planting elements rather than expanses of lawn that could not tolerate the amount of foot-traffic in the area. The plaza proposes a mix of paving treatments and plantings to delineate respective areas as well as circulation patterns to connect the Georgetown Branch Trail, the Capital Crescent Trail, the Discovery Trail, and the adjacent streets. Because there are two “green” parks within a block or two of the site, this more urban, functional, and durable landscape is appropriate.



Proposed Georgetown Branch Trail

The lighting plan will use the Bethesda Streetscape standards within all rights-of-way on adjacent roads and will then pick more appropriate fixtures in the interior of the site. This interior lighting plan will focus on safety, accessibility, and visibility throughout the site. An urban open space, such as the one proposed, with more seating, hardscaping, and lighting is safer and usable for longer periods of the day than a park-like setting.

As noted, the proposed development details are still conceptual in nature, but the Applicant has worked with Staff on the possible provision of public art and a more inviting entrance to the Trail tunnel.

PLANNING AND REGULATORY FRAMEWORK

SECTOR PLAN

The Bethesda Central Business District Sector Plan (Sector Plan) has six goals for the CBD in general and several recommendations specific to this site and the area. The general goals, from Section 1.2 on pages 3-4, are:

Downtown

Realize the vision of Bethesda as a diverse and lively downtown for Bethesda-Chevy Chase. Continue well-designed redevelopment within the Metro Core and reinforce the physical character and varied activities of districts radiating out from the Core so that each district has a distinct identity yet is linked into a coherent whole.

Urban Form

Encourage infill development that complements the underlying physical form of Bethesda. Create a high-quality built and pedestrian environment, including a network of pathways and open spaces. Enhance Bethesda's commercial and residential districts with improvements appropriate to the character of each.

Housing and Neighborhoods

Encourage and maintain a wide range of housing types and neighborhoods in and around Bethesda for people of all incomes, ages, lifestyles, and physical capabilities, in keeping with County goals. Provide an adequate supply of housing, including affordable units, to reinforce Bethesda as a place to live as well as work. Protect adjacent neighborhoods from commercial intrusion, undue traffic, and environmental degradation.



Bethesda CBD Sector Plan

Employment

Provide opportunities for additional jobs in this major down-County employment center, in keeping with County policy to concentrate growth in the urban ring near Metro stations and to increase the County's revenue base.

Community Character

Enhance Bethesda as an appealing environment for working, shopping, and entertainment. Strengthen its attraction as a destination for visitors while ensuring that residents find a sense of community. Reinforce a unique sense of place through the themes of Bethesda as a "garden" and a "cultural district".

Circulation

Provide a safe and functional transportation system to serve the current and recommended land uses. Achieve a significant shift of travel from drive-alone auto use to transit, carpooling, and other alternatives. Enhance the pleasure, safety, and convenience of walking and bicycling.

The more specific recommendations with respect to the proposed development are broken into Land Use and Zoning, Urban Design, Circulation Systems, Housing, Community Facilities, and Environmental Resources.

Land Use and Zoning

- Maintain a compact development with the tallest buildings concentrated in the center. Development at perimeter locations of the Metro Core should step down in height to achieve a more gradual transition and better compatibility with the adjacent areas (page 61).
- Locate new open space to tie into the existing "Discovery Trail" network and to expand the pedestrian connections. Where appropriate, locate new open space in a manner that reinforces the gateways and provides a transition between districts (page 61).

Urban Design

- Provide street-activating uses, such as retail stores with storefront display windows or building entrances. Activating uses help promote a safe, interesting, and lively environment (page 36).
- Orient storefront retail and/or restaurant uses along Woodmont Avenue to complement existing retail across the street (page 73).
- Achieve an infill character for new development by dividing large projects into several buildings, which will achieve an urban form with a "fine grain" versus a "coarse grain" created by larger, single structures (page 40).
- Focus the highest densities within the Metro Core District to achieve a tightly configured center, while improving transitions to the residential edges (page 40).

- Develop allowable density in several buildings to avoid larger, bulky single structures and to permit phasing. The larger building along Elm Street should be located on the eastern end of the triangular site. A lower building should face Woodmont Avenue (page 72).
- Enhance the pedestrian environment to provide a visually diverse and stimulating experience, maximize social interaction, and encourage walking. Special attention should be given to the design of streetscapes to help maintain human scale, achieve good street definition, and enhance the visual character (page 37).
- Locate onsite open space along Elm Street at the northeastern corner of the site to connect with the "Discovery Trail," the existing series of mid-block open spaces. The open space should also provide a pedestrian connection to the Capital Crescent Trail and a bicycle storage area, as identified in Section 5.5, Bicycle Network Plan (page 73).
- Locate some open space along the Capital Crescent Trail if an optional method project is provided along Woodmont Avenue at Bethesda Avenue (page 73).
- Locate driveway access to rear service areas and underground parking in locations that do not negatively affect traffic flow and pedestrian use of public spaces (page 73).

Circulation Systems

- Encourage walking and the use of transit to reduce reliance on the automobile (page 152).
- Sidewalks within the Metro Core District should be at least 20 feet in width . . . further supported with intersection improvements that enhance safety and convenience for pedestrians (page 152).
- Improve pedestrian crossings at [Bethesda Avenue and Woodmont Avenue] (page 154).
- Expand the network of pathways in a manner that responds to major pedestrian movements. Site buildings to facilitate public access, especially at street corners, and provide street crosswalks where important pedestrian movements occur (page 47).

Housing

- Promote variety and choice in housing of quality design and durable construction in various types of neighborhoods (page 29).
- Provide a sufficient supply of housing to serve Bethesda's existing and planned employment (page 29).
- Promote infill development that complements existing housing and neighborhoods. Ensure that new residential developments are linked with existing housing through open space and pedestrian paths to form neighborhoods (page 31).

Community Facilities

- Expand the existing network of open spaces so that it responds to existing pedestrian movements and, if possible, connect new open spaces to the existing network (page 47).
- Locate street level, activating uses such as storefront retail, restaurants, or office building entrances next to existing and future open spaces to encourage use (page 47).

Environmental Resources

- Reduce dependency on automobile travel by encouraging a mixture of residential, retail, and office uses to increase the opportunities for work and shopping trips on foot, bicycle, or public transit (page 204).
- Allow higher density development in the Metro Core to facilitate the use of transit and carpooling (page 204).
- Create a system of bikeways to provide access to and from the CBD (page 204).
- Require new development and redevelopment to provide onsite water quality controls, where site conditions permit (page 208).

PROJECT PLAN

The subject Project Plan Amendment was filed on October 6, 2006 and accepted for review on April 2, 2007. According to Section 59-D-2.11,

“In order to ensure that the [proposed] development [in the CBD, RMX, and TOMX zones] will include the public facilities, amenities and other design features that will create an environment capable of supporting the greater densities and intensities permitted by the optional method of development, the developer is required to submit a project plan as a part of the application for the use of the optional method; and a site plan must be approved in accordance with the requirements of division 59-D-3 prior to the issuance of any building permit. The project plan shall be such as would result in the satisfaction of the stated purposes of the zone applied for, and the fact that a project complies with all of the stated general regulations, development standards or other specific requirements of the zone shall not, by itself, be deemed to create a presumption that the proposed development would be desirable and shall not be sufficient to require the approval of the project plan or granting of the application.”

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 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

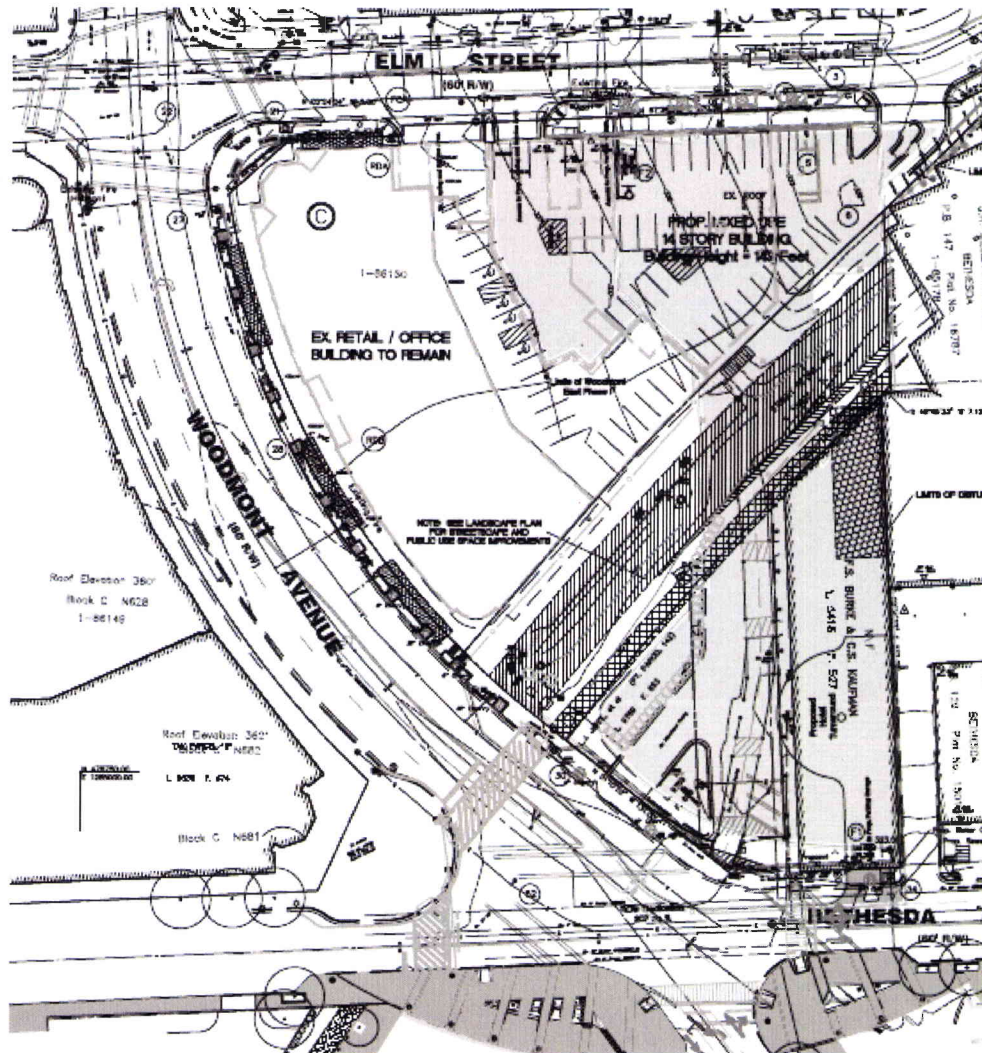
safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.

- (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 our analysis and findings demonstrate, the Project Plan adequately addresses each of these considerations.

PRELIMINARY PLAN

The subject Preliminary Plan was filed on October 6, 2006 as a resubdivision to create one lot. The Project is subject to the Montgomery County Subdivision Regulations and an Adequate Public Facilities review was completed. A Traffic Study has been reviewed by Transportation Planning Staff, the Montgomery County Department of Public Works and Transportation, and the State Highway Administration. The Applicant will participate in a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO). The interagency Development Review Committee has reviewed the proposed Preliminary Plan (as well as the Project Plan) and the Applicant has responded to each agency's concerns unless noted in the Conditions of Approval. The site is subject to Forest Conservation Law and has received approval from the Montgomery County Department of Permitting Services for their Stormwater Management Concept.



Preliminary Plan

PROJECT ANALYSIS

SITE DEVELOPMENT STANDARDS

The subject site is zoned CBD-2 and is being developed under the optional method of development. It is, therefore, allowed greater height and density standards but must provide more public amenities including a greater amount of open space, affordable housing, environmental sustainability, and superior design. The following development data table illustrates the compatibility of the proposed development with the standards of the Zone.

PROJECT DATA TABLE (CBD-2)

Development Standard	Permitted/ Required	Proposed for Approval
Minimum Area of Lot (square feet):	18,000	96,499
Net Lot Area ² (square feet):	none	96,292
Public Use Space (% of net lot area):		
On-Site	20%(19,259 SF)	28.5% (27,401 SF)
Off-Site	none	38.7% (37,287 SF) ³
Total		67.2% (8400 SF)
Floor Area Ratio - Mixed Use		
Nonresidential	3	3
Total	5	5
Building Height (feet)	143	143 ⁴
Parking (spaces)	0 ⁵	250 ⁶
Setbacks (feet)	none	0

SECTOR PLAN CONFORMANCE

The proposed development addresses the general goals of the Sector Plan as follows:

Downtown

The Project contributes to the diversity of the Bethesda CBD by introducing additional residential, hotel and retail uses to the area. The Project is designed to reinforce the vibrancy of existing development at the intersection of Woodmont Avenue and Bethesda Avenue and to encourage pedestrian circulation throughout the area.

Urban Form

The Project complements the existing physical form of Bethesda by converting five existing parcels into a cohesive developable site, replacing an unimproved lot next to an existing standard method project and the non-functional Reed Street with a proposal that complements existing uses on the Property, including uses along the southern façade of the Phase I building. Approximately 28.5 percent of the on-site Project Plan area will be devoted to open space for use by the public. In the event that the Purple Line is developed, the Project will continue to provide quality public open space and will also accommodate a bicycle ramp to provide access to the elevated Georgetown Branch Trail. In addition, approximately 37,287 square feet of the area surrounding the Property or associated with the Trail, but not on the Property, will be improved.

² Net Site Area is calculated after the dedication of 207 square feet of dedication for truncation at the intersection of Woodmont Avenue and Bethesda Avenue.

³ Including streetscape improvements and enhancements and renovations to Elm Street Park.

⁴ As measured from the building height measuring point on the Project Plan.

⁵ The proposed development is within the Bethesda Parking District and is not required to provide any parking on site.

⁶ The final number and distribution of parking spaces will be determined at site plan.

The total on-site and off-site public open space improvements account for approximately 67.2 percent of the net lot area.

Housing and Neighborhoods

The proposed development provides for the development of approximately 250 new residential units in the Metro Core District, in close proximity to the Bethesda Metro Station and several bus routes. These units will include a mix of one-, two- and three-bedroom units. The Project will include 12.5% MPDUs on-site. Additionally, the Project provides off-street parking to minimize the imposition of negative externalities on adjacent neighborhoods.

Employment

The Project creates new opportunities for employment in the CBD by placing a mix of uses on the Property, including a hotel with 250 rooms and approximately 4,350 square feet of additional retail space. Additionally, the Project preserves Woodmont East Phase I, which houses such important business as OPNET and the Landmark Theater, thereby allowing this significant employment that already exists within the CBD to continue. The Project provides significant amenities to current tenants, including the provision of a private terrace and underground parking, which serve to reinforce the attraction of this location to these valued employers.

Community Character

The hotel and retail uses that the Project proposes, will enhance the appeal of this area for working and shopping, while the residential component helps to establish a true urban community. The Project's open space, green areas and streetscape improvements physically reinforce Bethesda's "garden" and "cultural district" themes in two respects: 1) literally, with trees, benches, and sidewalks that conform to the Bethesda CBD Streetscape Plan; and 2) functionally, through the provision of a high-quality plaza and pedestrian thoroughfares that allow the public to gather and enjoy the sense of place that the Project stimulates.

Circulation

The proposed development provides opportunities for housing, tourism, employment and recreation within close proximity to public transportation. In addition, the Project is specifically designed to accommodate the Purple Line, which is intended to provide public transportation between Bethesda and Silver Spring. The Project also provides off-street parking facilities that will minimize the impact from residents and patrons of this site on parking and traffic circulation in the neighborhood. As such, the Project creates conditions that are likely to produce a shift from drive-alone auto use by residents, patrons and visitors to the building.

In light of the Sector Plan's goals of enhancing the pleasure, safety and convenience of walking and bicycling in the Bethesda CBD, the importance of the Project's upgrading and realignment of the Georgetown Branch Trail and connection to the Discovery Trail are very important. These improvements respond directly to the Sector Plan and will result in a safer and

more pedestrian-friendly route across Woodmont Avenue. The potential elevated path through the Property will continue the attraction of the existing right-of-way for recreational users in the event that the Purple Line is developed.

The proposed development addresses the specific recommendations of the Sector Plan as follows:

Land Use and Zoning

The Project furthers these Sector Plan recommendations by proposing an innovative signature structure to complete the southern end of the Metro Core District. The proposed building will complement existing development on the Block and development in the Arlington Road District along the western side of Woodmont Avenue, as well as the approved development on the Lot 31 site. The building's height and massing comply generally with the Sector Plan's recommendations and will serve to concentrate density close to the Metro Core while preserving a reduced scale along Woodmont Avenue and Bethesda Avenue. The Project will locate open space in a manner that caters to a high volume of pedestrian activity through the area.

Urban Design

The Project proposes the development of a mix of uses on the Property, including hotel and retail, which will promote an active and lively street environment. It will integrate existing retail with new retail and office space to complement similar uses along the western side of Woodmont Avenue, unifying commercial activity throughout the Metro Core. It also proposes a large, rich, and vibrant plaza which will serve as a stage for many public activities.

The proposed development achieves a "fine grain" urban form through the use of an innovative design that creates the appearance of three separate buildings. The tallest portion of the structure will be located adjacent to Elm Street at the northeastern end of the Property; this placement will allow the structure to reflect the denser development intended for the center of the Metro Core District. The middle portion of the structure will feature a "floating" bar. The proposed building then steps down towards Woodmont Avenue to provide a more appropriate transition as the building moves to the edge of the Core area. The lowest portion of the building will front Woodmont Avenue and preserve the scale of existing development at that location.

The Project provides a series of open spaces that are both functional and attractive. As previously described, the proposal will create a new public plaza in this important area of Bethesda that will serve as an attractive community gathering place and make this area of the CBD even more vibrant.

As noted earlier, the proposed development will improve the Georgetown Branch Trail and provide a destination for trail users. The Applicant is exploring options for demarking the trail across Woodmont Avenue to create an obvious connection between the Barnes & Noble corner and the Property.

The Applicant has taken care to ensure that access to the Project's underground parking garage will not impede traffic flow or negatively impact pedestrian use of sidewalk areas.

Circulation Systems

The Project will provide streetscape improvements along Woodmont Avenue in accordance with the recommendations of the Bethesda Streetscape Plan, including brick pavers, lighting, benches, and landscaping. Sidewalks on the perimeter of the Property will be improved to widths of approximately 18 feet along Elm Street, approximately 20 feet along Woodmont Avenue, and approximately 8 feet along Bethesda Avenue. These streetscape improvements will tie in with the future streetscaping of the surrounding area, and help to complete the Bethesda network.

Further, important connections between the various trails and open spaces in downtown Bethesda will be created and/or enhanced by the proposed development.

Housing

The Project will provide approximately 250 residential units in Bethesda's Metro Core District. In response to the existing market, it is anticipated that approximately 20% of the units will be one-bedroom or junior one-bedroom units; approximately 20% will be one-bedroom units with a den; approximately 40% will be two-bedroom units; approximately 10% will be two-bedroom units with a den; and approximately 10% will be three-bedroom units. As required, 12.5% of the units will be developed as on-site MPDUs. A mid-block pathway from Elm Street to the Project's Plaza will link the development to existing housing.

Community Facilities

As previously described, the proposed development includes an expansive linear public plaza to be located between the existing building on the northern portion of the Property and the new building to the south. The Applicant is providing well-landscaped sidewalks around the perimeter of the Project and a mid-block connection from the plaza to Elm Street in keeping with the recommendations of the Sector Plan.

Environmental Resources

The Applicant expects the transit-oriented nature of this Project to encourage pedestrian traffic and public-transit use. Additionally, the Project encourages pedestrian circulation throughout the CBD through upgrades to the Georgetown Branch Trail, including the creation of a mid-block pathway and the provision of sufficient area for a potential elevated bicycle platform to connect to the existing Air Rights tunnel in the event the Purple Line is developed.

The redevelopment of the Property will result in a generous amount of overall public use space—approaching 68 percent. In addition, the Applicant will employ state-of-the-art stormwater management techniques and is exploring the possibility of providing a green roof

contingent on DPS revising its stormwater management calculations to account for the impacts of such roof systems on overall stormwater management requirements.

TRANSPORTATION ANALYSIS

Site Location and Vehicular Access Points

The subject property is located on the east side of Woodmont Avenue between Elm Street and Bethesda Avenue. The Reed Street right-of-way within this site is to be abandoned as part of the preliminary plan. The Georgetown Branch Trail and the master-planned Purple Line alignment bisect the site from east to west. The vehicular access points to the proposed underground parking garage are from the south side of Elm Street and the north side of Bethesda Avenue.

Pedestrian Circulation

The site's open space on the east side of Woodmont Avenue is heavily used by pedestrians and bicyclists especially on weekends. The surrounding local restaurants and service retailers draw a high volume of clientele on late evenings and weekends when area roadways and sidewalks are carrying a heavy volume of pedestrian, bicycle and vehicular traffic. There is currently a substantial demand for weekend recreational use of the surface parking lot as a loading/unloading area for users of the Capital Crescent Trail to access downtown Washington, DC and the interim Georgetown Branch Trail to access Rock Creek Park and downtown Silver Spring.

Sector-Planned Roadways and Bikeways

In accordance with the *Bethesda Central Business District Sector Plan*, roadways and bikeways are designated as follows:

1. Wisconsin Avenue (MD 355) is classified as a major highway, M-6, with a minimum recommended 114-foot right-of-way width near the site.
2. Woodmont Avenue is an arterial, A-68, with a minimum recommended 80-foot right-of-way.
3. Arlington Road is classified an arterial, A-82, with a minimum recommended 80-foot right-of-way width.
4. Bethesda Avenue is classified as a business district street with a minimum recommended 60-foot right-of-way width and a Biker Friendly Area between Arlington Road and Woodmont Avenue.
5. Elm Street is classified as a business district street with minimum recommended 60-foot right-of-way and as a Biker Friendly Area.
6. Hampden Lane is classified as a business district street with minimum recommended 60-foot right-of-way and as a Biker Friendly Area.

Available Transit Service

The Bethesda Circulator (formally Ride-On route 92 that is now operated by the Bethesda Urban Partnership) operates along Woodmont Avenue between Bethesda Avenue and Old Georgetown Road and along Bethesda Avenue between Woodmont Avenue and Arlington Road. The Bethesda Metrorail Station is approximately 700 feet north of the site.

Functional Master-Planned Bikeways

In accordance with the *Countywide Bikeways Functional Master Plan*, bikeways are designated as follows:

1. A shared use path, SP-6, also known as the Georgetown Branch Trail, is identified to be at the Woodmont Avenue/Bethesda Avenue intersection to the Silver Spring Metrorail Station.
2. Bike lane, BL-6, is identified along Woodmont Avenue between Battery lane and the Capital Crescent Trail.
3. Bike lane, BL-7, is identified along Elm Street between Exeter Road and the Capital Crescent Trail.
4. A shared use path, SP-44, is identified as the surface route for the Georgetown Branch Trail along Bethesda Avenue between Woodmont Avenue and Elm Street Park (i.e., located on the east side of Wisconsin Avenue at Elm Street and 44th Street).
5. A signed shared roadway, SR-9, is identified along Bethesda Avenue between Exeter Road and Woodmont Avenue.

Given the current density mix proposed by the Preliminary and Project Plans, the required bicycle facilities are listed below. This may change with the ultimate density mix proposed with the site plan.

1. Twenty (20) bike lockers for residents in a highly visible, well-lit location of the parking garage within 50 feet of the elevators.
2. Five (5) bike lockers for hotel employees in a highly visible, well-lit location of the parking garage within 50 feet of the elevators.
3. Ten (10) inverted-U bike racks for retail customers located in a highly visible, well-lit and weather-protected area of the plaza.
4. Five (5) inverted-U bike racks for visitors of the residential apartments located in a highly visible, well-lit, and weather-protected area near the main public entrances.
5. Two (2) inverted-U bike racks for hotel patrons located in a highly visible, well-lit, and weather-protected area near the main public entrance.

Georgetown Branch Trail

The Georgetown Branch Trail refers to the trail east of Woodmont Avenue, while the Capital Crescent Trail refers to the trail west of Woodmont Avenue. The Georgetown Branch Trail passes through the project site. The Capital Crescent Trail/interim Georgetown Branch Trail is one of the most popular and extensive recreational and commuter trails in the DC

Metropolitan region. It provides off-road trail access to downtown DC and Bethesda. The interim Georgetown Branch Trail offers a connection across Montgomery County to Stewart Avenue in the Lyttonsville Area. Future plans continue the Georgetown Branch Trail into and through downtown Silver Spring as part of the Purple Line. The trail connects to the planned Metropolitan Branch Trail in Silver Spring, which will then connect trail users to Union Station in Washington, DC. The trail is a major transportation facility whose use at times, especially in the vicinity of Woodmont Avenue, exceeds the vehicular traffic volumes on the streets approaching the Bethesda Avenue/Woodmont Avenue intersection; it, therefore, needs to be accommodated in the intersection at least as well as the intersecting streets, which are only a local transportation infrastructure.

The Applicant proposes to detour access to the Georgetown Branch Trail tunnel during construction of subject development. This detour will route temporary access to the tunnel either through the Artery Plaza site (garage), the adjacent property along Elm Street (breaking through tunnel wall), or through the Applicant's site at the east end of the Elm Street frontage. This route must be ADA-compliant regardless of topographic and site constraints.

Georgetown Branch Master Plan Amendment Recommendations related to the Purple Line

The Georgetown Branch Master Plan Amendment, Approved and Adopted on January 1990 includes the following features or recommendations:

1. A terminal point of the "Bethesda & Silver Spring Trolley" within the Georgetown Branch right-of-way at Woodmont Avenue (refer to Exhibit B, attached to the Transportation Planning Memorandum). The planned "Bethesda & Silver Spring Trolley" is now more commonly referred to as the planned "Purple Line"⁷. The master-planned right-of-way for the Purple Line as shown in the plan is located under the planned "floating bar" and extends west to Woodmont Avenue where the right-of-way ends.
2. The southern entrance to the Bethesda Metrorail Station is to be connected to the trolley facility to provide a convenient, direct transfer from the Bethesda Terminal Station to the Metrorail system.
3. The Bethesda Station design includes an extension of a concourse (that is long enough to accommodate the trail or) through the platform area in order to provide adequate trail width and safety.

The Bethesda Terminal Station Concept Plan is depicted as Exhibit C attached to the Transportation Planning Memorandum. The plan includes the following features:

1. The track that extends west of the actual station platform is referred to as a "tail track" and is required at end-of-line locations to provide operational flexibility (i.e., storing spare or disabled trains, staging equipment for track maintenance in non-operating hours, etc.).

⁷ The Maryland Mass Transit Administration (MTA) is currently developing a Draft Environmental Impact Statement (DEIS) for a Purple Line that would extend from this terminal point in Bethesda to New Carrollton in Prince George's County. The modes under consideration include Light Rail and Bus Rapid Transit.

2. The connection with the Metrorail South entrance is by elevator. More information on the latest concept design for the Bethesda Terminal Station is provided under the section that discusses the Draft Environmental Impact Statement (DEIS) that is now underway.

In addition to the applicable physical elements of the "Bethesda & Silver Spring Trolley", the *Georgetown Branch Master Plan Amendment* provides background on the purchase of the Georgetown Branch. More specifically, the Master Plan notes following:

"The November 1986 Georgetown Branch Master Plan Amendment designated the right of way 'a public right of way intended to be used for public purposes such as conservation, recreation, transportation, and utilities. It is not to be used for a contiguous roadway.' After the CSX Transportation, Inc. officially abandoned the right of way through the Interstate Commerce Commission, the Montgomery County Government purchased the Georgetown Branch pursuant to Section 8(d) of the National Trails System Act for \$10.5 million in December 1988. The November 1986 Amendment also noted 'any use of the right of way for a Transitway between Silver Spring and Bethesda will require a future master plan amendment.' The 1986 *Master Plan* Amendment refers to transit use without specifying what type of technology it would be."

This background is relevant because of the question regarding the ownership of the Georgetown Branch⁸ right-of-way. Before site plan approval, the Planning Department's legal staff should review this question regarding the uncertainty of the right-of-way ownership that could result in restricting the eventual availability of land and clearances needed for the Purple Line. It is not clear to Transportation Planning staff that the area over which ownership is in question is included in the area needed to accommodate the Purple Line. If included, a finding would be needed as to whether the Applicant can offer to place in reservation or dedicate right-of-way, even though it may be found that they may not possess it, regardless of whether the County is in agreement with this approach to resolving the ownership conflict at this time.

Other issues related to the Applicant's proposed reservations for the Purple Line are as follows and must be resolved prior to site plan approval:

1. The applicant is proposing that the reservations remain valid for a period of forty (40) years from the issuance of the Project Plan Resolution. Transportation Planning staff supports not placing a time limit on the validity of the reservation(s) on the Georgetown Branch because it would not be in the public interest.
2. Another issue is the Memorandum of Understanding (MOU) that is referred to in the DPWT letter (Transportation Planning Memorandum Exhibit A). It is unclear in the attached DPWT letter as to whether there will be an MOU. As noted, the MOU acknowledges the ownership conflict and includes the time limit on the reservations. The MOU must adequately ensure that it protects the right-of-way for the Purple Line and Georgetown Branch Trail.

⁸ The question of ownership is raised in the draft Memorandum of Understanding (MOU) between the applicant and the County. The MOU is referenced in the DPWT letter of August 27, 2007, and is attached as Exhibit C in the Transportation Planning Memorandum.

In addition to the right-of-way ownership and reservation time limit issues, MTA identified requirements are discussed later in this memo under "MTA Coordination".

Bethesda Central Business District Sector Plan Recommendations related to the Purple Line

In accordance with the *Bethesda Central Business District Sector Plan, Approved and Adopted on July 1994*, the recommendations for the "Bethesda & Silver Spring Trolley" or Purple Line in the vicinity of the applicant's project are as follows:

1. The construction of a south entrance to the Bethesda Metrorail Station.
2. The connection of a light rail to the Silver Spring CBD using the Georgetown Branch right-of-way with a terminal: This connection is located near the south entrance to Bethesda Metrorail Station in the Bethesda CBD Core.
3. A final trolley alignment and terminal location decision to be made in the context of federal and state requirements: This alignment includes the evaluation of all reasonable alternatives.
4. The introduction of two alternatives (refer to Transportation Planning Memorandum Exhibit D) for locating the Bethesda Station terminal point and the deletion of the existing (Georgetown Branch) Master Plan terminal: One alternative is west of the Apex Building and another is north of the Apex Building. Both locations are described as being within the Georgetown Branch right-of-way although the north option is also described as being within the right-of-way of Elm Street at Wisconsin Avenue. The west alternative is described as requiring a tunnel under Elm Street to access the new south entrance to Metrorail. The north alternative would have access to the Metrorail via an elevator. It is this north alternative that has been carried over to the DEIS work (refer to the next section).
5. The recommendation of the hiker-biker trail in the Georgetown Branch Master Plan must be accommodated: The Plan acknowledges the space constraints in the tunnel under the Air Rights and Apex Buildings at Wisconsin Avenue and recommends an on-street bicycle route to either replace or supplement the tunnel route. The route departs the trail at Elm Street Park and is on-street via Willow Lane and Bethesda Avenue.

The Purple Line's Draft Environmental Impact Statement

The current DEIS is evaluating the following two options at the Bethesda Terminal Station:

1. Light Rail Transit (LRT): The LRT option includes the station platform approximately 200 feet in length within the tunnel and "tail tracks" that would extend

out of the tunnel west to Woodmont Avenue through the Applicant's plaza area (refer to Transportation Planning Memorandum Exhibit E). A conceptual drawing of how the Purple Line station would relate to the planned southern entrance to the Bethesda Metrorail Station is shown as Transportation Planning Memorandum Exhibit F.

2. Bus Rapid Transit (BRT): The BRT option includes bus routing that could involve buses traveling through the plaza area from Woodmont Avenue into the plaza and tunnel in route eastbound to Silver Spring over the Georgetown Branch right of way. Whether LRT or BRT, the anticipated peak period service frequencies are expected to be between six and ten minutes.

The important concepts discussed below specifically relate to those being evaluated as part of the DEIS and the applicant's project:

6. The Trail Connection within the Tunnel: As previously noted, accommodating the trail in the tunnel is a challenge. The current plans call for the trail to enter the tunnel above the LRT/BRT vehicles and for trail users to descend to the surface via a switchback ramp that is to be constructed within an area provided by the Applicant as a condition of project approval. Refer to the attached drawing in Transportation Planning Memorandum Exhibit G of the trail over the right of way. The Applicant is reserving space on-site to accommodate a switchback ramp to take trail users from the plaza up to the future trail above the Purple Line. The Applicant assumes that this facility will be constructed by MTA at the time the Purple Line is built.
7. Coordination with MTA: The MTA and the Applicant have been reviewing the respective plans for this area for a minimum of two years. As of this writing, the MTA is reviewing the latest plans as submitted by the Applicant, but has not supplied staff with an approval letter. It is anticipated that the conditions outlined in the attached DPWT letter of August 27, 2007, will meet the MTA requirements as the MTA has been involved in the review. These conditions include the following:
 - a. Establish and record three separate reservations to accommodate construction and operation of the following:
 - 1) The Purple Line as it exits the tunnel under the Apex Building and approaches Woodmont Avenue.
 - 2) The permanent Georgetown Branch Trail in accordance with Montgomery County requirements in the event the Purple Line is constructed.
 - 3) A ramp that would provide access to the elevated portion of the permanent Georgetown Branch Trail to be located in the tunnel in the event the Purple Line is constructed.
 - b. To satisfy MTA requirements, the reservations must include the following:
 - 1) An easement width for the Purple Line that is a minimum of 38 feet at the Applicant's property line near the Apex Building and a minimum of 32 feet at Woodmont Avenue.
 - 2) A lower elevation of the easement for the Purple Line that is four feet below the top of the rail for the Purple Line as identified by the MTA.

- 3) An upper elevation of the easement for the Purple Line that is 23 feet above the top of the rail for westbound track/lane of the Purple Line as identified by MTA.
- 4) Additional space/widths as identified by MTA to accommodate the 14 foot wide hiker/biker trail within the tunnel.
- 5) Additional space/widths as identified by MTA to accommodate the ramp that will provide access/egress to the elevated portion of the hiker/biker trail within the tunnel and above the Georgetown Branch right-of-way if not accommodated in requirement 2.a.3) above. This condition was not included in the DPWT letter (Transportation Planning Memorandum Exhibit C) but is added to insure that the area specifically intended to accommodate the ramp is included.

ENVIRONMENTAL ANALYSIS

Noise

A noise study is required at time of site plan submission to determine whether interior noise mitigation will be needed for this project. Noise measurements for nearby projects have shown levels greater than 65 dBA Ldn along both Bethesda and Woodmont Avenue.

Environmental Guidelines

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 420070490 on October 5, 2007. The site does not include any streams, wetlands, or floodplains.

Forest Conservation

The applicant submitted a Preliminary Forest Conservation Plan with the Preliminary Plan and Project Plan. There is no forest on the property and a planting requirement of 0.33 acres. The planting requirement will be met by either offsite mitigation or by payment of fee-in-lieu.

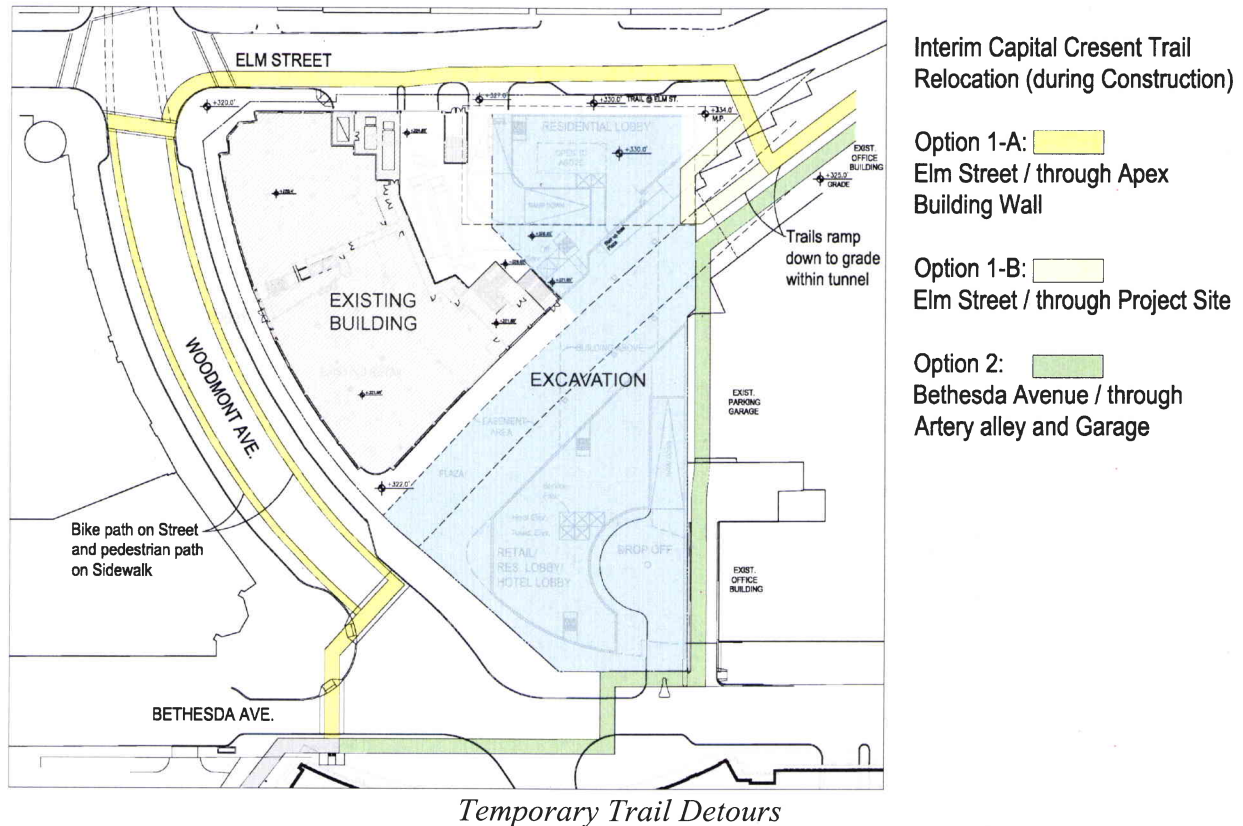
DEVELOPMENT CONCERNS

Georgetown Branch Trail (Capital Crescent Trail)

A great deal of concern has been raised about keeping access open to the section of the Georgetown Branch Trail that runs through a tunnel under Wisconsin Avenue. The Trail, at this location, is used by thousands of people to recreate, to access shopping, and the commute to and from work. It has been made abundantly clear that the Trail users wish to keep the Tunnel

access open and that the number of potential at-grade crossings of Wisconsin Avenue (should the Trail be closed) is not a desirable alternative at this time. Staff has worked with the Applicant on this issue for several months and, as conditioned, the Applicant has agreed to keep Trail access to the Tunnel from the westbound entrance open during construction. After construction, of course, the Trail area through the Subject Property will be greatly enhanced.

The following plans illustrate the three detour options currently being analyzed. A final determination of the exact route and all necessary signage, safety measures, and details will be made during the site plan review process.



Green Space

Although Staff received fewer emails and phone calls about this issue, a significant number of citizens and representatives have raised the concern about the need for “green” open space in downtown Bethesda. In fact, the site has been nominated for Legacy Open Space (LOS) status. Development Review Department staff has met with the Department of Parks to analyze the criteria for this nomination and discuss how citizens might be served by such an open space at this location. The Park Planning Stewardship Division, which oversees LOS nominations, has recommended that the site not be added to the Legacy Open Space program. The following discussion provides the analysis Staff pursued in their discussions and the reasoning for their determination.

Background

This site was nominated recently for consideration by the Legacy Open Space (LOS) program as an Urban Open Space resource. The nomination was received on October 18, 2007, from a consortium of three civic groups: Greater Bethesda-Chevy Chase Coalition, Edgemoor Citizens Association, and East Bethesda Civic Association. The application nominates the currently unbuilt portion of this development site as an urban open space that meets the following three Legacy Open Space criteria:

5. The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
6. The Resource helps to buffer and thereby protect other significant resources.
8. The Resource provides a significant opportunity (a) to increase access to public open space in communities with high population densities, (b) to protect scarce open space in an urbanized community, (c) to improve the character of a green boulevard of countywide or regional significance, or (d) to provide for a new regional park facility.

The core argument of the application is that the Capital Crescent Trail is an open space and recreation resource of great significance to the County and downtown Bethesda, and that keeping as much green open space as possible adjacent to the trail in this vibrant retail location is critical to retaining the quality of life for the urban residents, visitors, and trail users in Bethesda.

Site Analysis

The overall philosophy of Legacy Open Space is to identify resources of exceptional countywide significance for preservation efforts: those that "rise above the rest." Staff analysis of the undeveloped open space on the Woodmont East Phase II development plan and its significance to the overall LOS Criteria and the Urban Resources Criteria has determined that:

- The current Capital Crescent Trail provides critical human connectivity across the lower County, but the entire site nominated is not essential to that connectivity.
- The nominated site does not buffer or protect any significant non-trail resources.
- The nominated site does have the potential to protect scarce open space in an urban community.

However, even though the site is clearly of countywide importance because of the CCT and its location at the crossroads of retail and social activity in the Bethesda CBD and nominally meets the criteria for urban open space, staff does not recommend adding the site to LOS because the urban open space objectives of the Bethesda CBD Sector Plan and the LOS Plan can be met by the proposed development. There are three main arguments that support this recommendation.

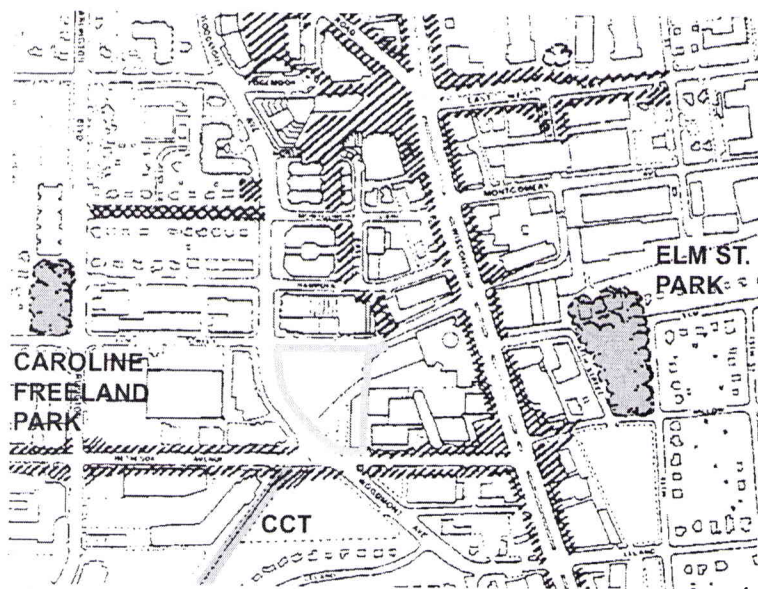
First, the open space proposed by the proposed development provides more publicly-accessible open space than the Sector Plan recommends by pulling back the hotel façade from the corner and widening the linear plaza along the CCT and Purple Line ROW. The linear urban plaza along the trail will be 75' wide, almost as wide as some of the nearby side streets from

building to building, and should result in adequate “breathing room” for the trail users despite the increased height of the new buildings. This site is also located in the Metro Core District within the Sector Plan, an area designated for high density to facilitate Transit-Oriented Development goals.

Second, there are several large areas of green park space within a few blocks of this location that users of the CCT and downtown can easily access. Elm Street Park (2 acres) is located next to the CCT at the east exit of the trail tunnel, and Caroline Freeland Park (1 acre) is located two blocks away to the west. In addition, there is a large sitting area along the CCT that includes benches & drinking fountains only one block southwest of this site.




And third, an analysis of the open space proposed in this development according to urban open space principles suggests that there are more public benefits in the realm of useable open space and pedestrian connections to be achieved by this Plan than if the Parks Department were to buy the land where the hotel is proposed. The table below compares several factors for the proposed plan with a potential acquisition scenario.

Open Space & Public Benefit Factors	Proposed Development Plan	LOS Acquisition Scenario
Total open space area (not including existing open space along Woodmont in front of existing retail/office)	About 20,000 s.f.	About 38,000 s.f., or 29,000 s.f. if restaurant retained
Capital Crescent Trail ramp to elevated trail (needed if Purple Line is built)	Location, design, and construction provided by developer	Public agencies would have to locate, design, and fund ramp
Uses that activate the space	Large square footage of retail, hotel and residential units, all of which are round-the-clock uses directly fronting on the open space	Much less square footage of round-the-clock activity. A loading dock and rear wall (existing) would face the open space, unless the restaurant façade is retained, which would reduce the area of open space by 9,000 s.f.
Pedestrian pathway connection to Discovery Trail and Metro entrance at the NE corner of the block	Provided, along with a small corner open space along Elm Street	Not provided
Cost to Public	None	Significant acquisition, development, and ongoing maintenance costs



OPEN SPACE CONCEPT FIGURE 3.5

Legend

- | | |
|--|---|
|  | Urban Open Space
(sidewalks, plazas, landscaped areas, courtyards) |
|  | Mixed Streets
(expanded pedestrian sidewalks, special street pavement) |
|  | Green Space
(play equipment, picnic areas, passive lawn areas) |

Sector Plan Urban Space & Parks

According to the studies that have been done of successful urban open spaces, there is no magical number for the size of a successful urban open space. Rather, the elements of a successful space meet the following categories of user needs, no matter what demographic group:

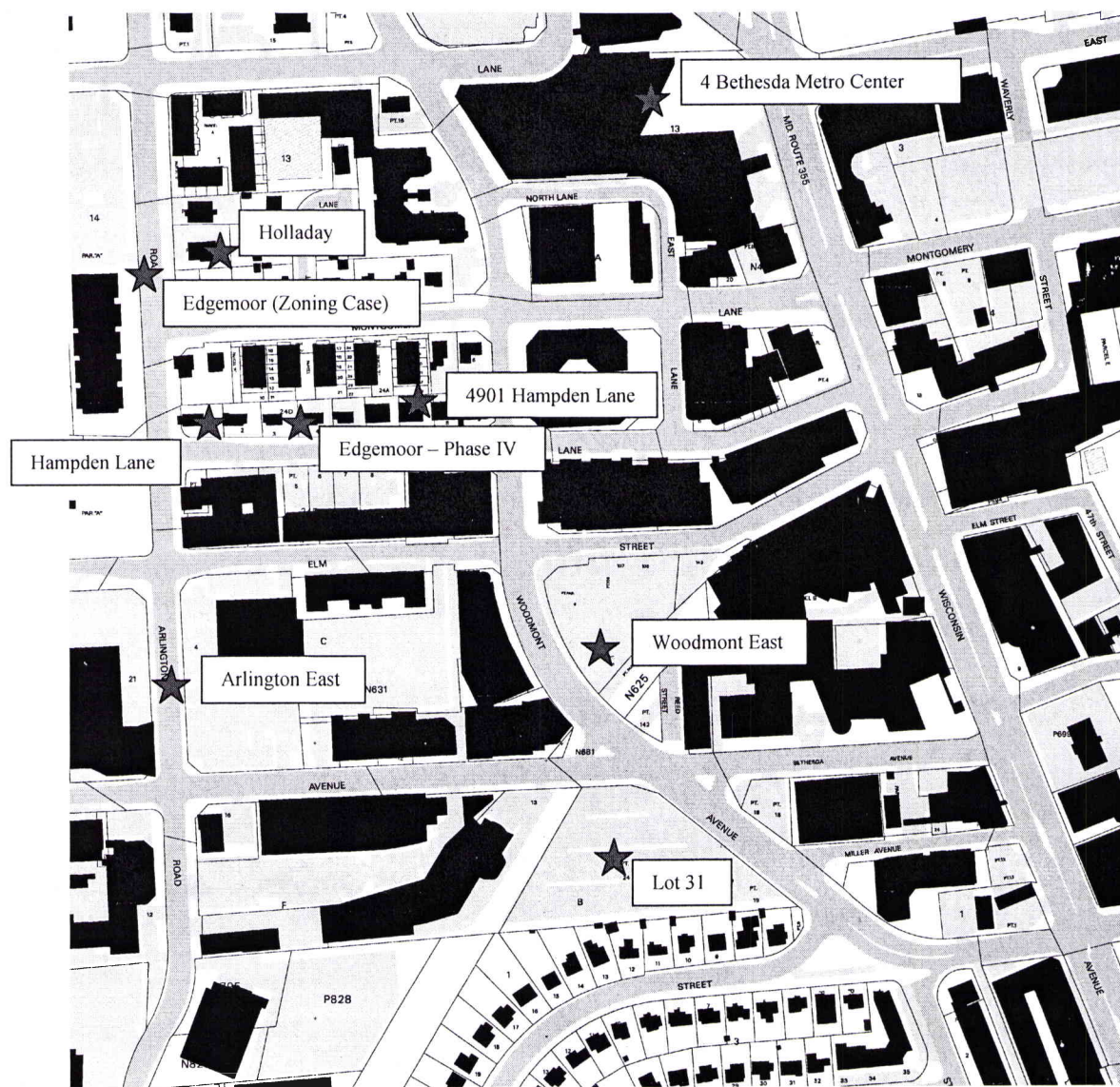
- Comfort – places to sit and rest, respite from the elements, access
- Relaxation – being in the outdoors, especially near water and nature, reduces stress
- Passive Engagement – places for sitting, watching, reading, sleeping
- Active Engagement – areas for walking, sports, gardening
- Discovery – promoting learning about the natural, cultural, historical environment
- Fun – challenge, adventure, and mystery

These elements can be accommodated in a variety of ways in a range of sizes. For example, learning about the natural environment can be achieved with intensive landscaping or water features. Fun can be achieved with whimsical or interactive art. In an area of a downtown CBD such as the Bethesda Row area, the size of space the developer is providing can accommodate these needs. While saving an additional 9,000 or 18,000 square feet of open space might allow more active uses, it will not guarantee the success of the space as an activated, people-filled place. In addition, the nominating groups' desire to retain a green, grassed area would not likely occur even under park ownership of the area. In such a heavily used area, an urban park such as this would most likely be designed in hardscape.

Staff suggests working with the developer through the Site Plan review process to ensure the open space is designed to meet the appropriate user needs for this important site in the Bethesda CBD core along the Capital Crescent Trail.

Density & Traffic Congestion

The last issue that Staff has discussed with many community members, as well as internally, is the amount of density that is already being built or is proposed in the downtown Bethesda area in general. It should be noted that the predicted traffic generation of all proposed developments is added to the total “background” calculations that are provided as part of the transportation analysis for all preliminary plan applications. Thus, the transportation review of any proposed development takes into consideration the context of both existing and proposed development. Likewise, the Sector Plan makes specific recommendations of land use based on an initial balancing of the need and capacity for certain land uses. As such, when a proposed development is reviewed for consistency with the density and land use recommendations of the Sector Plan, the contextual analysis is built in to the review process.



Project, Preliminary Plans and Site Plans under Review or under Construction

Notwithstanding the two contextual safeguards just mentioned, Staff is aware that many citizens have concerns about the potential congestion that the seemingly large amount of ongoing development in Bethesda may cause. But the reviews of the Zoning Ordinance, the Sector Plan, Transportation Guidelines, and Environmental Guidelines in place at this time are the basis of our recommendation. As one can see on the following map of the Downtown Bethesda, there are numerous plans under review and Staff continues to analyze each on its own merits and in relation to existing and proposed developments in the area.

FINDINGS

PROJECT PLAN

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and 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 plan utilizes the optional method of development standards and conforms to the goals of the 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 proposed building height is 143 feet, which is in conformance with the Montgomery County Zoning Ordinance that permits buildings up to 143 feet in height under the optional method.⁹ The Applicant is requesting 250 multi-family dwelling units, a 250-room hotel, 36,300 square feet of general retail use, and 78,300

⁹ In fact, the Planning Board may approve building heights up to 200 feet in the CBD-2 to accommodate workforce housing. This application was received prior to December 1, 2006, so workforce housing is not required.

square feet of office use. This is the current maximum allowed by the Preliminary Plan Adequate Public Facilities (APF) review. An increase in the number of units, hotel rooms, or commercial space at site plan submittal may require an amendment to the Preliminary Plan and a new APF review. The CBD-2 Zone allows up to a 2.0 residential FAR 100 and a 5.0 total FAR, which the Applicant is requesting.

The Project Plan will accomplish important Sector Plan objectives as outlined in detail in the Analysis Section of the Staff Report. Namely, the proposed project meets the land use and zoning recommendations of the Plan; exceeds the urban design expectations of 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; proposes a number and diversity of public-use facilities on- and off-site; and increases the amount of biomass and stormwater retention on-site.

- (2) *“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 linear urban space, 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.

- (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 provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian environment due to the upgraded streetscape, public space, trail and sidewalk connections, and possible artwork. 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 and the Trolley. 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 and Elm Street will facilitate the desire for pedestrian connectivity to the metro station core areas of development within Bethesda.

The Applicant will also provide amenities for residents commuting by bicycle and will enter into a traffic mitigation agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Bethesda CBD. The TMA will outline possible transit alternatives, monitoring of the 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.

The streetscape improvements along Woodmont and Elm facilitate the desire for pedestrian connectivity to the bus and metro station. More importantly the connections from the public plaza to the Discovery Trail and the improvements to the Georgetown Branch Trail will greatly enhance the use of the numerous trails and open spaces downtown. Activation of Elm Street by the condominium lobby is especially needed to integrate the site into its surrounding context.

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

The Project proposes 250 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 responds to the need to finalize, in a sense, the Metro Core with regard to shopping, recreation, office, and housing opportunities and 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 one more functional lot accommodating an appropriately sized multi-use building.

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 through innovative massing and the stepping of its building height. Further, the integration of public space between and around the site enhance the feeling of openness as one transitions from the tightly-packed Core to the less dense surrounding context.

The proposed residences are within a blocks of a large transit station and directly adjacent to future transit as well as literally on top of 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 mass transit.

Requirements of the CBD-2 Zone

The table on page 29 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 Zone.

Amenities and Facilities Summary

On-Site Improvements

- Public plaza with benches, landscaping, water features, lighting.
- Consideration of public artworks within the plaza.
- Signage and wayfinding 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

- Streetscape improvements along Woodmont 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 250 dwelling units, a 250 room hotel, and approximately 114,600 square feet of commercial space. The proposal will be implemented under the optional method of development and proposes a density of 5.0 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 28.5 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 multiplicity of living, working, shopping, and recreational opportunities. The Project is a quintessential infill development – creating one lot out of several to accommodate numerous complementary uses and articulated in a fashion that transitions seamlessly 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.

- (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 and Elm Street and created 27,401 square feet of on-site public use space that will enhance the pedestrian activity of the neighborhood. Because vehicular activity is limited to two points, pedestrian and vehicular conflicts are minimized. The scale and design of the massing and orientation of the proposed building is appropriate relative to the adjacent properties and provides 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 design, while still conceptual, hopes 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 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 conditions.

A traffic study was completed for the proposed development and is detailed in the Preliminary Plan LATR analysis. A Traffic Mitigation Agreement 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 higher density also allows for a building that can afford to provide underground parking, extensive renovations to local trails, and a large public plaza.

The proposed development 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 proposed optional method development may also provide public art, which is essential to the cultural and aesthetic identity of a downtown.

- (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 proposed project will be built on one lot and is entirely within the CBD-2 Zone.

- (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 through off-site mitigation or by payment of 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 for the site on October 16, 2007. The stormwater management concept consists of on-site water quality control via green roof and two proprietary flow-through filters. On-site recharge is not required since this is a redevelopment. A waiver of water quality is granted for the lower plaza area because the adjacent storm drain is too shallow to connect to a water quality device. Channel protection volume for the northern building area is waived due to existing storm drain elevations. Channel protection volume is not required for the southern building area because the one-year post development peak discharge is less than or equal to 2.0 cfs.

PRELIMINARY PLAN

Master Plan Compliance

As stated earlier in this Analysis Section of this report, the Preliminary Plan complies with the recommendations in the Bethesda Central Business District Sector Plan by contributing to a vibrant and diverse downtown; by providing employment, shopping, and housing options;

by contributing to increased pedestrian and cyclist connectivity; and by providing context-sensitive open space and architecture.

Transportation

Local Area Transportation Review

In accordance with the *Local Area Transportation Review Guidelines*, the applicant was required to submit a traffic study to analyze the impact of this proposed subject development. Based on the land uses analyzed in the traffic study, the traffic generated by proposed land uses within the weekday morning (7:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods are as follows:

Land Use	Number or Area	Peak-Hour Trips	
		Morning	Evening
Hotel	250 rooms	44	44
Apartments	250 units	113	113
Retail	8,000 square feet	5	21
Total Trips		162	178

The table below gives the calculated Critical Lane Volume (CLV) values at studied intersections in the existing, background, and total traffic conditions:

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
1. Arlington Road & Bethesda Avenue	Morning	948	1,068	1,081
	Evening	1,034	1,273	1,286
2. Woodmont Avenue & Bethesda Avenue	Morning	391	485	487
	Evening	457	671	676
3. Wisconsin Avenue & Bethesda Avenue	Morning	859	976	1,019
	Evening	991	1,198	1,259
4. Wisconsin Avenue & Elm Street	Morning	801	857	922
	Evening	1,057	1,147	1,175
5. Woodmont Avenue & Elm Street	Morning	482	516	530
	Evening	751	865	885
6. Woodmont Avenue & Hampden Lane	Morning	464	486	488
	Evening	578	640	646

At all six studied intersections, the CLV values are less than the congestion standard of 1,800 CLV for the Bethesda Central Business District Policy Area and, thus, LATR is satisfied.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO) to assist in achieving the 37% non-auto-driver mode share goal for employees working in Bethesda Central Business District.

Environment

Noise

A noise study is required at time of site plan submission to determine whether interior noise mitigation will be needed for this project. Noise measurements for nearby projects have shown levels greater than 65 dBA Ldn along both Bethesda and Woodmont Avenue.

Environmental Guidelines

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 420070490 on October 5, 2007. The site does not include any streams, wetlands, or floodplains.

Forest Conservation

The applicant submitted a Preliminary Forest Conservation Plan with the Preliminary Plan and Project Plan. There is no forest on the property and a planting requirement of 0.33 acres. The planting requirement will be met by either offsite mitigation or by payment of fee-in-lieu.

There are no significant environmental features on the subject property and there is no forest on-site. As a result, the Environmental Guidelines are not applicable and the plan is exempt from the County Forest Conservation Law.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on October 16, 2007. The stormwater management concept consists of on-site water quality control via green roof and two proprietary flow-through filters. On-site recharge is not required since this is a redevelopment. A waiver of water quality is granted for the lower plaza area because the adjacent storm drain is too shallow to connect to a water quality device. Channel protection volume for the northern building area is waived due to existing storm

drain elevations. Channel protection volume is not required for the southern building area because the one-year post development peak discharge is less than or equal to 2.0 cfs.

Compliance with the Subdivision Regulations and Zoning Ordinance

Staff's review of Preliminary Plan #120070200, Woodmont East – Phase II, indicates that the plan conforms to the 1994 Sector Plan for the Bethesda Central Business District. The proposed preliminary plan is consistent with the master plan goals to encourage redevelopment and housing in the central business district.

Staff also finds that the proposed preliminary plan complies with all agency requirements and Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further finds that the size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.

Conclusion

Staff concludes that Preliminary Plan #120070200, Woodmont East, conforms to the land use objectives of the 1994 Sector Plan for the Bethesda Central Business District and meets all requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

APPENDICES

- A. Citizen Correspondence
- B. Preliminary Plan
- C. MCDPWT letter dated August 27, 2007
- D. MCDPS stormwater management approval dated October 16, 2007
- E. Memorandum from Transportation Planning Staff
- F. Memorandum from Environmental Planning Staff

APPENDIX A

UNDER SEPARATE
COVER



APPENDIX C

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

August 27, 2007

Arthur Holmes, Jr.
Director

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070200
Woodmont East Phase II

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on July 30, 2007. This plan was reviewed by the Development Review Committee at its meeting on May 7, 2007. 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 or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show/label all existing planimetric and topographic details specifically storm drainage on the preliminary plan.
2. Necessary dedication for Elm Street, Bethesda Ave and Woodmont Ave in accordance with the Master Plan and truncation at the intersection of Woodmont Ave and Bethesda Ave.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
6. Refund the County driveway easement fee (for the driveway within the Georgetown Branch easement) prior to recordation of the record plat. Contact Tom Reise of the DPWT Property Acquisition Section.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

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Preliminary Plan No. 1-20070200
August 27, 2007
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8. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be along the site frontage according to associated DPWT standard street section and CBD standards unless the applicant is able to obtain a waiver from the appropriate government agency.
9. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However, driveway curb returns should not cross the property lines. Also provide proper spacing between the driveways curb returns and public utilities features.
10. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy. Deliveries to ~~be~~ the truck loading spaces to be limited to off-peak travel hours; applicants will need to document same prior to approval of the record plat.
11. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
12. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
13. The proposed development is based on the assumption that Reed Street will be abandoned. The applicants will need to provide a copy of the County Council resolution for abandonment of Reed Street prior to recordation of the record plat.
14. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Engineering and Studies Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
16. 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) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.

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18. Prior to approval of the record plat by DPS, the applicants will need to execute and record a Declaration of Covenants (for Maintenance and Liability) for the maintenance of Bethesda CBD Streetscaping amenities in the rights-of-way on Woodmont and Bethesda Avenue - or enter into a separate agreement with the Bethesda Urban District for the maintenance of those items.
19. Please coordinate with the Department of Fire and Rescue Services about their requirements for emergency vehicle access.
20. Provide driveway access for the stormwater management facilities per associated DPS guidelines.
21. The underground stormwater management facility will need to be located outside of Georgetown Branch Trail easement and reservation areas.
22. The applicant must demonstrate that it is not possible and safe to keep the Georgetown Branch Trail open during construction period. If the County allows this closure to occur, the applicant must demonstrate and employ appropriate construction (materials, scheduling, and process) methods to reduce the closure time to the minimum and comply with the following recommendations:

We recommend the Planning Board require the applicant to establish and regularly update an appropriate system to inform the public of the progress of project and time table for reopening of the trail.

The Traffic Control Plan (TCP) for this project will need to detail the proposed routing of vehicles, pedestrians, and bicyclists during the period of construction. In particular, the TCP will need to detail the route for the relocated Georgetown Branch Trail and measures taken to protect the users' safety. The TCP for this site will need to be coordinated with the TCP being developed for the project to redevelop Lots 31/31A to minimize disruptions.

23. Prior to approval of the record plat by DPS, the applicants will need to execute and record a Memorandum of Understanding or other recordable document that confirms the location of the Georgetown Branch Easement and reservation areas for the permanent Georgetown Branch Trail, as well as the terms related to the temporary and permanent uses of those areas associated with this project. Montgomery County will be a co-executor of this MOU. The deed reference for this MOU is to be provided on the record plat. The document must address, but not be limited to, the following issues:
 - Reservations. Applicants to establish and record three separate reservations for the future grant of three easements to Montgomery County for additional land area to accommodate the following: (1) the construction and operation of the Purple Line as it exits the tunnel under the Apex Building and approaches Woodmont Avenue; (2) construction and operation of the Permanent Georgetown Branch Trail in accordance with Montgomery County requirements in the event the Purple Line is constructed; and (3) a ramp to provide access to the elevated portion of the Permanent Georgetown Branch Trail to be located in the tunnel in the event the Purple Line is constructed.

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- Description for the Georgetown Branch Easement area. The descriptions will need to incorporate the following specifications:
 - easement for the Purple Line with the width, as requested by the MTA, of 38+ at the proposed building and the Apex Building (as referenced in the June 5 2007 meeting with DPWT minutes) and
 - the lower elevation is 3 to 4 feet below the top of rail for the Purple Line and the upper elevation is twenty-three (23) feet above the top of rail for the westbound track/lane of the Purple Line. The upper elevation above the eastbound track/lane of the Purple Line will be increased to accommodate the parallel hiker/biker trail.
 - a width of at least thirty-two (32) feet at Woodmont Avenue and 38 feet at the proposed building and the Apex Building is required for the Purple Line. Additional space/widths will be required to accommodate the 14 feet wide hiker/biker trail.
- Interim Georgetown Branch Trail Detour. If the County allows the Georgetown Trail to be temporarily closed, prior to, and as condition of commencement of the construction of the Project, Applicants shall design and construct, and the County shall approve an off-site route for the Interim Georgetown Branch Trail.
- Easement Area Support. In connection with the construction of the Project, Applicants, at their sole expense, will install, maintain, repair, and, as necessary, replace such sheeting, shoring, underpinning, tie-backs, and other supporting structures as may be required by applicable laws, regulations, and ordinances, or by sound engineering practices, in or around the Easement Area, to ensure that upon the completion of the Project, the Easement Area may be safely used for all of the uses intended for it (including the Purple Line). Applicants shall also have the right to locate permanent tiebacks, sheeting and shoring and other structural support systems for the Project within the Easement Area, provided such structural supports do not impair any of the uses intended for the Easement Area. Prior to the issuance of any building permits for the Project, Applicants will provide the County and the MTA the opportunity to review and approve the structural plans in order to ensure the proposed accommodation of the future Purple Line and the hiker/biker trail.
- Use of Easement prior to construction of the Purple Line.
 - The minimum width shall be no less than ten (10) feet, plus an additional 2 foot shoulder on each side of the trail with the precise width to be determined in connection with Site Plan approval of the Project as determined by Montgomery County.
 - With the exception of paving, applicants shall not improve the Interim Georgetown Branch Trail with any improvements or locate any fixtures or furniture whether temporary or permanent; affixed or transportable within said area, or in any other manner impair the use of the Interim Georgetown Branch Trail as well as the Purple Line and the permanent trail.
 - Until such time as the construction of the Purple Line construction commences, Applicants may be permitted to locate temporary elements relating to the Project's Plaza improvements such as paving, benches and landscaping within the remaining Easement Area outside that area devoted to the Interim Georgetown Branch Trail use; provided, however, that the County approve such improvements prior to installation and that in no event shall a fountain, or other such features be provided within the Easement Area, and all /any shall be removed upon request by the County if deemed necessary, at the Applicants' expense.

Ms. Catherine Conlon
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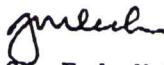
- Maintenance. After the construction of the Project and so long as the Easement Area is not being used for purposes of the Purple Line, Applicants, at their sole cost and expense, shall assume maintenance and liability responsibilities over the Easement Area.
 - Scheduled activities. The Applicants shall work with the County to reasonably schedule the construction so as to minimize the impact on the residents, employees, guests, occupants, visitors and users of the Project, including safety shielding, pedestrian access and noise reduction measures.
24. The proposed ingress and egress on Bethesda Avenue is based on the applicants' proposal to limit vehicular operations to right in, right out only movements and construct a physical island to channelize those movements. These movements are based on the low turning movement numbers projected by the applicants' traffic engineer. The County reserves the right to further restrict egress if necessary to improve traffic operations on Bethesda Avenue.
25. Crosswalk locations at the intersection of Woodmont and Bethesda Avenues are to be in accordance with the enclosed August 10, 2007 supplemental letter for the Lot 31/31A project.
26. Since this project is being proposed under the Optional Method of development, we recommend the Planning Board require the applicants to extend their Bethesda Avenue improvements east to to the intersection with Wisconsin Ave.
27. We reviewed storm drain capacity/ impact analysis submitted by the applicant's engineer. At this point, the study remains under review. We are not convinced that the proposed design will not result in future problem with existing downstream system. This issue should be addressed with applicant's engineer and DPS during the review of construction drawings.
28. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
- A. Reconstruct the east side of the Woodmont Avenue site frontage (from the northernmost limit of the Capital Crescent Trail through the eastern edge of the east crosswalk on Bethesda Avenue) to provide the intersection choker and a minimum sixteen (16) foot wide shelf to accommodate users of the Georgetown Branch Trail. Provide physical measure(s) along this section of Woodmont Avenue to prevent improper pedestrian/bicyclist crossings of the intersection. If street trees are desired within these limits, the shelf width should be increased to twenty (20) feet [to provide a four (4) foot wide hardscaped panel with street trees in amended soil panels]. Construct necessary paving, curbs and gutters, handicap ramps, storm drainage and appurtenances. Transition the shelf width and amenities to meet existing cross-section between the northernmost limit of the Capital Crescent Trail to the northern property line of this preliminary plan.
 - B. Reconstruct the remaining portion of the Bethesda Avenue north side improvements to result in the modified cross section approved by DPWT for the Lot 31 project {twelve (12) foot wide travel lane and a twenty (20) foot wide shelf [four (4) foot wide hardscaped panel with street trees in amended soil panels, eight (8) foot wide sidewalk, and eight (8) foot wide bike path]}. Construct necessary paving, curbs and gutters, handicap ramps, storm drainage and appurtenances within these limits.

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- C. Provide Bethesda CBD Streetscaping amenities across the Elm Street site frontage.
- D. Additional road improvements may be required as a result of a review of a traffic study if such study is required by the Planning Board staff.
- E. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study.
- F. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- G. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- H. Provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,


for Sam Farhadi, P.E.
Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/ 1-20070200, Woodmont East Phase II, v.3.doc

Enclosures (3)

cc: Chorman Romano, JBG Associates/Street Retail Inc
John Tschiderer; Street Retail, Inc.
Patricia A. Harris; Holland & Knight
Steven Crum, Macris, Hendricks & Glascock, P.A.
Wes Guckert; The Traffic Group, Inc.
Councilmember Roger Berliner
Dolores Kinney; MNCPPC DRD
Shahriar Etemadi; M-NCPPC TP
Edward Axler; M-NCPPC TP
Chuck Kines; M-NCPPC TP
Clifford Royalty, OCA

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Edgar Gonzalez, DPWT DO
Gary Erenrich, DPWT DO
Gail Tait Nouri, DPWT DCD
Jeffrey Riese; DPWT POS
Joseph Y. Cheung; DPS RWPPR
Henry Emery; DPS RWPPR
Sarah Navid; DPS RWPPR
Emil Wolanin; DPWT TEOS
Bruce Mangum; DPWT TEOS
Fred Lees; DPWT TEOS
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book



APPENDIX D

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

January 30, 2007

Reginald Jetter
Acting Director

Mr. Seth C. Churchill, P.E.
Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, Maryland 20866

Re: Stormwater Management **CONCEPT** Request
for Linden Grove
Preliminary Plan #: 120070290
SM File #: 226605
Tract Size/Zone: 4.03 Ac./ R-90/TDR-13
Total Concept Area: 4.03 Ac.
Lots/Block: 42 Lots proposed
Parcel: P 184
Watershed: Upper Rock Creek

Dear Mr. Churchill:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **conditionally acceptable**. The stormwater management concept consists of on-site water quality control via 1 surface sandfilter and on-site recharge via the use of pervious concrete for the sidewalks and driveways. A waiver of channel protection volume is hereby granted based upon the sites proximity to the existing regional stormwater management facility (Crabbs Branch) and the inability to provide on-site control per DPS requirements as stated in the conceptual stormwater management report.

The following **conditions** 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. Pervious concrete must be used for all driveways and sidewalks per your discussion with Mike Geier of my staff.
6. Safe and non-erosive conveyance must be provided from the proposed outfall to the stream channel below Crabbs Branch Regional. The existing conveyance channel to the stream is currently being redesigned by the Montgomery County DPW&T. You should contact the DPW&T design section to ensure that the channel is designed to accommodate runoff from this site.

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



Payment of a stormwater management quantity 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 Mike Geier at 240-777-6342.

Sincerely,



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

RRB:dm CN226605 Linden Lane.mjg.doc

cc: C. Conlon
S. Federline
SM File # 226605

QN -waived; Acres: 4
QL - on-site; Acres: 4
Recharge is provided

RECEIVED

FEB 02 2007

CURTIS, LINDA R. 2/2/07

October 29, 2007

MEMORANDUM

TO: Dolores Kinney, Planner
Joshua Sloan, Site Plan Reviewer
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Tom Autrey, Supervisor
Ed Axler, Planner/Coordinator
Charles S. Kines, Planner/Coordinator
Transportation Planning

SUBJECT: Woodmont East, Phase II
Project Plan No. 920070070 and Preliminary Plan No. 120070200
Bethesda Central Business District Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject project plan and preliminary plan for this mixed-use development in downtown Bethesda.

The mixed-use development proposes to maintain the access to the Georgetown Branch Trail and assure right-of-way access for the Purple Line and Georgetown Branch on the site.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the approval of the subject project plan and preliminary plan:

1. The development is limited to a maximum of 250 high-rise apartments, a 250-room hotel, 36,300 square feet of general retail use, and 78,300 square feet of general office use.
2. The Applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements as required by the Montgomery County Department of Public Works and Transportation (DPWT):

- a. Construct the frontage improvements along Elm Street, Woodmont Avenue, and Bethesda Avenue.
- b. Construct intersection improvements at Woodmont Avenue and Bethesda Avenue that includes a left-turn lane on the eastbound Bethesda Avenue approach at its intersection with Woodmont Avenue.
- c. Construct intersection improvements at Elm Street and Woodmont Avenue that includes providing for an exclusive left turn lane and a shared through/right turn lane on westbound Elm Street at its intersection with Woodmont Avenue, if required by DPWT.
- d. Design the bicycle and pedestrian facilities, both interim and permanent, along the perimeter of the site to be consistent with current plans for the Lot 31/Lot 31A development and provide a safe and adequate trail crossing of the Bethesda Avenue/Woodmont Avenue intersection. Special signalization must allow bicyclists and pedestrians to pass through the intersection from the southwest to the northeast corner in one traffic signal phase.

The above improvements are similar to those required of the Applicant for Preliminary Plan No. 120070690, Lot 31/Lot 31A, along their common street frontage. These improvements must be complete and open to traffic prior to release of the initial use and occupancy permit.

3. 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. The Applicant may satisfy this condition by detouring the trail at the western terminus of the tunnel either north to Elm Street or south to Bethesda Avenue, pursuant to one of the following three alternatives:
 - a. The trail will exit the tunnel through the northern "knock out" panel located along the northwestern corner of the Apex property;
 - b. The trail will exit the tunnel through the existing western terminus and will be temporarily rerouted south through the Artery Property; or
 - c. The trail will exit the tunnel through the existing western terminus onto the northeastern corner of the Woodmont East II Property.

The precise route and details regarding the temporary roadway, intersection and streetscape improvements, construction methods, directional signage and other safety measures must be determined during the time of site plan review and prior to the Planning Board hearing on the Site Plan.

4. The alternative Georgetown Branch Trail connection must be reviewed and approved by Planning Board staff and the relevant County agencies prior to certification of the site plan. This alternative route must include adequate signage and markings to help trail users navigate between the tunnel and the Capital Crescent Trail trailhead at Bethesda Avenue adjacent to Lot 31/Lot 31A.
5. Prior to release of the Record Plat, the Applicant must obtain the Montgomery County Council's approval for the abandonment of the Reed Street right-of-way.
6. To 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), the Applicant must either:
 - a. Dedicate and sign a quit-claim deed, as applicable, to convey the horizontal and vertical right-of-way prior to site plan review, or
 - b. Provide an easement that varies from 32-foot to 38-foot wide along the Georgetown Branch right-of-way from the western property line to the eastern property line to be finalized at site plan and delineated on the Record Plat.
7. The Applicant must provide the following areas of reservation:
 - a. A 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 clearance on each side from the western property line to the eastern property line parallel to the easement for the Purple Line. The shared use path must remain 10 feet wide even at the curb at the Woodmont Avenue. The 2-foot clearance must be shown on the plan at the time of site plan review.
 - b. A minimum 1,960- square-foot Reservation Area along the property eastern edge adjoining the tunnel for a future switch-back ramp for the Georgetown Branch Trail to be finalized at the time of site plan and delineated on the Record Plat. The shared use path must remain 10 feet wide on this ramp.
8. Prior to the Planning Board's hearing on the site plan, the Applicant must enter into a Memorandum of Understanding (MOU) with the County that identifies the interim and permanent future alignments and sketch level designs for the Georgetown Branch Trail.
9. Prior to the Planning Board's hearing on the site plan, the Applicant must provide a pedestrian and bicycle circulation plan for the construction phase. This detailed plan must include specific detour routes, proposed wayfinding signage/markings,

and the expected duration of any disturbances to bicycle and pedestrian mobility through and around the site. The plan must be provided to Planning staff at least three weeks in advance of the scheduled Planning Board hearing for the site plan so that it can be included in the staff Planning Board's packet and reviewed by the Planning Board, DPWT, other relevant County and State agencies, and the public. The Applicant must clearly and convincingly justify any duration(s) for which the Georgetown Branch Trail tunnel is closed to bicycle and pedestrian traffic, and make a good faith effort to minimize the duration of these disturbances.

10. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT 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 Applicant must provide 20 bike lockers for residents, 5 bike lockers for hotel employees, 10 inverted-U bike racks for retail customers, 5 inverted-U bike racks for visitors of the residential apartments, and 2 inverted-U bike racks for hotel patrons. The Applicant must coordinate with the Transportation Planning staff to determine the location and timing of installation of the bicycle parking facilities prior to approval of the certified site plan.

Refer to the attached letters from:

1. DPWT letter of August 27, 2007, Attachment A, for their requirement at the time this memorandum was written for the preliminary plan. DPWT requirements are subject to change between certification of the site plan.
2. MTA letter dated October 26, 2007, Attachment B, regarding the Purple Line and the Woodmont East development plan.

DISCUSSION

Site Location and Vehicular Access Points

The subject property is located on the east side of Woodmont Avenue between Elm Street and Bethesda Avenue. The Reed Street right-of-way within this site is to be abandoned as part of the preliminary plan. The Georgetown Branch Trail and the master-planned Purple Line alignment bisect the site from east to west. The vehicular access points to the proposed underground parking garage are from the south side of Elm Street and the north side of Bethesda Avenue.

Pedestrian Circulation

The site's open space on the east side of Woodmont Avenue is heavily used by pedestrians and bicyclists especially on weekends. The surrounding local restaurants and service retails draw a high volume of clientele on late evenings and weekends when area and roadways are carrying a heavy volume of pedestrian, bicycle and vehicular traffic.

There is currently a substantial demand for weekend recreational use of the surface parking lot as a loading/unloading area for users of the Capital Crescent Trail to access downtown Washington, DC and the interim Georgetown Branch Trail to access Rock Creek Park and downtown Silver Spring.

Sector-Planned Roadways and Bikeways

In accordance with the *Bethesda Central Business District Sector Plan*, roadways and bikeways are designated as follows:

1. Wisconsin Avenue (MD 355) is classified as a major highway, M-6, with a minimum recommended 114-foot right-of-way width near the site.
2. Woodmont Avenue is an arterial, A-68, with a minimum recommended 80-foot right-of-way.
3. Arlington Road is classified an arterial, A-82, with a minimum recommended 80-foot right-of-way width.
4. Bethesda Avenue is classified as a business district street with a minimum recommended 60-foot right-of-way width and a Biker Friendly Area between Arlington Road and Woodmont Avenue.
5. Elm Street is classified as a business district street with minimum recommended 60-foot right-of-way and as a Biker Friendly Area.
6. Hampden Lane is classified as a business district street with minimum recommended 60-foot right-of-way and as a Biker Friendly Area.

Available Transit Service

The Bethesda Circulator (formally Ride-On route 92 that is now operated by the Bethesda Urban Partnership) operates along Woodmont Avenue between Bethesda Avenue and Old Georgetown Road and along Bethesda Avenue between Woodmont Avenue and Arlington Road. The Bethesda Metrorail Station is approximately 700 feet north of the site.

Functional Master-Planned Bikeways

In accordance with the *Countywide Bikeways Functional Master Plan*, bikeways are designated as follows:

1. A shared use path, SP-6, also known as the Georgetown Branch Trail is identified to be at the Woodmont Avenue/Bethesda Avenue intersection to the Silver Spring Metrorail Station.

2. Bike lanes, BL-6, is identified along Woodmont Avenue between Battery lane and the Capital Crescent Trail.
3. Bike lanes, BL-7, is identified along Elm Street between Exeter Road and the Capital Crescent Trail.
4. A shared use path, SP-44, is identified as the surface route for the Georgetown Branch Trail along Bethesda Avenue between Woodmont Avenue and Elm Street Park (i.e., located on the east side of Wisconsin Avenue at Elm Street and 44th Street).
5. A signed shared roadway, SR-9, is identified along Bethesda Avenue between Exeter Road and Woodmont Avenue.

At the time this memorandum was written for the preliminary plan, the Transportation Planning staff required the following bicycle parking facilities:

1. Twenty (20) bike lockers *for residents* in a highly visible, well-lit location of the parking garage within 50 feet of the elevators.
2. Five (5) bike lockers *for hotel employees* in a highly visible, well-lit location of the parking garage within 50 feet of the elevators.
3. Ten (10) inverted-U bike racks *for retail customers* located in a highly visible, well-lit and weather-protected area on the plaza.
4. Five (5) inverted-U bike racks *for visitors* of the residential apartments located in a highly visible, well-lit and weather-protected area near the main public entrances.
5. Two (2) inverted-U bike racks *for hotel patrons* located in a highly visible, well-lit and weather-protected area near the main public entrance.

As discussed in Recommendation No. 11, the ultimate number, location, and timing of installation of the bicycle parking facilities will be determined prior to approval of the certified site plan.

Georgetown Branch Trail

The Georgetown Branch Trail refers to the trail east of Woodmont Avenue, while the Capital Crescent Trail refers to the trail west of Woodmont Avenue. The Georgetown Branch Trail passes through the project site. The Capital Crescent Trail/interim Georgetown Branch Trail is one of the most popular and extensive recreational and commuter trails in the DC Metropolitan region. It provides off-road trail access to downtown DC and Bethesda. The interim Georgetown Branch Trail offers connection across Montgomery County to Stewart Avenue in the Lyttonsville Area. Future plans

continue the Georgetown Branch Trail into and through downtown Silver Spring as part of the Purple Line. The trail connects to the planned Metropolitan Branch Trail at the Silver Spring Transit Center, which ultimately will take users to Union Station in Washington, DC. The trail is a major transportation facility whose use, at times especially in the vicinity of Woodmont Avenue, exceeds the vehicular traffic volumes on the streets approaching the Bethesda Avenue/Woodmont Avenue intersection; it, therefore, needs to be accommodated in the intersection at least as well as the intersecting streets, which are only a local transportation infrastructure.

The Applicant proposes to close the access to the Georgetown Branch Trail tunnel during construction of subject development. As mitigation for closing the tunnel, the Applicant will reconstruct the north side of Bethesda Avenue to *Bethesda Streetscape Plan* standards, which includes the sector-planned bikeway (SP-44). This improvement combined with improvements to the Bethesda Avenue/Wisconsin Avenue intersection and the shared use path along the south side of along Willow Street (connecting to Elm Street Park) will offer an ADA-compliant, along-street trail route to connect trail segments for trail users who prefer not to or cannot use the temporary alternative route. The Applicant will also negotiate a temporary access route to the tunnel either through the Artery Plaza site (garage) or the adjacent property along Elm Street (breaking through tunnel wall). However, this route will likely not be ADA-compliant due to topographic and site constraints.

Georgetown Branch Master Plan Amendment Recommendations related to the Purple Line

1. *The Georgetown Branch Master Plan Amendment, Approved and Adopted on January 1990* includes the following features or recommendations:
 - a. A terminal point of the "Bethesda & Silver Spring Trolley" within the Georgetown Branch right-of-way at Woodmont Avenue (refer to attached Exhibit C, Figure 5 from the *Master Plan*). The planned "Bethesda & Silver Spring Trolley" is now more commonly referred to as the planned "Purple Line"¹. The master-planned right-of-way for the Purple Line as shown in the plan is located under the planned hotel and extends west to Woodmont Avenue where the right-of-way ends.
 - b. The southern entrance to the Bethesda Metrorail Station is to be connected to the trolley facility to provide a convenient, direct transfer from the Bethesda Terminal Station to the Metrorail system.

¹ The Maryland Mass Transit Administration (MTA) is currently developing a Draft Environmental Impact Statement (DEIS) for a Purple Line that would extend from this terminal point in Bethesda to New Carrollton in Prince George's County. The modes under consideration include Light Rail and Bus Rapid Transit.

- c. The Bethesda Station design includes an extension of a concourse (that is long enough to accommodate the trail or) through the platform area in order to provide adequate trail width and safety.”

The Bethesda Terminal Station Concept Plan is depicted as attached Exhibit D, Figure 20 in the *Georgetown Branch Master Plan Amendment*. The plan includes the following features:

- a. The track that extends west of the actual station platform is referred to as a “tail track” and is required at end-of-line locations to provide operational flexibility (i.e., storing spare or disabled trains, staging equipment for track maintenance in non-operating hours, etc.).
- b. The connection with the Metrorail South entrance is by elevator. More information on the latest concept design for the Bethesda Terminal Station is provided under the section that discusses the Draft Environmental Impact Statement (DEIS) that is now underway.

In addition to the applicable physical elements of the “Bethesda & Silver Spring Trolley”, the *Georgetown Branch Master Plan Amendment* provides background on the purchase of the Georgetown Branch. More specifically, the Master Plan notes following:

“The November 1986 Georgetown Branch Master Plan Amendment designated the right-of-way ‘a public right-of-way intended to be used for public purposes such as conservation, recreation, transportation, and utilities. It is not to be used for a contiguous roadway.’ After the CSX Transportation, Inc. officially abandoned the right-of-way through the Interstate Commerce Commission, the Montgomery County Government purchased the Georgetown Branch pursuant to Section 8(d) of the National Trails System Act for \$10.5 million in December 1988. The November 1986 Amendment also noted ‘any use of the right-of-way for a Transitway between Silver Spring and Bethesda will require a future master plan amendment.’ The 1986 *Master Plan* Amendment refers to transit use without specifying what type of technology it would be.”

This background is relevant because of the question regarding the ownership of the Georgetown Branch² right-of-way. The Planning Department’s legal staff should review this question regarding the uncertainty of the right-of-way ownership that could result in restricting the eventual availability of land and clearances needed for the Purple Line. It is not clear to Transportation Planning staff that the area over which ownership in question is included in the area needed to accommodate the Purple Line. If included, a finding would be needed as to

² The question of ownership is raised in the draft Memorandum of Understanding (MOU) between the Applicant and the County. The MOU is referenced in the DPWT letter of August 27, 2007, and is attached Exhibit C.

whether the Applicant can offer to place in reservation or dedicate right-of-way that they may not possess, regardless of whether the County is in agreement with this approach to resolving the ownership conflict at this time.

Other issues related to the Applicant's proposed reservations for the Purple Line are as follows:

- a. The Applicant is proposing that the reservations remain valid for a period of forty (40) years from the issuance of the Project Plan Resolution. Transportation Planning staff supports not placing a time limit on the validity of the reservation(s) on the Georgetown Branch because it would not be in the public interest.
- b. Another issue is the Memorandum of Understanding (MOU) that is referred to in the DPWT (attached Exhibit B). It is unclear in the attached DPWT letter as to whether there will be an MOU. As noted, the MOU acknowledges the ownership conflict and includes the time limit on the reservations. The MOU must adequately ensure that it protects the right-of-way for the Purple Line and Georgetown Branch Trail.

In addition to the right-of-way ownership and reservation time limit issues, MTA identified requirements are discussed later in this memo under "MTA Coordination".

Bethesda Central Business District Sector Plan Recommendations related to the Purple Line

In accordance with the *Bethesda Central Business District Sector Plan, Approved and Adopted on July 1994*, the recommendations for the "Bethesda & Silver Spring Trolley" or Purple Line in the vicinity of the Applicant's project are as follows:

1. The construction of a south entrance to the Bethesda Metrorail Station.
2. The connection of a light rail to the Silver Spring CBD using the Georgetown Branch right-of-way with a terminal: This connection is located near the south entrance to Bethesda Metrorail Station in the Bethesda CBD Core.
3. A final trolley alignment and terminal location decision to be made in the context of federal and state requirements: This alignment includes the evaluation of all reasonable alternatives.
4. The introduction of two alternatives (refer to attached Exhibit E) for locating the Bethesda Station terminal point and the deletion of the existing (Georgetown Branch) Master Plan terminal: One alternative is west of the Apex Building and another is north of the Apex Building. Both locations are described as being within the Georgetown Branch right-of-way although the north option is also described as being within the right-of-way of Elm Street at Wisconsin Avenue.

The west alternative is described as requiring a tunnel under Elm Street to access the new south entrance to Metrorail. The north alternative would have access to the Metrorail via an elevator. It is this north alternative that has been carried over to the DEIS work (refer to the next section).

5. The recommendation of the hiker-biker trail in the *Georgetown Branch Master Plan* must be accommodated: The Plan acknowledges the space constraints in the tunnel under the Air Rights and Apex Buildings at Wisconsin Avenue and recommends an on-street bicycle route to either replace or supplement the tunnel route. The route departs the trail at Elm Street Park and is on-street via Willow Lane and Bethesda Avenue.

The Purple Line's Draft Environmental Impact Statement

The current DEIS is evaluating the following two options at the Bethesda Terminal Station:

1. Light Rail Transit (LRT): The LRT option includes the station platform approximately 200 feet in length within the tunnel and "tail tracks" that would extend out of the tunnel west to Woodmont Avenue through the Applicant's plaza area (refer to attached Exhibit F). A conceptual drawing of how the Purple Line station would relate to the planned southern entrance to the Bethesda Metrorail Station is shown as attached Exhibit G.
2. Bus Rapid Transit (BRT): The BRT option includes bus routing that could involve buses traveling through the plaza area from Woodmont Avenue into the plaza and tunnel in route eastbound to Silver Spring over the Georgetown Branch right-of-way. Whether LRT or BRT the anticipated peak period service frequencies are expected to be between six and ten minutes.

The important concepts discussed below specifically relate to those being evaluated as part of the DEIS and the Applicant's project:

1. The Trail Connection within the Tunnel: As previously noted, accommodating the trail in the tunnel is a challenge. The current plans call for the trail to enter the tunnel above the LRT/BRT vehicles and for trail users to descend to the surface via a switchback ramp that is to be constructed within an area provided by the Applicant as a condition of project approval. Refer to the attached drawing in Exhibit H of the trail over the right-of-way. The Applicant is reserving space on-site to accommodate a switchback ramp to take trail users from the plaza up to the future trail above the Purple Line. The Applicant assumes that this facility will be constructed by MTA at the time the Purple Line is built.
2. Coordination with MTA: The MTA and the Applicant have been reviewing the respective plans for this area for a minimum of two years. As of this writing, the

MTA is reviewing the latest plans as submitted by the Applicant, but has not supplied staff with an approval letter. It is anticipated that the conditions outlined in the attached DPWT letter of August 27, 2007, (Attachment A) will meet the MTA requirements as the MTA has been involved in the review. These conditions include the following:

- a. Establish and record three separate reservations to accommodate construction and operation of the following:
 - 1) The Purple Line as it exits the tunnel under the Apex Building and approaches Woodmont Avenue.
 - 2) The permanent Georgetown Branch Trail in accordance with Montgomery County requirements in the event the Purple Line is constructed.
 - 3) A ramp that would provide access to the elevated portion of the permanent Georgetown Branch Trail to be located in the tunnel in the event the Purple Line is constructed.\
- b. To satisfy MTA requirements, the reservations must include the following:
 - 1) An easement width for the Purple Line that is a minimum of 38 feet at the Applicant's building and the Apex Building and a minimum of 32 feet at Woodmont Avenue.
 - 2) A lower elevation of the easement for the Purple Line that is four feet below the top of the rail for the Purple Line as identified by the MTA.
 - 3) An upper elevation of the easement for the Purple Line that is 23 feet above the top of the rail for westbound track/lane of the Purple Line as identified by MTA.
 - 4) Additional space/widths as identified by MTA to accommodate the 14 foot wide hiker/biker trail within the tunnel.
 - 5) Additional space/widths as identified by MTA to accommodate the ramp that will provide access/egress to the elevated portion of the hiker/biker trail within the tunnel and above the Georgetown Branch right-of-way if not accommodated in requirement 2.b.4) above. This condition was not included in the DPWT letter (attached Exhibit D) but is added to insure that the area specifically intended to accommodate the ramp is included.

Local Area Transportation Review

In accordance with the *Local Area Transportation Review Guidelines*, the Applicant was required to submit a traffic study to analyze the impact of this proposed subject development. Based on the land uses analyzed in the traffic study, the traffic generated by proposed land uses within the weekday morning (7:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods are as follows:

Land Use	Number or Area	Peak-Hour Trips	
		Morning	Evening
Hotel	250 rooms	55	55
Apartments	250 units	113	113
Retail	8,000 square feet	5	21
Total Trips		173	189

The table below gives the calculated Critical Lane Volume (CLV) values at studied intersections in the existing, background, and total traffic conditions:

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
1. Arlington Road & Bethesda Avenue	Morning	948	1,068	1,081
	Evening	1,043	1,273	1,286
2. Woodmont Avenue & Bethesda Avenue	Morning	585	733	744
	Evening	648	973	988
3. Wisconsin Avenue & Bethesda Avenue	Morning	859	976	1,022
	Evening	991	1,198	1,263
4. Wisconsin Avenue & Elm Street	Morning	801	857	925
	Evening	1,057	1,147	1,177
5. Woodmont Avenue & Elm Street	Morning	584	625	639
	Evening	789	914	927
6. Woodmont Avenue & Hampden Lane	Morning	538	560	563
	Evening	707	768	775

At all six studied intersections, the CLV values are less than the congestion standard of 1,800 CLV for the Bethesda Central Business District Policy Area and, thus, LATR is satisfied.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO) to assist in achieving the 37% non-auto-driver mode share goal for employees working in Bethesda Central Business District.

EA:tc

Attachments

cc: Doug Alexander
Larry Cole
Judy Daniel
Marian Elsasser
Gary Erenrich
Wes Guckert
Pat Harris
Mike Madden
Doug Powell
Gail Tait-Nouri

mno to Kinney Sloan Woodmont East 120070200 & 920070070.doc

Attachment A – DPWT Letter dated August 27, 2007

Attachment B – DPWT Letter dated October 26, 2007

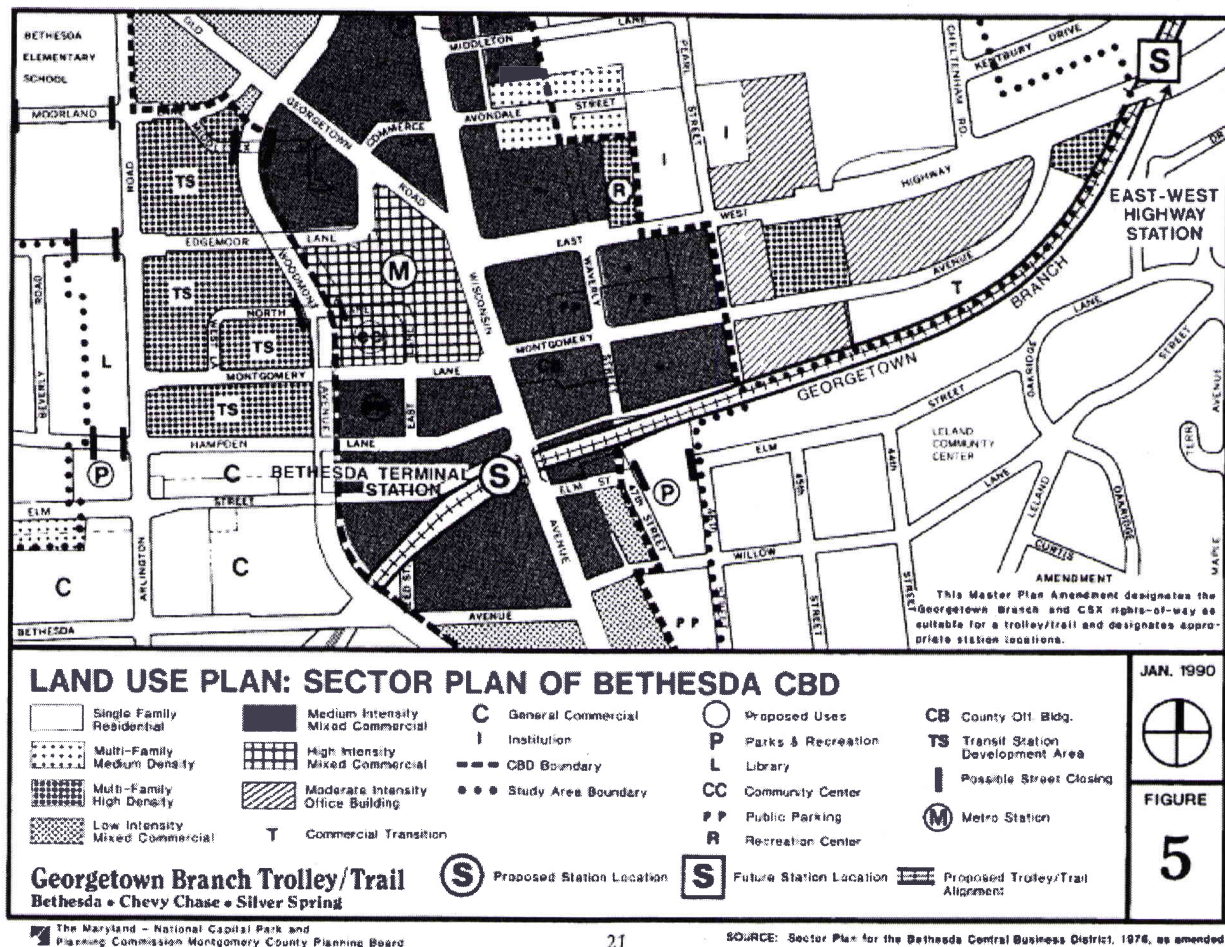
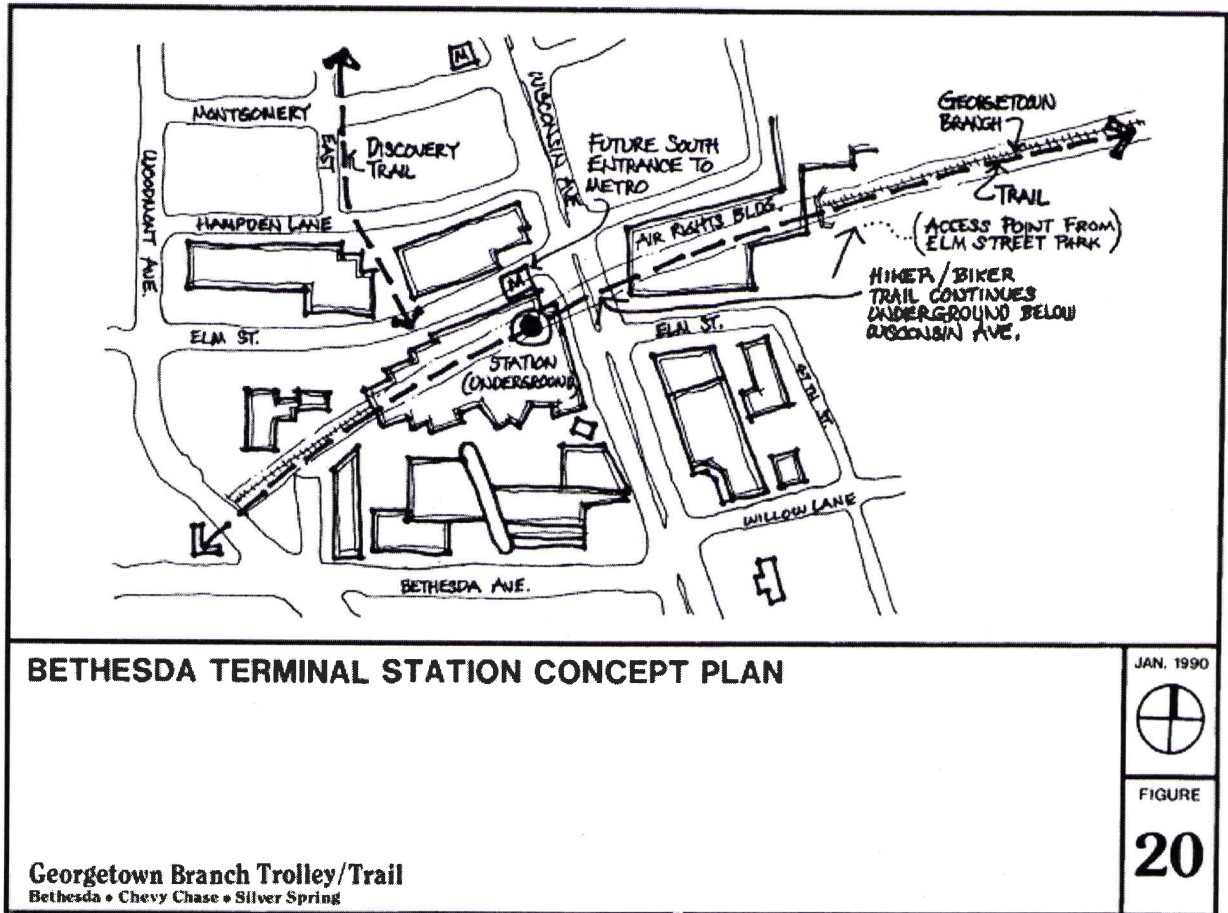


Exhibit D

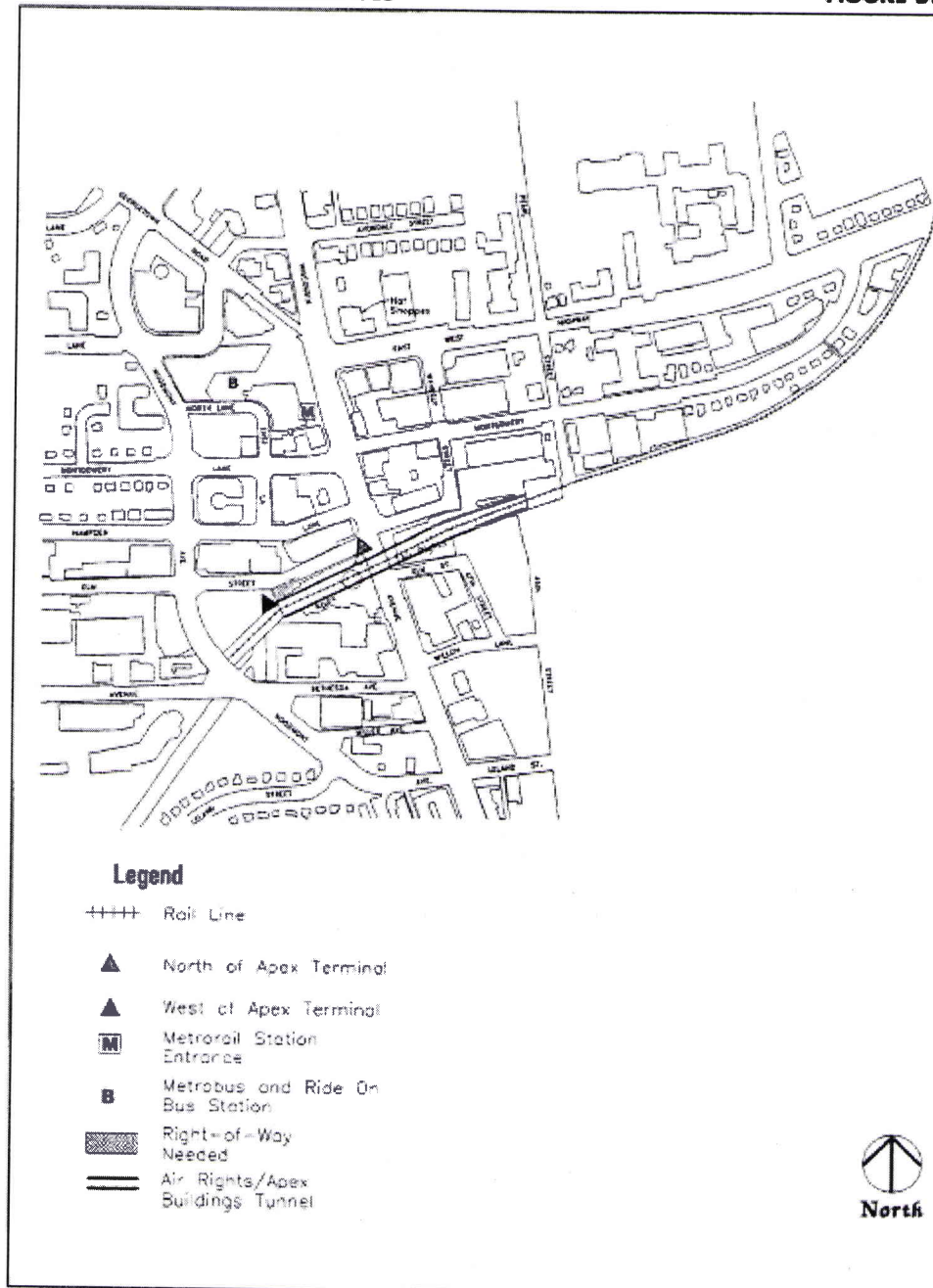


The Maryland - National Capital Park and Planning Commission Montgomery County Planning Board

Exhibit E

TROLLEY STATION ALTERNATIVES

FIGURE 5.2



BETHESDA CBD - APPROVED & ADOPTED JULY 1994

Exhibit F – MTA Purple Line DEIS Alternative Alignments and Station Location

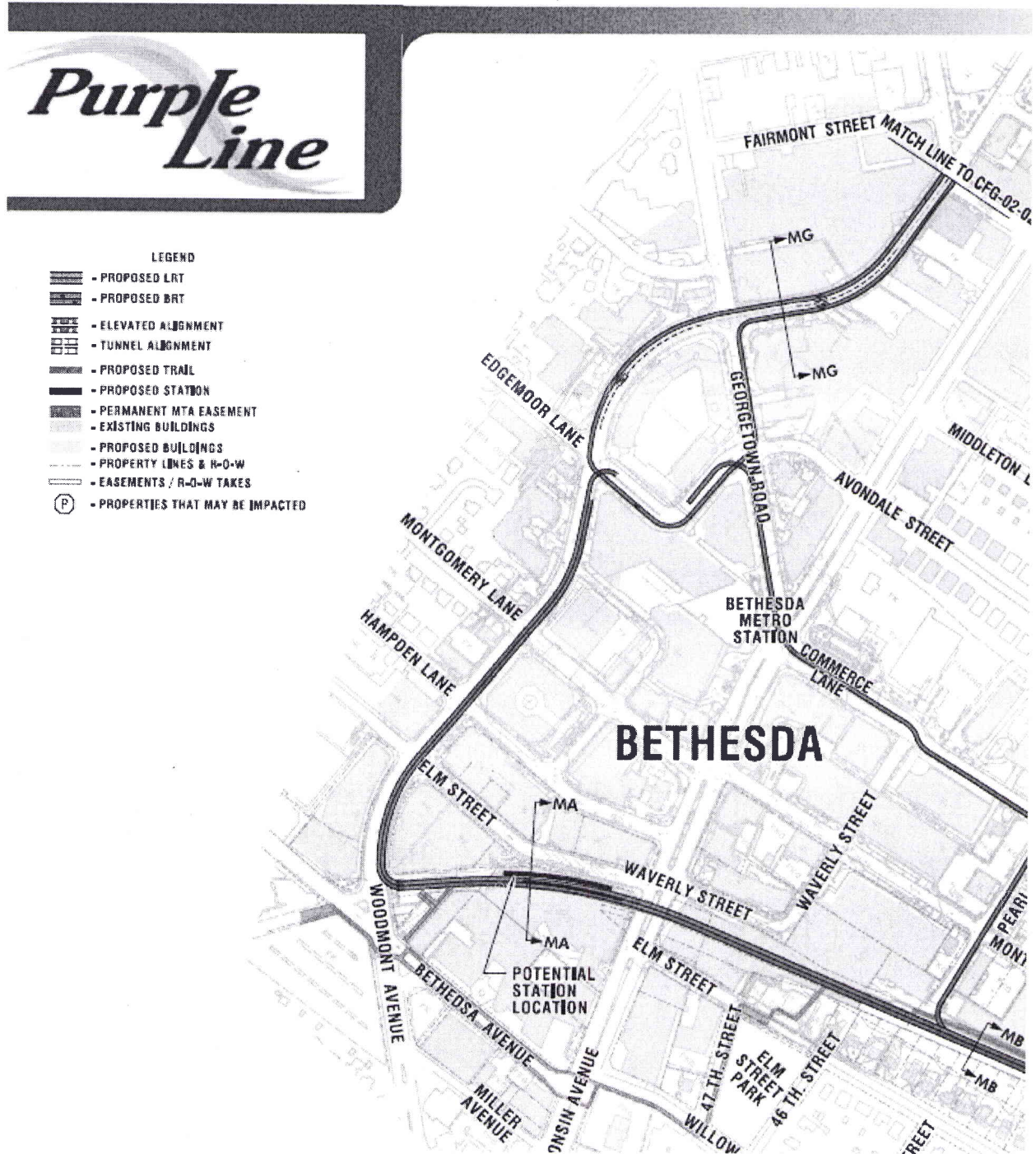
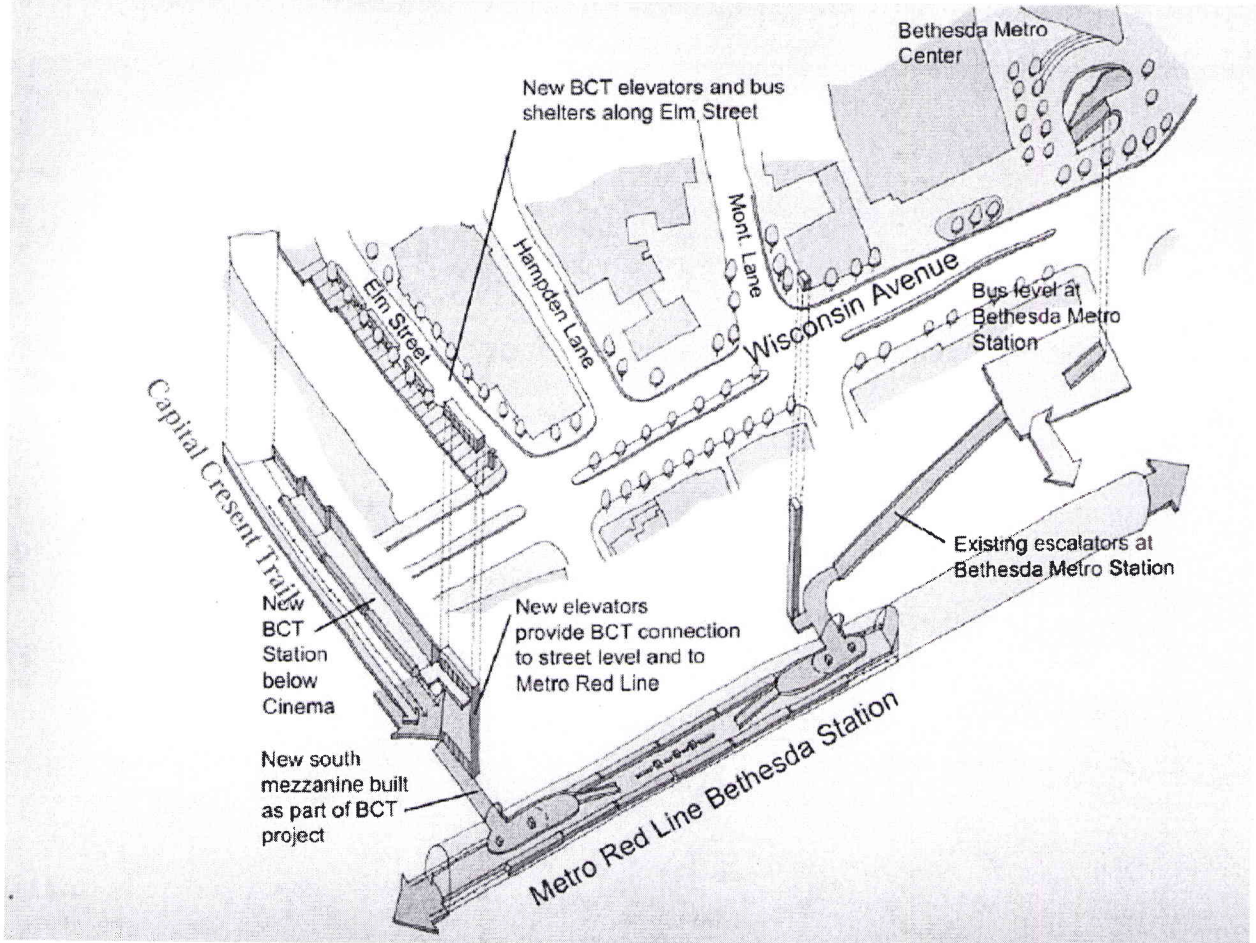
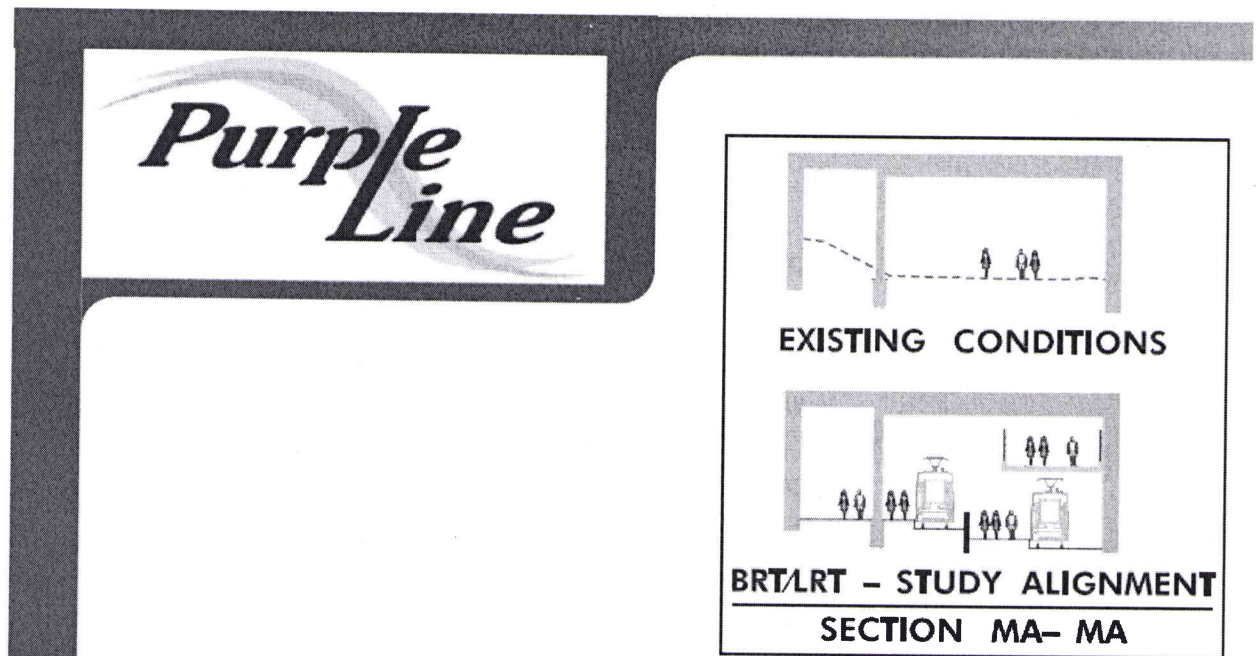


Exhibit G – DEIS Concept of Connection between Purple Line Station and Bethesda Metrorail Southern Entrance Via Elevator



Source: MTA

Exhibit H – Trail Above The Purple Line Within The Tunnel



Note: See Exhibit E For Location of Section MA-MA
Source: MTA



Appendix F

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

MEMORANDUM

TO: Dolores Kinney, Development Review
Joshua Sloan, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Amy Lindsey, Environmental Planning

DATE: October 5, 2007

SUBJECT: Preliminary Plan 120070200
Project Plan 920070070
Woodmont East – Phase Two

RECOMMENDATION: Approval subject to the following conditions:

1. The proposed development shall comply with the conditions of the preliminary forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits:
 - 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.
2. Applicant shall prepare an analysis of future transportation noise levels prior to site plan submittal. The analysis shall 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 L_{dn} .
 - 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 MNCPPC staff.
 - c. The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are approved

BACKGROUND

The 2.21-acre property is located in Montgomery County at Woodmont Avenue and Elm Street in the Bethesda CBD. This plan proposes to develop a mixed-use building adjacent to Woodmont East – Phase One, a retail/office building. There is no forest onsite but three large or specimen trees present. The Capital Crescent Trail runs across the property, from east to south. There are no streams, wetlands, or any associated buffers

onsite. The property is within the Little Falls watershed; a Use I/I-P watershed.

Noise

A noise study is required at time of site plan submission to determine whether interior noise mitigation will be needed for this project. Noise measurements for nearby projects have shown levels greater than 65 dBA Ldn along both Bethesda and Woodmont Avenue.

Environmental Guidelines

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 420070490 on October 5, 2007. The site does not include any streams, wetlands, or floodplains.

Forest Conservation

The applicant submitted a Preliminary Forest Conservation Plan with the Preliminary Plan and Project Plan. There is no forest on the property and a planting requirement of 0.33 acres. The planting requirement will be met by either offsite mitigation or by payment of fee-in-lieu.