



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

**Staff Report:**      **Project Plan Amendment 92007007A, Woodmont East**  
                             **Preliminary Plan Amendment 12007020A, Woodmont East**  
                             **Site Plan 820090080, Woodmont East – Phase 2**

**ITEM #:** \_\_\_\_\_

**MCPB HEARING DATE:** April 30, 2009

**REPORT DATE:** April 20, 2009

**TO:** Montgomery County Planning Board

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

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**APPLICATION DESCRIPTION:** The project and preliminary plan amendments request a change in the approved hotel use to office use and architectural and other minor modifications. The site plan requests approval of office and retail uses and extensive public use space improvements. The site is 2.48 gross acres in size in the CBD-2 zone located on Woodmont Avenue between Bethesda Avenue and Elm Street within the Bethesda CBD Sector Plan area.

**APPLICANT:** JBG Associates, LLC

**FILING DATE:** Project Plan Amendment: 12/10/08  
Preliminary Plan Amendment: 12/10/08  
Site Plan: 11/19/08

**RECOMMENDATION:** Approval of project and preliminary plan amendments and site plan with conditions.

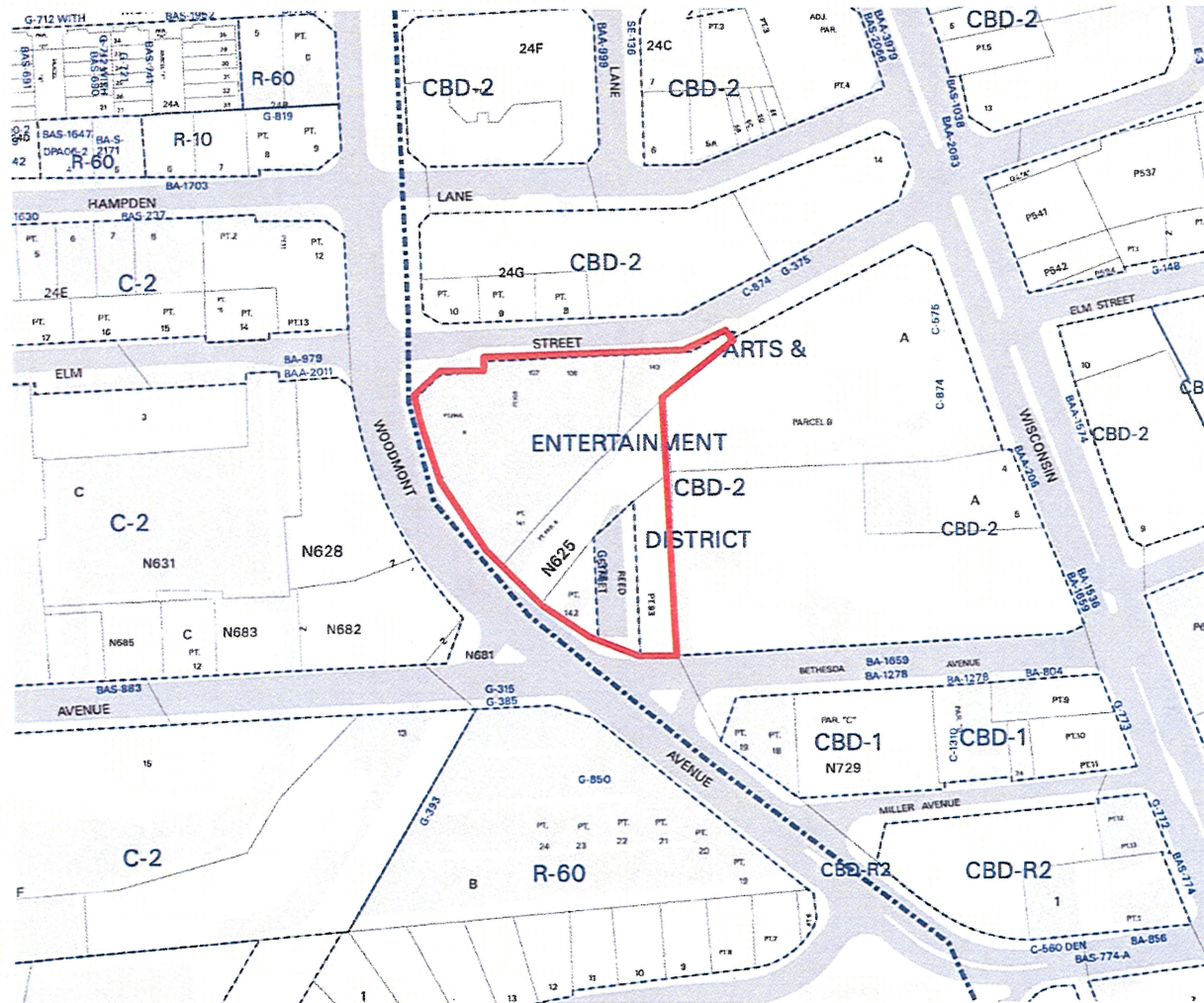
**EXECUTIVE SUMMARY:** The amendments would result in a total of 210 multi-family dwelling units, 37,136 square feet of retail use, and 286,879 square feet of office use. The site plan is for the construction of the office/retail portion of the development and the majority of the on-site public use space; the 210 multi-family residential units to be finalized by a phase 3 site plan. A set of easements to accommodate the future "Purple Line" and the existing Capital Crescent Trail are also proposed.

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## SITE DESCRIPTION

### Vicinity

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



*Vicinity Map*

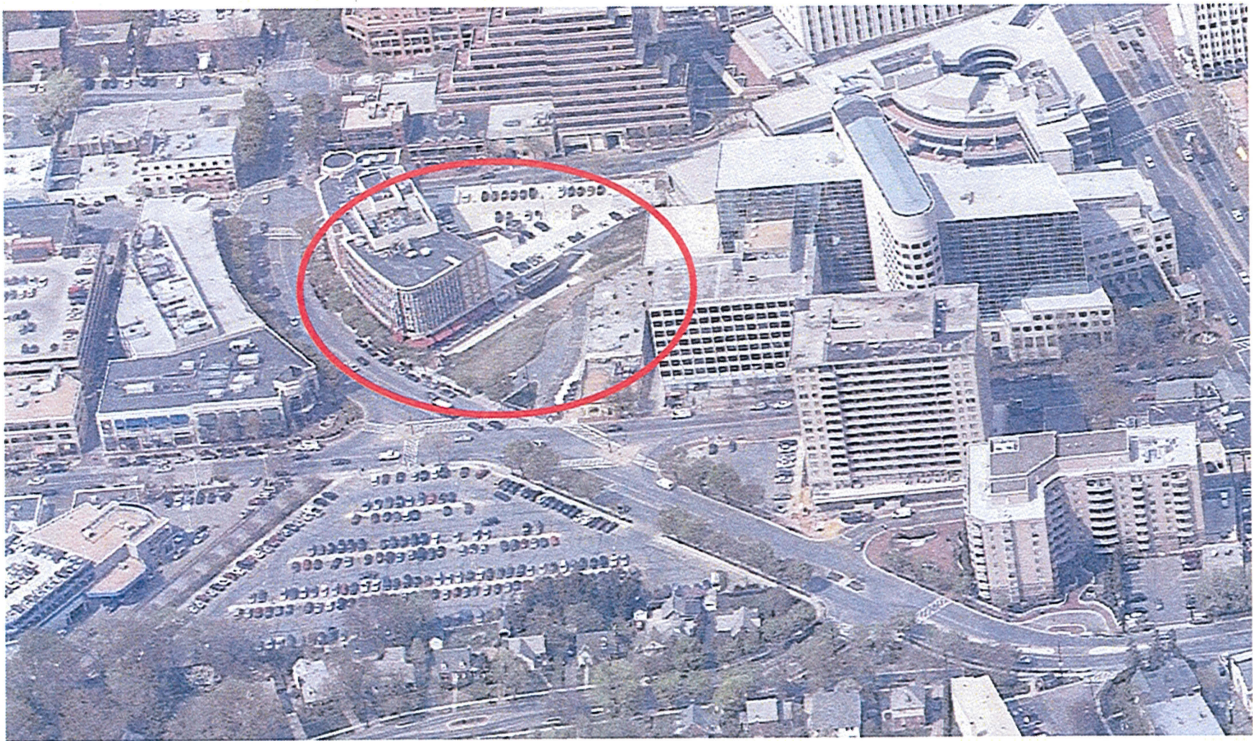
The aforementioned pending or recently approved site plan applications include a mixed-use retail/residential/public parking garage project on Lots 31 and 31A on the south side of Bethesda Avenue and several multi-family residential buildings to the north on Hampden and Montgomery Lanes. The general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



### Site Analysis

The subject site is currently occupied by 106,436 square feet of office and retail uses primarily fronting on Woodmont Avenue, although the popular movie theatre and ice cream shop entrances are within the site. The only building proposed to be removed by the site plan would be the stand-alone restaurant fronting on Bethesda Avenue. The approved project and preliminary plans include a third phase, a multi-family residential building on Elm Street that would replace the parking deck on Elm Street. This parking deck will remain until phase 3.

Most importantly, this site accommodates a section of the Georgetown Branch of the Capital Crescent Trail that allows hikers, bikers, and walkers to follow the trail from Woodmont Avenue, through the site and a tunnel under Wisconsin Avenue, and back to grade at Elm Street Park. The trail then continues east to Silver Spring.



*Aerial Photo*

The site is currently served by public water and sewer. The high point of the site, at the northeast corner on Elm Street, is roughly one story above the sidewalk at the southwest corner of the site. There is very little vegetation on site except for a patch of grass, some shrubs, and street trees. The subject site drains to Willet Branch, which is within the Little Falls Creek watershed (Class I), with soils classified as “urban”, which are not highly erodible and are adequate for the proposed use. There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features on site.



## PROJECT DESCRIPTION

### Previous Approvals

#### *Project Plan*

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

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

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

#### *Preliminary Plan*

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

### Proposal

#### *Project Plan Amendment*

Project plan 92007007A requests the following modifications to the original approval:

- Change of the approximately 208,000 square feet of floor area approved for the hotel use to office use.
- Eliminate the “bridge” connecting the residential and (previous) hotel towers.

- Increase the width of the mews from 50 feet to approximately 64 feet.
- Remove the vehicular entrance/drop-off area on Bethesda Avenue. Access to the garage will now be provided via the alley on the adjacent property directly east of the subject property.
- Modify the below-grade parking garage, which will now be built only on the southern side of the site. The residential parking garage will be built during Phase 3 and there will be no underground connection between the two garages. This modification will allow the Capital Crescent Trail to remain open and on-site during construction, except for brief detours required during construction. Any necessary detours or closings will be closely monitored and enforced as conditioned by the site plan approval.

These changes require several changes to the original conditions of approval as enumerated in the Recommendations and Conditions section of the staff report.

#### *Preliminary Plan Amendment*

Preliminary plan amendment 12007020A requests the same modifications requested by the project plan amendment. These changes required considerable re-analysis of the traffic impacts and traffic mitigation requirements as detailed in the Analysis, Findings, and Recommendations and Conditions sections of the staff report.

#### *Site Plan*

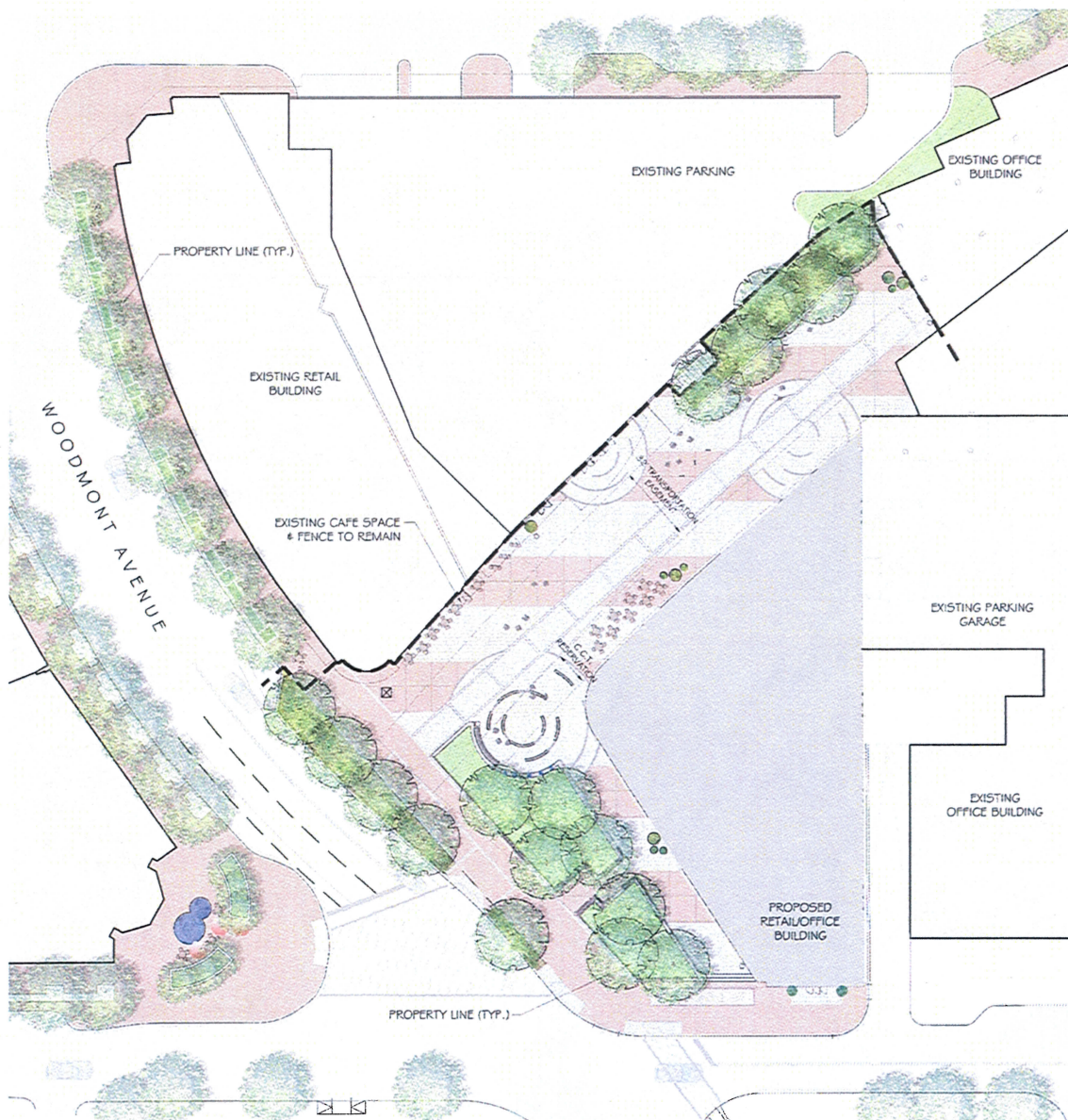
The subject site plan covers Phase 2 of a three-phased project for the site, which will bring the total FAR on site to approximately 2.0. Phase 1 was built around 2000 and contains approximately 106,000 square feet of retail and office space. This existing building is served by a parking deck accessed from Elm Street, which will remain until Phase 3 – the residential portion of the development – at which time the employees will share the garage area under the proposed Phase 2 office building. Phase 3 remains part of the approved project and preliminary plans and will be obligated to finalize the remaining public use space requirements along Elm Street, the pedestrian connection from the mews to Elm Street (making the link to the Discovery Trail), and improvements to Elm Street Park.

This site plan would create an office building with retail at grade along Woodmont and Bethesda Avenues; open space for gathering, sitting, socializing, and recreating; improvements to the Woodmont Avenue right-of-way and to the Woodmont/Bethesda Avenue intersection; and finalizes the required easements and reservations required by the proposed Purple Line and existing Capital Crescent Trail. No new vehicular ingress/egress points will be required – the adjacent alley and parking garage will provide access to the below-grade parking garage on the subject site. Sidewalks along the Woodmont and Bethesda Avenue frontages will be improved according to the Bethesda Streetscape standard, which includes brick paving, street trees, and street lights.

Much of the on-site public use space and amenities required by the conditions of approval for the project plan will be constructed during this phase. The public use space of approximately 22,000 square feet on-site and public amenity space of 8,000 square feet off-site space includes the following amenities:



- Construction of a 130-foot by 50-foot plaza with two geometrically-shaped raised lawn panels in the open area between Woodmont Avenue and the proposed office building;
- A quarter-circle fountain (built along the circumference of an approximately 40-foot radius) integrated into the lawn panel geometry;
- Various types of benches and movable seating;
- Café areas along the retail frontages;
- A 260-foot by 64-foot mews between the proposed office building and the existing movie theatre/retail frontage (and parking lot retaining wall), which will be the edge of the Phase 3 residential building;
- Specialized paving to differentiate trail, seating, and open space;
- Way-finding signage pointing out local parks, cultural sites, and trails; and
- Lighting and plantings to enliven and humanize the scale and atmosphere.



*Illustrative Plan*

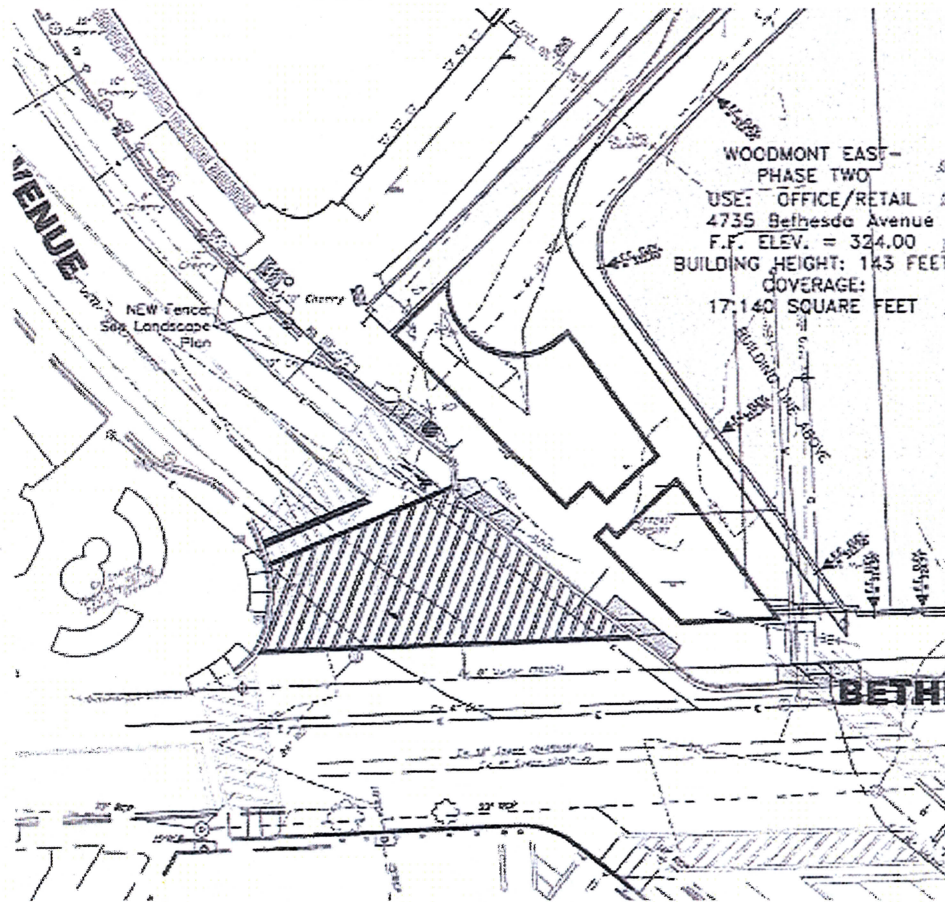




*Plaza Illustrative (looking north along the east side of Woodmont Avenue)*

Vehicular traffic patterns will remain the same. The existing garage to the east of the property will be used for access to parking on the subject site. Modifications to the Woodmont Avenue right-of-way include providing a continuous curb along the east side of the street, new handicapped ramps, a large landscape buffer to direct people along sidewalks and to safe crossing points, and a significantly larger crosswalk across Woodmont Avenue to accommodate various pedestrian and cyclist circulation patterns. These modifications are aligned properly with the improvements to Woodmont and Bethesda Avenues approved during the site plan review of Lots 31 and 31A (820070180). An interim crossing has also been designed and reviewed that will serve to keep the Woodmont Avenue crossing safe for pedestrians prior to the realignment of Woodmont Avenue necessitated by the Lot 31/31A construction. These improvements have been negotiated and coordinated by several agencies over the past several months.

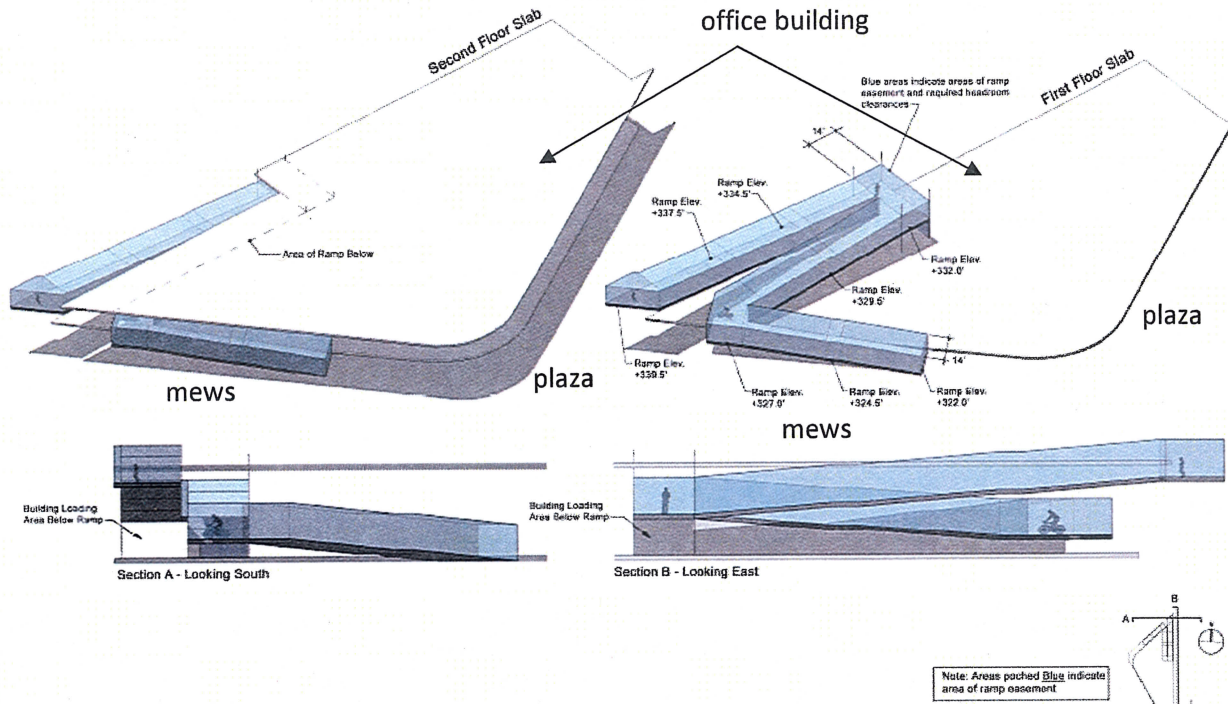




*Interim Woodmont Avenue Improvements (prior to construction of Lot 31/31A)*

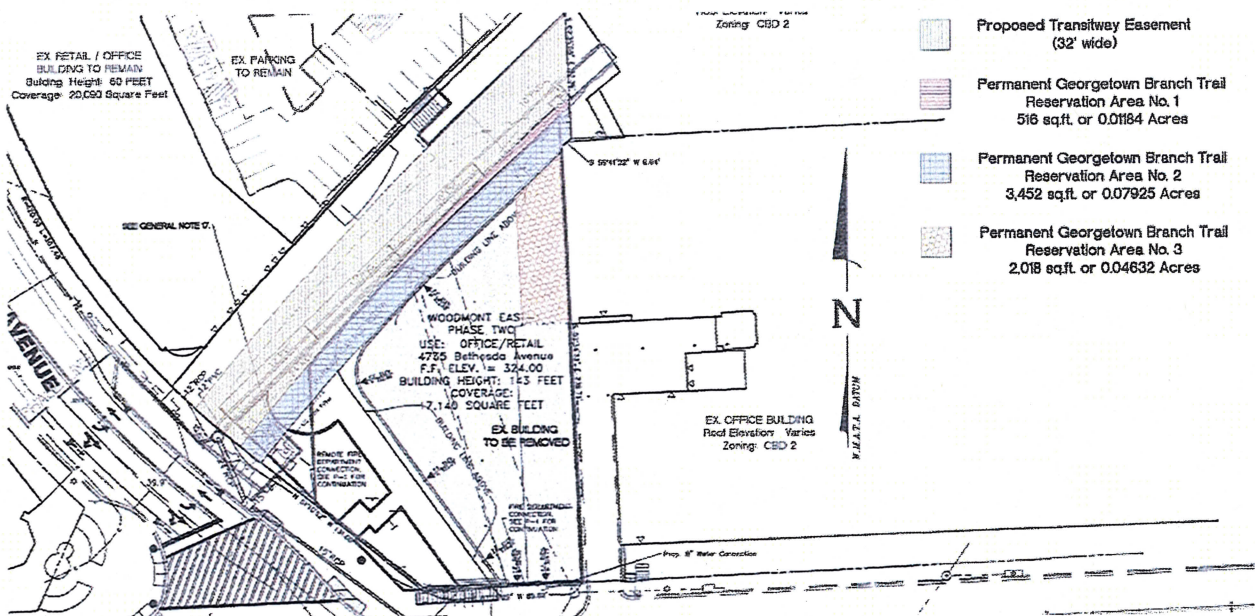
The plaza and mews have been specifically designed to accommodate the Purple Line “tail tracks” and the Georgetown Branch of the Capital Crescent Trail (“Trail”). The Applicant has worked with Staff and the Maryland Transit Authority (MTA) to ensure that the final grades and construction methods of the plaza will accommodate the necessary easements and engineering constraints of any potential mode of the Purple Line and the ramps necessary to elevate the Trail over the tracks and through the tunnel. This entails a 32-foot wide easement and three additional reservation areas, held in perpetuity, for future Trail easements when the transit line is built. Prior to construction of the transit line, the Trail will follow a course from the Woodmont Avenue intersection, up the sidewalk, through the plaza, and roughly down the center of the Mews before it enters the tunnel. This area will be designated by special paving 12 feet wide; the section of Trail along the sidewalk (between the crossing and the mews) will be a minimum of 20 feet to accommodate the high volume of foot- and bicycle-traffic. After the transit line is constructed the Trail will shift about 17 feet to the south and along the office building’s northern façade to the northeast corner of the building where it will turn into the building and follow a series of ramps (that will meet accessibility standards) until it exits the building on an elevated course that will then turn into the tunnel on a platform above the tracks.





*Trail Ramp Illustrative (post Purple Line)*

Depending on final designs of the southern entrance to the Metro Red Line station, which also serves as the location of the final Purple Line station, pedestrian access to the station may be provided via the mews and along the north side of the tunnel. This would provide an alternative to the currently planned Elm Street entrance near the corner of Elm Street and Wisconsin Avenue.



*Easement and Reservation Exhibit*



At this point in the engineering of the Purple Line alignment, MTA consultants have been asked by the County to limit the length of the tail tracks to 110 feet from the tunnel entrance. This is roughly in line with the existing stairs from the mews to the parking deck on Elm Street. To accommodate this design, this section of the easement area will be lower than plaza grade, but will allow most of the mews area to remain perpetually open and unobstructed. Significant analysis of the construction methods involved in the paving and structures of the site has been done to ensure that any future design will be accommodated with the least amount of disruption and cost.

The successful theme of mixed retail, restaurant, and office uses along “Bethesda Row” will be continued with this application; the future Lot 31/31A development will provide a terminus, of sorts, to this area. In this case, concerns about retaining open space and green area within the CBD necessitated shifting the retail/office building back an average of 50 feet from the Woodmont Avenue right-of-way. This allowed the Applicant to provide two raised lawn panels with integrated seating, shade trees, and a fountain at this intensely used nodal point. Depending on the location, the raised lawn panels are from one-half to about two and one-half feet above the sidewalks – sometimes inviting people to step up and onto the green, sometimes serving as a seating wall. The retail stores or restaurants that front onto this plaza will have three entrances and dedicated café seating areas. The office lobby entrance is at the southeast corner of the building on Bethesda Avenue. The only door along the mews is one emergency access door; this ensures that the retail/restaurant uses will not be disrupted when the Trail moves alongside the building façade.

The mews itself is proposed as a large open paved area with café seating, planters, benches and landscaped areas. No trees will be planted in this area due to the constraints placed on the site by the Purple Line. The streetscape along the terminus of the mews and along the plaza will be heavily planted and will include a decorative iron fence to direct pedestrians and cyclists to the crosswalk.



*Mews Illustrative (looking towards the tunnel from Woodmont Avenue)*

## **PROJECT ANALYSIS: PROJECT PLAN AMENDMENT / SITE PLAN**

### **Master Plan**

The subject site is located within the boundaries of the Bethesda Central Business District Sector Plan. The general goals of the Sector Plan, relevant to the subject site, are fulfilled by providing the following uses and features:

- Activating uses facing Woodmont Avenue;
- Activating uses facing open space, while accommodating the Capital Crescent Trail; and
- A crossing of Woodmont Avenue that places a priority on pedestrians and cyclists and continuity of the Trail.

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

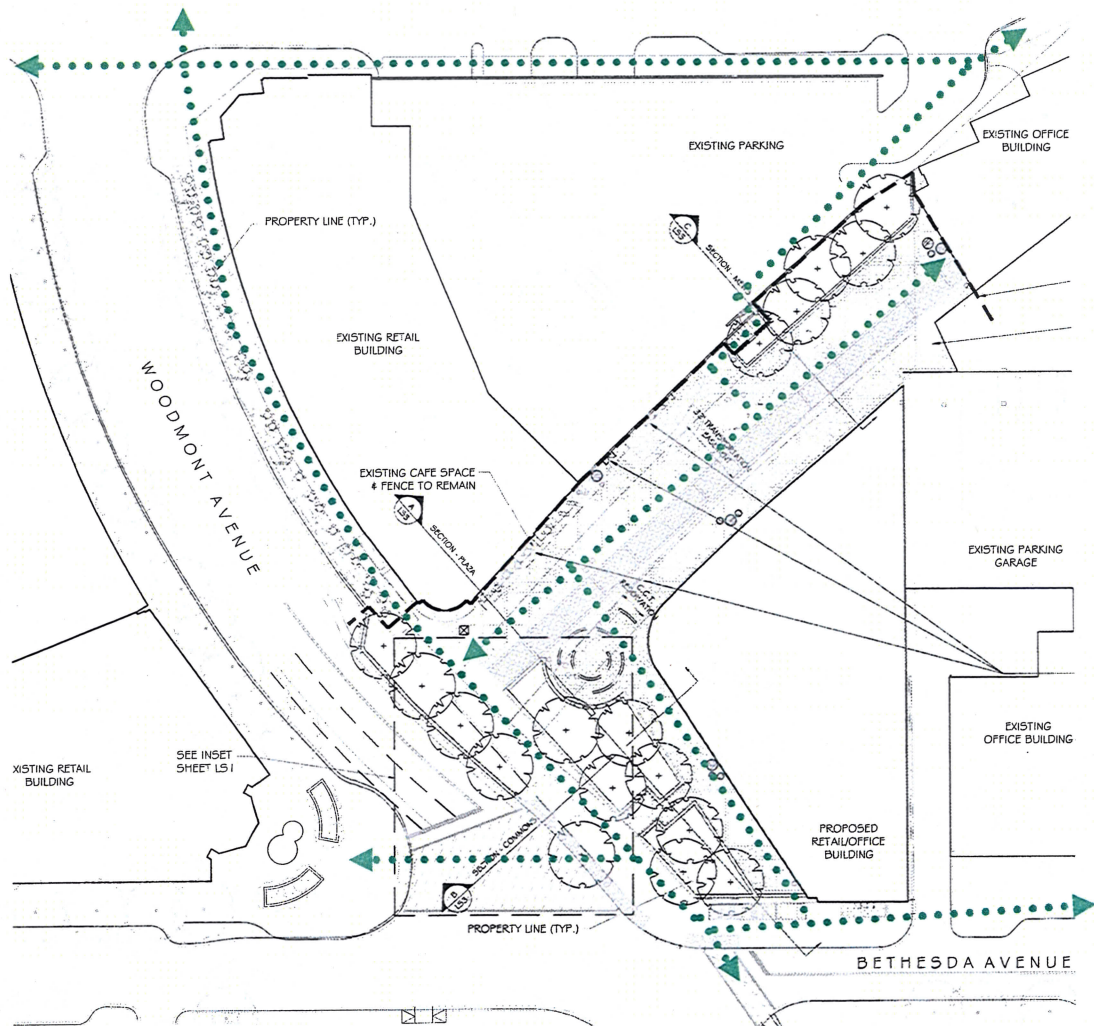
### **Transportation and Circulation**

A revised local area transportation review (LATR) and a policy area mobility review (PAMR) were completed as part of the concurrent preliminary plan review. These are detailed in the preliminary plan analysis section of this staff report.



Regarding the site plan application, there are no changes to the circulation patterns of vehicles and pedestrians but improvements to the adjacent roads and sidewalks and on-site pedestrian spaces are proposed. Parking will be provided under the proposed office building, which is a more efficient use of land than surface parking and, because access to the garage will be from an existing drive and garage, the efficiency of land use and minimization of pedestrian/vehicular conflicts is even greater. The upgrades to Woodmont Avenue will allow for shorter crossing distances, better handicapped accessibility, and will improve the alignment of the intersection with Bethesda Avenue once the Lot 31/31A project is constructed.

Improved sidewalks are proposed along Woodmont Avenue and Bethesda Avenue. This will further enhance the focus on pedestrian orientation in the area. Internally the large amount of space accessible to pedestrians and cyclists will provide areas of respite in this relatively densely built area. Pedestrian and cyclist access to Metro, the Purple Line, Elm Street, the Discovery Trail, the Capital Crescent Trail and along the frontages have all been designed as an integrated and enhanced environment that will build on the success of this area of Bethesda.



*Pedestrian Circulation Plan*

## Environment

As mentioned in the Site Analysis, there are not many environmental features on the subject site. The Applicant is meeting their forest conservation requirement of 0.33 acres of afforestation by fee-in-lieu or offsite mitigation, as approved by the MNCPPC Environmental Planning Staff.

On-site stormwater management is being provided primarily by a green roof and filtration devices; these features will improve the quality of water that leaves this site into the Willet Branch. The stormwater management concept approval is appended to the staff report.

## Development Standards

The subject site is zoned CBD-2. The specific intents of the CBD-2 zone are “to provide a density and intensity of development which will permit an appropriate transition from the cores of [CBDs] to the less dense peripheral area within and adjacent to the districts” and “to provide an incentive for the development of residential uses to meet needs of those employed within the [CBDs] and those who will be able to use the district transit facilities....” The CBD-2 zone allows the proposed uses. The proposed development, including all three phases, meets the intents and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development’s compliance with the Zoning Ordinance. The proposed data includes the aggregate development density, setbacks, and public use space of Phase 1 and Phase 2; Phase 3 is not included in this table.

*Project Data Table for the Phase 2 Site Plan in the CBD-2 Zone*

Development Standard	Permitted/Required	Proposed for Approval
<b>Maximum Building Height (feet)</b>	143	143
<b>Minimum Building Setbacks (feet)</b>		
To any property line	n/a	0
<b>Minimum Public Use Space (% of net lot)</b>		
On-Site Public Use Space	20%	23% <sup>1</sup>
Off-Site Amenity Space	None	8%
<b>Maximum Floor Area Ratio (FAR)</b>	5	2.02 <sup>2</sup>
<b>Parking Spaces<sup>3</sup></b>	497	94

<sup>1</sup> This calculation does not include over 3,600 square feet reserved for on-site café seating areas.

<sup>2</sup> This is the FAR at the completion of phase 2; phase 3 will result in a total far of 5.0.

<sup>3</sup> These calculations are approximate and provided for information only. This site is in a parking district and does not have to provide any parking spaces. The required number of parking spaces is based on an approximation of retail, restaurant patron area, and office space; the proposed parking spaces are based on initial architectural plans and may change when further evaluated.

## COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on the proposed amendments or site plan application.

## PROJECT PLAN AMENDMENT FINDINGS

The proposed amendment to project plan 820070070 does not significantly alter the findings of the original approval and, in fact, improves the plan's compatibility with the sector plan and conformance to the requirements of an optional method project in this CBD area. The following outline briefly identifies the findings that are affected by the proposed amendment:

- a) *Compliance with the intent and requirements of the zone.*
  - Development of office space remains compatible with the Zone and Sector Plan;
  - Continues to provide employment and retail opportunities near transit;
  - Improves pedestrian and bicycle circulation in comparison with the original approval;
  - Continues to provide a diversity of land use in line with the Sector Plan's goals;
  - Provides building and open space relationships that are better than originally approved;
  - Continues to promote effective use of transit;
  - Provides similar pedestrian improvements and greatly enhances the vehicular circulation due to the removal of the garage entrance/turn-around on Bethesda Avenue that was originally approved.
- b) *Conformance with the Sector Plan.*
  - Provides a use that is more compatible with the mix of uses suggested by the Sector Plan;
  - Continues to meet the several goals around which the Sector Plan is organized, e.g., a vibrant and diverse downtown, an appealing environment for working, shopping, and entertainment, and circulation patterns that encourage walking, cycling, and the use of transit; and
  - Provides better open space in the urban environment with more solar access to the mews.
- c) *Compatibility with the general neighborhood.*
  - No change in massing and heights;
  - Uses remain compatible; and
  - Operational characteristics are better than the approved plan.
- d) *Adequacy of the existing or programmed public services.*
  - No change.
- e) *More desirable than the standard method of development.*
  - No change.
- f) *Provision of moderately priced dwellings units (MPDUs).*
  - No change.
- g) *Development involved in more than one lot or one CBD zone.*
  - Not applicable.

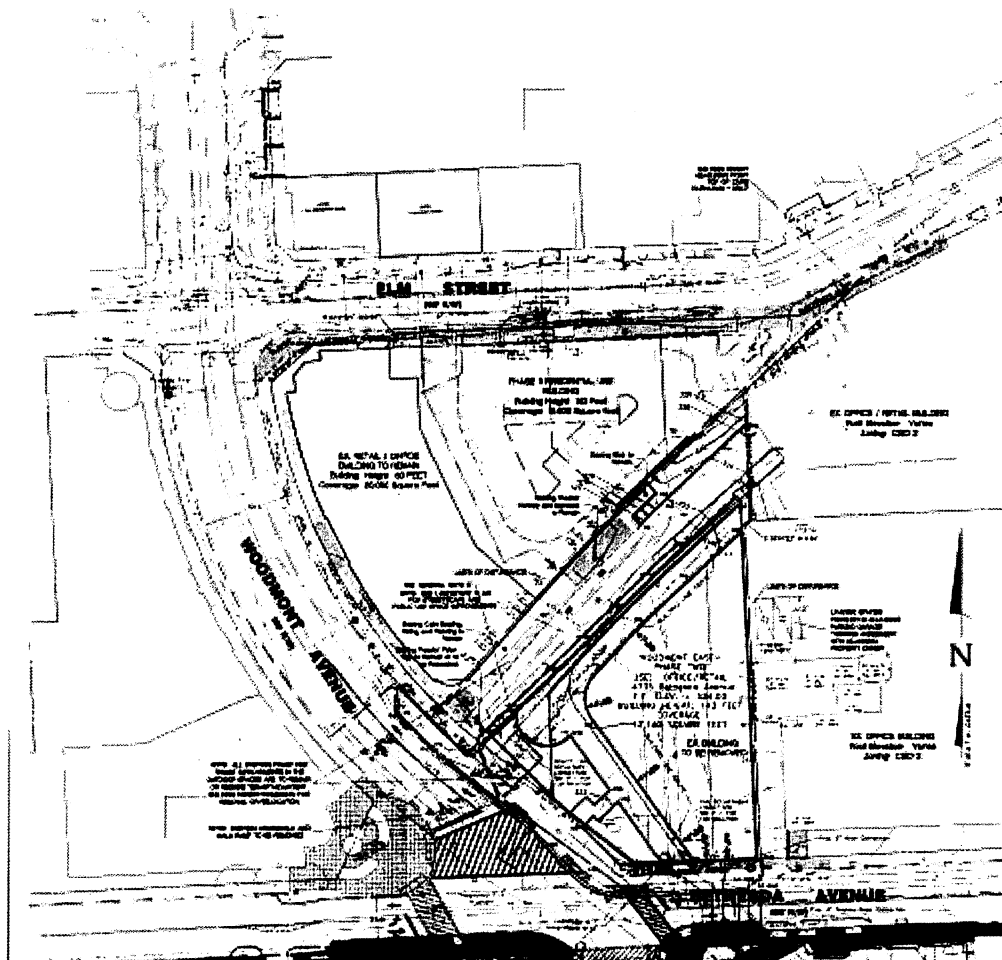


- h) *Requirements for forest conservation.*
  - No change.
- i) *Requirements for water quality resource protection*
  - No change.

## PRELIMINARY PLAN ANALYSIS AND FINDINGS

### Subdivision of Land

This limited amendment proposes to change the mix of uses that were previously approved on the site. The previous approval allowed up to 78,300 square feet of office, 40,350 square feet of retail, a 225-room hotel, and 250 dwelling units. The amendment proposes 286,879 square feet of office, 37,136 square feet of retail, and 210 dwelling units. No hotel rooms are proposed in the amended plan.



*Preliminary Plan*

The proposed development has been divided into two phases for traffic mitigation and site plan review purposes only – the proposed office and retail components are referred to as Phase 2 and the proposed residential component is referred to as Phase 3. The total floor area (540,025

square feet) remains unchanged from the previous approval. The total new floor area will be constructed in two buildings, as previously approved, with a minor change to the building footprint. No other changes are being made to the previously approved preliminary plan. Therefore, the analysis and findings in this staff report are limited to a review of public facilities for compliance with APF requirements. All other findings made by the Planning Board in its approval of the previous preliminary plan on March 6, 2008, remain valid.

## **Roads and Transportation Facilities**

### *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 Georgetown Branch Trail and the master-planned Purple Line alignment bisect the site from east to west. The vehicular access points to the proposed site parking garages are as follows:

1. From the south side of Elm Street as shown on the previously approved preliminary plan.
2. From the north side of Bethesda Avenue via the existing alley along the eastern property line as revised on the amended plan.

### *Local Area Transportation Review*

In accordance with the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, the Applicant was required to submit a traffic study to analyze the impact of this proposed development. The table below gives the peak-hour trips generated by proposed land uses within the weekday morning (7:30 to 9:30 a.m.) peak period and evening (4:00 to 6:00 p.m.) peak period.

Land Use	Number or Area	Peak-Hour Trips	
		Morning	Evening
Originally Approved Phase 2 & 3 Land Uses			
Hotel	250 rooms	55	55
Apartments	250 units	113	113
Additional Retail Space	+11,550 square feet	8	30
Subtotal Trips generated by the Original Land Uses		176	198
Proposed Phase 2 Land Uses			
Office General Space	208,579 square feet	313	313
Additional Retail Space	+9,000 square feet	6	23
Subtotal Trips generated by Phase 2 Land Uses		319	336
Proposed Phase 3 Land Uses			
Apartments	210 units	95	95
Subtotal Trips generated by Phase 3 Land Uses		95	95
Proposed Phases 2 and 3 Land Uses			
Total Trips generated by Phases 2 & 3 Land Uses		414	431
Net Increase in Phases 2 & 3 Trips from Original		238	233

Based on the results of the traffic study, the table below gives the calculated Critical Lane Volume (CLV) values at studied intersections in the existing, background, and total (both amended Phases 2 and 3) traffic conditions:

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total (Phases 2 & 3)
1. Wisconsin Avenue & Montgomery Lane	Morning	1,129	1,265	1,283
	Evening	1,291	1,410	1,468
2. Woodmont Avenue & Hampden Lane	Morning	483	536	537
	Evening	662	750	753
3. Arlington Road & Elm Street	Morning	605	638	649
	Evening	718	794	810
4. Woodmont Avenue & Elm Street	Morning	421	478	481
	Evening	613	744	754
5. Wisconsin Avenue & Elm Street West-Waverly Street	Morning	752	820	923
	Evening	886	1,021	1,081
6. Wisconsin Avenue & Elm Street East	Morning	651	698	840
	Evening	747	828	1,007
7. Arlington Road & Bethesda Avenue	Morning	857	947	995
	Evening	1,029	1,255	1,297
8. Woodmont Avenue & Bethesda Avenue	Morning	578	697	751
	Evening	851	1,057	1,075
9. Wisconsin Avenue & Bethesda Avenue-Willow Lane	Morning	769	866	1,021
	Evening	977	1,157	1,349
10. Wisconsin Avenue & Woodmont Avenue-Leland Street	Morning	904	999	1,023
	Evening	978	1,270	1,322

At all ten 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, the LATR test is satisfied.

#### *Policy Area Mobility Review*

Policy Area Mobility Review (PAMR) was not required for the previously approved Preliminary Plan No. 120070200 under the *FY 2007-2009 Growth Policy* because that preliminary plan was filed with the Montgomery County Planning Department before January 1, 2008. However, PAMR is required under the current *Growth Policy* for the additional new peak-hour trips



generated by the proposed amendment that are beyond the originally approved number of peak-hour trips. The Applicant must mitigate a total of 71 peak-hour trips for both the proposed Phase 2 office and the Phase 3 apartments as calculated below:

Land Uses	Weekday Peak-Hour Trips		30% of Higher # of "Net Increase in Peak-Hour Trips" equals the total # of PAMR trips required to be Mitigated for both Phases 2 & 3 (or 238 x 0.30)
	Morning	Evening	
Proposed Phase 2 Office & Phase 3 Apartments	414	431	
Previously Approved Hotel & Apartments	176	198	
Net Increased in Peak-Hour Trips	238	233	71

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

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

#### **Other Public Facilities and Services**

Public facilities and services are available and will be safe and adequate to serve the proposed development. The Property will be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Property has appropriate access for fire and rescue vehicles. MTA has also reviewed and accepted the access to the tail tracks through the proposed easement from Woodmont Avenue.

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

## Stormwater Management

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

## SITE PLAN FINDINGS

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

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

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

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

As the project data table on page 14 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development meets the minimum and maximum standards, respectively. With respect to public use space, this phase of the proposed development provides 23.02% of on-site public use space and 8.53% of off-site public amenity space. This is above the 20% minimum required and allows for a greater amount of permeable surface and landscaped open space.

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

The buildings of the existing and proposed development are located along Woodmont Avenue and Bethesda Avenue, with the proposed office building is set back from Woodmont Avenue an average of 50 feet. Although the Sector Plan envisioned the buildings in this area to have no setbacks from the sidewalks, the community felt it



necessary to retain more open space on this site and thus, the Applicant has accommodated a large plaza between the sidewalk and the office building. In most cases, this would result in an undesirable retail situation, but due to the high volume of pedestrian traffic and the existence of the Capital Crescent Trail on site, this building location is appropriate. Further, the design of the plaza provides easy access to the building from the adjoining sidewalks. Thus, the locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space that is provided is large for an infill CBD project. Approximately 26% of this 2 acre site (25,000 square feet) will be maintained as publicly accessible open space, including a large plaza with raised lawn panels, seating, shade trees, and a fountain and a mews area between the two taller buildings on site. The mews will contain further seating for shoppers, residents, and employees and container plantings to provide shade. This mews runs from Woodmont Avenue between the office tower and future residential tower to the tunnel that currently houses the Capital Crescent Trail. In the future, a section of the mews will also house tail tracks for the Purple Line light-rail transit facility. These tracks will rarely be used, but will significantly impact the plaza especially if kept to within 110 feet of the tunnel entrance as requested by the County. The public benefit, however, of easy access to transit outweighs the potential impacts to the approximately 4,000 square feet of plaza area. Further, if the tracks are kept within this area, the remaining area of the plaza will remain open and clear at all times. This is an improvement from the original project plan that would have placed tracks from the tunnel to the Woodmont East right-of-way. Studies are still being completed and changes may occur as the County weighs the cost/benefit ratios of different options.

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

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

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

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

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

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

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

## **RECOMMENDATION AND CONDITIONS**

### **Project Plan Amendment**

Staff recommends approval of project plan amendment 92007007A for a maximum of 210 multi-family dwelling units, including 12.5% MPDUs, 37,136 square feet of retail use, and 286,879 square feet of office use.

1. Replacement of Original Conditions

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

2. Development Ceiling

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

3. Building Height and Mass

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



4. Reed Street Abandonment

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

5. Transportation

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

6. Moderately Priced Dwelling Units (MPDUs)

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

7. Public Use Space

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

8. Streetscape

- a. The Applicant must relocate all utilities underground as part of the proposed streetscape improvements.

- b. The Applicant must provide the standard Bethesda Streetscape paving, lighting, and planting details along the Woodmont Avenue, Elm Street, and Bethesda Avenue frontages unless amended or modified during site plan review.

9. Staging of Amenity Features

- a. The Applicant may construct the proposed development in phases. A detailed development program will be required prior to approval of each certified site plan.
- b. The Applicant must install the landscaping no later than the next growing season after completion of any open space within any proposed construction phase.
- c. The Applicant must complete the on-site Capital Crescent Trail improvements prior to issuance of use-and-occupancy permits for the proposed office/retail building.

10. Maintenance and Management Organization

Prior to issuance of any use-and-occupancy permits for the proposed office/retail building, the Applicant will create a maintenance plan for all on-site public use space. Implementation of the maintenance plan may be undertaken by the Applicant or subsequent private owners unless an alternative arrangement is made with the Bethesda Urban Partnership or another public entity.

11. Coordination for Additional Approvals Required

- a. The Applicant must obtain written approval for the MC Department of Parks for the improvements and enhancement of Elm Street Park and the Capital Crescent Trail section within the park.
- b. The Applicant must obtain approval from the MCDOT and MCDPS in consultation with MNCPPC staff for the final design and extent of any and all non-standard improvements within the rights-of-way.
- c. The Applicant must obtain written approval from the Maryland Transit Authority to ensure compatibility of the site plan designs and proposed improvements to the Purple Line Transit Way and the Capital Crescent Trail.

**Preliminary Plan Amendment**

Staff recommends approval of preliminary plan amendment No. 12007020A pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions:

1. All conditions imposed by the approval of Preliminary Plan No. 120070200 are hereby superseded by the conditions contained herein.
2. The Applicant must comply with the conditions of approval for Project Plan Amendment No. 92007007A.
3. The development is limited to a maximum of 210 multi-family dwelling units (including a minimum of 12.5% MPDUs), 37,136 square feet of general retail use, and 286,879 square feet of general office use.
4. Prior to release of any building permit, the Applicant must satisfy Local Area Transportation Review (LATR) by constructing an exclusive left-turn lane and a shared through/right-turn lane on the westbound approach of Elm Street at the intersection of Woodmont Avenue in accordance with MCDOT requirements.

5. The Applicant must satisfy Policy Area Mobility Review (PAMR) by mitigating 30% of the new peak-hour trips during the weekday morning (7:30 to 9:30 a.m.) peak period and evening (4:00 to 6:00 p.m.) peak period as described below:
  - a. For Phase 2 or the first 36 PAMR trips, the Applicant must contribute \$11,000 per new peak hour trip for a total of \$400,000 towards construction of MCDOT and the MDSHA project for pedestrian safety improvements at the intersection of Wisconsin Avenue and Montgomery Lane/Montgomery Avenue. The contribution must be made prior to certification of the subject Phase 2 site plan.
  - b. For Phase 3, the Applicant must identify non-automobile transportation improvements equivalent to 35 new peak-hour vehicular trips prior to the public hearing for the Phase 3 site plan.
6. The Applicant must construct the frontage improvements along Elm Street, Woodmont Avenue, and Bethesda Avenue, in coordination with MCDOT. These improvements must be complete and open to traffic prior to release of the initial use and occupancy permit.
7. The Applicant must ensure that the ownership issues are fully resolved so that the Purple Line and Georgetown Branch Trail can be accommodated as designed by the Maryland Transit Administration (MTA) by providing the following:
  - a. A perpetual easement/reservation area that varies from 32 feet to 38 feet wide within, and parallel to, the Georgetown Branch right-of-way from the western property line to the eastern property line. Within this area, the Applicant must comply with following restrictions:
    - i. The foundation of the office building must be set 1 foot back from the south side of the easement/reservation area.
    - ii. Permanent facilities must not be constructed and/or installed within the easement/reservation area if they might interfere with access to the tunnel by MTA or County emergency, construction, and maintenance equipment.MTA must review and approve the site plan as submitted for the references herein to reflect that the easement/reservation and other construction constraints are reflected on the certified site plan. This easement is for the Purple Line or public use, as needed.
  - b. A perpetual easement/reservation area – as indicated on the site plan to accommodate a future switch-back ramp for the Georgetown Branch Trail and that is publicly accessible – must be noted on the record plat. This easement must be a minimum of 1,960 square feet along the property's eastern edge adjoining the tunnel. The record plat notes regarding this easement/reservation must include language that:
    - i. Grants access to the future switch-back ramp reservation area by the State and/or County to construct the switchback ramp and the connecting Trail segments; and
    - ii. Grants perpetual public access within this easement/reservation area by the County to maintain the switchback ramp and connecting Trail segments; and
    - iii. Grants perpetual public access by Trail users.The ultimate size and delineation for this easement/reservation area must be finalized at the time of certification of the site plan and delineated on the Record Plat.
  - c. A perpetual easement/reservation area that satisfies the American Association of State Highway and Transportation Officials (AASHTO) standards of a minimum 10-foot wide paved shared use path with a 2-foot lateral clearance on each side from the



western property line to the eastern property line parallel to the easement for the Purple Line except on the future switch-back ramp. On the switch-back ramp, future design considerations by MTA may limit the 2-foot lateral clearance on each side. The easement/reservation area for the shared use path should match the new flared design where the path intersects with the sidewalk along Woodmont Avenue.

8. The Applicant must provide the minimum vertical clearances for the 32-foot-wide Georgetown Branch perpetual easement as follows:
  - a. Four feet below the top of the rail for the Purple Line (at an elevation to be identified by the MTA) along any segment of any Purple Line track.
  - b. Twenty-three (23) feet above the top of the rail for the westbound Purple Line track.
9. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the Site Plan.
10. The proposed development must comply with the conditions of the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. Conditions include the following:
  - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
11. The Applicant must prepare in connection with the residential development an analysis of future transportation noise levels prior to Site Plan submittal. The analysis must be conducted by an acoustical professional.
  - a. At time of building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 dBA Ldn.
  - b. The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to M-NCPPC staff.
  - c. The certification and builder acceptance letter must be provided to M-NCPPC Environmental Planning staff before building permits are approved.
12. The final number of dwelling units and MPDUs per condition #3 above will be determined at the time of Site Plan.
13. The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (now MCDOT) letter dated August 27, 2007. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
14. The applicant must comply with the conditions of the MCDPS stormwater management approval dated February 27, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
15. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one-hundred and nine (109) months from the date of mailing of the Planning Board resolution.
16. Other necessary easements must be shown on the record plat.

17. 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.
18. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of the plat.
19. No clearing, grading or recording of plats prior to certified Site Plan approval.
20. Final approval of the number and location of buildings, dwelling units, office density, on-site parking, site circulation, sidewalks, and bike paths will be determined at Site Plan.
21. The Applicant must submit a copy of the Montgomery County Resolution for the Abandonment of Reed Street prior to recordation of the plat.

### **Site Plan**

Staff recommends approval of site plan 820090080, Woodmont East Phase 2, for a maximum of 37,136 square feet of retail use, and 286,879 square feet of office use, including existing uses, on 2.48 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on February 19, 2009 are required except as modified by the following conditions.

### *Conformance with Previous Approvals*

1. Project Plan Conformance  
The proposed development must comply with the conditions of approval for Project Plan Amendment 92007007A as enumerated in the staff report unless modified by the Planning Board.
2. Preliminary Plan Conformance  
The proposed development must comply with the conditions of approval for Preliminary Plan Amendment 12007020A as enumerated in the staff report unless modified by the Planning Board. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

### *Environment*

3. Forest Conservation & Tree Save  
The proposed development must comply with the conditions of the approved preliminary forest conservation plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.
4. Noise Attenuation  
A noise analysis is not required for the office/retail phase of this development, but will be required prior to approval of the site plan for the residential phase of this development.
5. LEED Certification  
The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Silver Rating (or County-approved equivalent) at a minimum.

6. Green Roof

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

*Parks, Open Space, & Recreation*

7. Public Amenities

- a. The Applicant must provide a minimum of 23% on-site public use space and 8.5% of off-site public amenity space, exclusive of any café reservation areas, during the office/retail phase of development.
- b. The residential phase of development will be required to provide improvements to an additional minimum of 2.5% on-site public use space and 30% off-site public amenity space, exclusive of any café reservation areas.

*Transportation & Circulation*

8. Transportation

- a. The Applicant must provide a minimum of twenty (20) bike lockers for office employees in the parking garage or office building and ten (10) inverted-U bike racks (or approved equivalent) for office employees and retail customers in the public plaza and/or mews. The Applicant must coordinate with MNCPPC staff to determine the final location and timing of installation of the bicycle parking facilities prior to approval of the certified site plan.
- b. The Applicant must provide a flare for the trail from 10 to approximately 20 feet wide at the intersection of the Trail with the Woodmont Avenue sidewalk. The final design to be approved by MNCPPC staff prior to approval of the certified site plan.
- c. The Applicant must provide way-finding facilities to guide the Capital Crescent Trail users through the Woodmont Avenue/Bethesda Avenue intersection and to the tunnel. This should include signage, pavement markings, in-laid medallions, and/or other appropriate measures. Way-finding facilities must be approved by MNCPPC staff prior to approval of the certified site plan.
- d. The Applicant must work with MCDOT to provide special signalization timing to allow bicyclists and pedestrians to pass across the Woodmont Avenue/Bethesda Avenue intersections from the southwest to the northeast corner in one traffic signal phase. If approved by MCDOT, this improvement must be complete and operational prior to release of the office/retail building use-and-occupancy permit.
- e. The proposed development is subject to the MCDPS Right-of-Way Permitting and Plan Review Section conditions and comments dated March 23, 2009 unless amended by the Montgomery County Department of Permitting Services.

9. Easement Areas, Purple Line, and Trail Issues

- a. Any utilities within the future easement for the Capital Crescent Trail that must be relocated to construct the Trail ramp will be done at the Applicant's expense.
- b. The Applicant will not construct and/or install any permanent facilities with the Purple Line easement or future easement areas that may interfere with access to the tunnel by MTA or MC emergency, maintenance, and construction equipment.



- c. The record plat must include a note providing that the public use space will provide unobstructed access between the face of the tunnel and Woodmont Avenue, along the north side of the easement area.
- d. Sloped sections of the Trail ramp may not exceed 8.33%.
- e. Paving within the Purple Line easement areas must be constructed to support vehicular traffic.

### *Site Plan*

#### 10. Site Design

- a. The Applicant must provide a revised design of the northeastern section of the mews incorporating the retaining wall and landscape area near the existing parking deck and steps prior to certified site plan.
- b. The Applicant must provide a revised design of the intersection of the Trail with the Woodmont Avenue sidewalk per condition 9.b. above prior to certified site plan.
- c. The final design of the building façade will substantially conform to the architectural renderings presented in the site plan application.

#### 11. Development Program

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

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

#### 12. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.

- b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”, if applicable.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.
- e. Minor modification of and additional information for site details and layout.
- f. Final trail and open space way-finding signage per project plan amendment condition 7.d.
- g. Final Trail way-finding facilities per 9.c. above.
- h. Provide the height of all light poles including the mounting base.

## **APPENDICES**

- A. Project Plan Resolution
- B. Preliminary Plan Resolution
- C. DOT Letter
- D. DPS SWM Letter
- E. DPS ROW Letter
- F. MTA Letter



JUN 18 2008 Appendix A

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

MCPB No.: 08-44  
Project Plan No. 920070070  
Project Name: Woodmont East – Phase II  
Date of Hearing: March 6, 2008

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

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

WHEREAS, on April 2, 2007, Street Retail, Inc. ("Applicant"), filed an application for approval of a project plan ("Project Plan") for the creation of one lot and construction of an optional method mixed-use development for a maximum of 250 multi-family dwelling units (including 12.5% MPDUs), a maximum of 225 hotel rooms, 40,350 square feet of retail space, and 78,300 square feet of office space including existing uses, on 2.48 gross acres of CBD-2-zoned land, on the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue ("Property" or "Subject Property"); and

WHEREAS, the Applicant's project plan application was designated Project Plan No. 920070070, Woodmont East – Phase II (the "Project Plan" or "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated February 25, 2008, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on March 6, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

**APPROVED AS TO LEGAL SUFFICIENCY**

*Kathleen J. Hock*  
**M-NCPPC LEGAL DEPARTMENT**

**DATE** 6/10/08

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

Approved as to  
Legal Sufficiency: \_\_\_\_\_  
M-NCPPC Legal Department

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

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)



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

WHEREAS, on March 6, 2008, the Planning Board approved the Application subject to conditions on the motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 3-0; Commissioners Bryant, Hanson, and Robinson voting in favor, Commissioner Cryor being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 920070070 for the creation of one lot and construction of an optional method mixed-use development for a maximum of 250 multi-family dwelling units (including 12.5% MPDUs), a maximum of 225 hotel rooms, 40,350 square feet of retail space, and 78,300 square feet of office space including existing uses, on 2.48 gross acres in the CBD-2 zone, subject to the following conditions:

1. Development Ceiling

The proposed development is limited to a Floor Area Ratio of 5.0, which includes a maximum of 250 multi-family dwelling units, a maximum 225 room hotel, 40,350 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 (AB-702) by the Montgomery County Council.

4. Transportation

- a. The tunnel located under Wisconsin Avenue, through which the interim Georgetown Branch Trail passes, must remain open to bicycle and pedestrian traffic during and after construction of this development.

The Applicant may satisfy this condition by detouring the trail users 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.

Any detour along Woodmont Avenue must have a sufficient physical barrier to protect bicyclists from moving vehicles in the adjacent travel lane.

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.

- b. 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.
- c. At the time of site plan review, the Applicant must provide a pedestrian and bicycle circulation plan for the construction phase for review by the Planning Board, relevant County and State agencies, and the public and for inclusion in the staff packet for their future site review.

This detailed plan must include specific detour routes, adequate barrier to protect Capital Crescent Trail users traveling any on-road detour route against vehicle moving in the adjacent travel lane, proposed way finding signage and pavement markings, and the expected duration of any disturbances to bicycle and pedestrian mobility through and around the site. The Applicant must clearly and convincingly justify any duration(s) for which the Georgetown Branch Trail traffic through the site is closed to bicycle and pedestrian traffic, and make a good faith effort to minimize the duration of these disturbances.

- d. At the time of site plan review, the Applicant must provide a detailed intersection design for the Woodmont Avenue/Bethesda Avenue intersection. The crosswalks across the northern Woodmont Avenue leg and western Bethesda Avenue leg must be aligned to provide users of the regional Georgetown Branch Trail a direct connection from the tunnel opening, across this intersection, and to the existing park trail on the south side of Bethesda Avenue. Further the Applicant must consider and submit their findings on providing a physical barrier in the northeastern corner of the Woodmont Avenue/Bethesda Avenue intersection. This barrier is necessary to direct pedestrians to cross at the designated crosswalks and prevent them from crossing through the center of the intersection.

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 29% 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 for the proposed hotel or new retail uses 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 a Maintenance Plan for all on-site Public Use Space. Implementation of the maintenance plan may be undertaken by the Applicant or subsequent private owners unless an alternative arrangement is made with the Bethesda Urban Partnership or another public entity.



10. Coordination for Additional Approvals Required Prior to 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 lane and streetscape improvements within the rights-of-way.
- c. The Applicant must obtain written approval from 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.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference except as modified by herein, and upon consideration of the entire record and all applicable elements of § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

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

(i) Intents and Purposes of the CBD Zones

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

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

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

The 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.<sup>2</sup> The Applicant is requesting a maximum of 250 multi-family dwelling units, a maximum of 225 hotel rooms, 40,350 square feet of general retail use, and 78,300 square feet of office use including existing uses. 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 approved plan and a new APF review. The CBD-2 Zone allows up to a 2.0 residential FAR and a 5.0 total FAR, which the Applicant is requesting.

The Project Plan will accomplish important Sector Plan objectives: the proposed project meets the land use and zoning recommendations of the Plan; exceeds the urban design expectations of the 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 plant 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. This improved streetscape, along with the public amenities – especially the large urban, green open spaces, addresses the need for increased public interaction to enhance the ambiance of downtown Bethesda. This project will also increase the vitality of downtown Bethesda and add economic infrastructure for commercial and retail businesses.

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<sup>2</sup> 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.

- (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 Plan 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 spaces, trail and sidewalk connections, and site amenities. The building and site designs respond to the unique transition space this site 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 dependency on automobiles 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 core areas of 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 Plan 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 Avenue and Elm Street 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 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.

(ii) Further Intent 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."*

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

- (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 residences are within 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.

(iii) Requirements of the CBD-2 Zone

The following table demonstrates the conformance of the project plan with the development standards under the optional method of development. The proposed development meets the area, public use space, building height, and density standards of the CBD-2 zone.

*Project Data Table (CBD-2)*

Development Standard	Permitted/ Required	Approved by the Planning Board and Binding on the Applicant
Minimum Area of Lot (square feet):	18,000	96,499
Net Lot Area <sup>3</sup> (square feet):	none	96,292
Public Use Space (% of net lot area):		
On-Site	20% (19,259 SF)	29.1% (28,000 SF)
Off-Site	none	38.7% (37,287 SF) <sup>4</sup>
Total		67.8% (65,287 SF)
Floor Area Ratio - Mixed Use		
Nonresidential	3	3
Total	5	5
Building Height (feet)	143	143 <sup>5</sup>
Parking (spaces)	0 <sup>6</sup>	500 <sup>7</sup>
Setbacks (feet)	none	0

The total on-site public use area is approximately 28,000 square feet or 29 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 equals 67.8 percent of the entire net lot area of the Property. The Board maintains that construction of the easement area for the

<sup>3</sup> 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.

<sup>4</sup> Including streetscape improvements and enhancements and renovations to Elm Street Park.

<sup>5</sup> As measured from the building height measuring point on Elm Street (spot elevation 334).

<sup>6</sup> The proposed development is within the Bethesda Parking District and is not required to provide any parking on site.

<sup>7</sup> The final number and distribution of parking spaces will be determined at Site Plan.

Purple Line to accommodate any mode MTA decides to pursue is of significant public benefit and may be considered part of the public use space. For the small amount of time that the “tail tracks” would house a train, the benefits afforded the transportation network for local and regional travelers is a public use that is balanced against the temporary loss of open space.

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.

(iv) Amenities and Facilities Summary

*On-Site Improvements*

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

*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.*

(i) 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 225 room hotel, and approximately 118,650 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 29 percent. As conditioned, the proposal conforms to the approved and adopted Sector Plan.

(ii) Sector Plan Conformance

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

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

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

In order for the Project to accommodate the goals of the core area, the design emphasizes distinct areas according to their respective use. This unique site at the edge of Bethesda's Metro Core District allows the Project to concentrate density in two distinct volumes – on the northeast of the Property and along the western edge of the Property – and step down towards the open spaces along Woodmont Avenue and between the buildings. This achieves a "fine-grain" texture and takes advantage of views over the adjacent and confronting buildings, and allows sunlight and air into the space, maintaining a feeling of open space at the intersection. The architectural detailing will create a strong visual statement at the southwest corner of the Metro Core District to unify and

enhance the existing urban fabric. The retail component and lobbies at the ground plane reinforce the existing pedestrian scale.

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

*Land Use and Zoning*

The Project Plan 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 have been modified from the Sector Plan's recommendations in order to satisfy community desires for more green area on site, but will serve to concentrate density close to the Metro Core while preserving a reduced scale along Woodmont 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 Plan 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 office and retail uses with new retail 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 open space that will serve as a stage for many public activities.

The proposed development achieves a "fine grain" urban form through the use of architectural massing that creates the appearance of two separate buildings connected by a bridge. The tallest portion of the structure will be located adjacent to Elm Street and along the eastern edge of the Property; this placement will allow the structure to reflect the denser development intended for the center of the Metro Core District. The proposed building then steps down towards the Woodmont Avenue commons 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 Plan provides a series of open spaces that are both functional and attractive. As previously described, the proposal will create a new commons, public plaza, and mews 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.



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.

#### *Circulation Systems*

The Project Plan 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 100 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 Plan 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*

The proposed development includes an expansive commons along Woodmont Avenue, a public plaza, and a mews 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 Plan 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 Plan to encourage pedestrian traffic and public-transit use. Additionally, the Project Plan 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—approximately 69 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. Further, the Applicant is committed to building a LEED Silver building; this will be the only LEED Silver hotel in the region.

- (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 proposed development will be compatible with and not detrimental to existing and potential development in 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 28,000 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 the orientation of the proposed building are 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 infrastructure.

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.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920070070, Woodmont East – Phase II stamped received by M-NCPPC on February 19, 2008, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that the date of this Resolution is JUN 18 2008  
(which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

#### CERTIFICATION

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



favor of the motion, and with Commissioner Cryor abstaining, at its regular meeting held on Thursday, June 12, 2008, in Silver Spring, Maryland.



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Royce Hanson, Chairman  
Montgomery County Planning Board

**JCS**



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

**JUN 19 2008**

MCPB No. 08-43  
Preliminary Plan No. 120070200  
Woodmont East Phase II  
Date of Hearing: March 6, 2008

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

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

WHEREAS, on October 6, 2006, Street Retail, Inc. ("Applicant"), filed an Application for approval of a preliminary plan of subdivision of property that would create one lot on 2.22 acres of land located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue ("Property" or "Subject Property"), in the Bethesda Central Business District Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan Application was designated Preliminary Plan No. 120070200, Woodmont East Phase II ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated February 22, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on November 8, 2007 and on March 6, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED AS TO LEGAL SUFFICIENCY:

*Kathleen Donohue*

M-NCPPC LEGAL DEPT.

DATE 6/10/08

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

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

WHEREAS, on March 6, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 3-0, Commissioners Bryant, Hanson, and Robinson voting in favor; Commission Cryor being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070200 to create one lot on 2.22 acres of land located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue ("Property" or "Subject Property"), in the Bethesda Central Business District Sector Plan area ("Sector Plan"), 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 225-room hotel, 40,350 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) Design the bicycle and pedestrian facilities, both interim and permanent, to provide a trail crossing of the Bethesda Avenue/Woodmont Avenue intersection that is as straight as possible between the off-road trail segments. Special signalization must allow bicyclists and pedestrians to pass through the intersection from the southwest to the northeast corner in one traffic signal phase.

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

The Applicant must further satisfy LATR by providing the following operational improvement to accommodate the future vehicular queuing under build-out traffic conditions by constructing an exclusive left-turn lane and a shared through/right-turn lane on the westbound approach of Elm Street at the intersection with Woodmont Avenue if and when required by DPWT.

4. 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 trail users 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 Phase II property.

Any detour along Woodmont Avenue must have a sufficient physical barrier to protect bicyclists from moving vehicles in the adjacent travel lane. 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.

5. The temporary 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 temporary 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.
6. 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.
7. At the time of site plan review, the Applicant must provide a pedestrian and bicycle circulation plan for the construction phase for review by the Planning Board, relevant County and State agencies, and the public, and for inclusion in the Staff Report for the Site Plan hearing. This detailed plan must include specific detour routes, adequate barriers to protect Capital Crescent Trail users traveling on any on-road detour route against vehicles moving in the adjacent travel lane, proposed wayfinding signage and pavement markings, and the expected duration of any disturbances to bicycle and pedestrian mobility through and around the site. The Applicant must clearly and convincingly justify any duration(s) for which the Georgetown Branch Trail through the site is to be closed to bicycle and pedestrian traffic, and make a good faith effort to minimize the duration of these disturbances.
8. The Applicant must provide a perpetual easement 32 feet in width along or within the Georgetown Branch right of way extending from the western property line to the eastern property line to be finalized at Site Plan and delineated on the record plat. This easement is for the Purple Line or public use, as needed.
9. The Applicant must place in reservation for a period of no less than 40 years from the date of the plat recordation the following areas for future easements to be granted in perpetuity:



- a) An area of 514 square feet beginning at the eastern property line and extending west toward Woodmont Avenue adjacent to the 32 foot easement area – this 514 square foot area of reservation is necessary to provide a total width of 38 feet for the Purple Line at the eastern property line per the MTA.
  - b) An area of 2,170 square feet parallel to the 32 foot easement area for the Purple Line to accommodate a paved shared use path of no less than ten feet in width with two feet of lateral clearance on each side consistent with American Association of State Highway and Transportation Officials (AASHTO) standards. This area extends from the western property line to the eastern property line and is a total of 14 feet wide the entire length.
  - c) A rectangular area of 1,960 square feet along the subject property's eastern edge to accommodate a future ramp for the Georgetown Branch Trail. The shared use path on the ramp must be a minimum of ten feet wide. The above three reservation areas are to be finalized at Site Plan and delineated on the record plat.
10. The Applicant must provide the following minimum vertical clearances in the area designated for the Purple Line:
- a) A clear area beginning from any point at the top of the rails (elevation to be designated by the MTA) for the Purple Line to any point within four feet below the top of the rails for the Purple Line.
  - b) A clear area beginning from any point at the top of the rails (elevation to be designated by the MTA) for the westbound Purple Line track to any point within 23 feet above the top of the rails.
11. At the time of Site Plan review, the Applicant must provide a detailed intersection design for the Woodmont Avenue/Bethesda Avenue intersection. The crosswalks across the northern Woodmont Avenue leg and western Bethesda Avenue leg must be aligned to provide users of the regional Georgetown Branch Trail a direct connection from the tunnel opening, across this intersection, and to the existing Capital Crescent park trail on the south side of Bethesda Avenue. Further, the Applicant must consider and submit their findings on providing a physical barrier in the northeastern corner of the Woodmont Avenue/Bethesda Avenue intersection. This barrier is necessary to direct pedestrians to cross at the designated crosswalks and prevent them from crossing through the center of the intersection.
12. 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.
13. The Applicant must provide 20 bike lockers for residents, 5 inverted-U bike racks for visitors of the residential apartments, 5 bike lockers for hotel employees, 10 inverted-U bike racks for retail customers, 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.
14. The proposed development must comply with the conditions of the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. Conditions include the following:
    - a) Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
  15. 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<sub>dn</sub>.
    - b) The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to M-NCPPC staff.
    - c) The certification and builder acceptance letter must be provided to M-NCPPC Environmental Planning staff before building permits are approved.
  16. The final number of dwelling units and MPDUs per condition #1 above will be determined at the time of Site Plan.
  17. The Applicant must comply with the conditions of the MCDPWT letter dated August 27, 2007, unless otherwise amended.
  18. The Applicant must comply with the conditions of the MCDPS stormwater management approval dated October 16, 2007.
  19. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for one-hundred and nine (109) months from the date of mailing of the Planning Board resolution.
  20. Other necessary easements must be shown on the record plat.
  21. 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.
  22. The Applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of the plat.
  23. No clearing, grading or recording of plats prior to certified Site Plan approval.
  24. Final approval of the number and location of buildings, dwelling units, hotel rooms, on-site parking, site circulation, sidewalks, and bike paths will be determined at Site Plan.
  25. The Applicant must submit a copy of the Montgomery County Resolution for the Abandonment of Reed Street prior to recordation of the plat.

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

*1. The Preliminary Plan substantially conforms to the Sector Plan.*

The Preliminary Plan complies with the recommendations of 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.

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

In accordance with the Local Area Transportation Review (LATR) Guidelines, the Applicant was required to submit a traffic study to analyze the impact of this proposed subject development. 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 produce critical lane volume (CLV) values at the six studied intersections that are less than the congestion standard of 1,800 CLV for the Bethesda Central Business District Policy Area and, thus, the LATR test is satisfied.

The site is located in the Bethesda Transportation Management District (TMD). The Applicant will 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.

Public facilities and services are available and will be safe and adequate to serve the proposed development. The Property will be served by public water and public sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be safe and adequate to serve the Property. Electrical, gas, and telecommunications services are also available to serve the Property. Because it was filed prior to December 2006, the Application is not subject to work force housing requirements. Because the Application was filed before January 2007, it

is not subject to the 2007-2009 Growth Policy and is, therefore, not subject to a school facilities payment.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the CBC-2 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Applicant submitted a preliminary forest conservation plan with the Preliminary Plan. There is no forest on the property, but there is a planting requirement of 0.33 acres. The planting requirement will be met by either offsite mitigation or by payment of a fee-in-lieu.

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

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on 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.

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

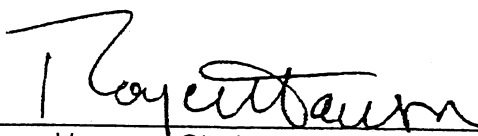
JUN 19 2008, BE IT FURTHER RESOLVED, that the date of this Resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a Resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Bryant, and Robinson voting in favor of the motion, and Commissioner Cryor abstaining, at its regular meeting held on Thursday, June 12, 2008, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board



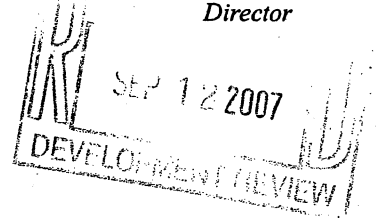
## DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

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](http://www.montgomerycountymd.gov)



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.

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.

- 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.


- 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 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.

Ms. Catherine Conlon  
Preliminary Plan No. 1-20070200  
August 27, 2007  
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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](mailto: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





## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

February 27, 2009

Carla Reid  
Director

Mr. Pearce C. Wroe  
Macris, Hendricks and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request  
for Woodmont East Phase II  
Preliminary Plan #: 12007020  
SM File #: 228762  
Tract Size/Zone: 2.215 Ac/CBD-2  
Total Concept Area: 0.95 Ac.  
Lots/Block: 6/A  
Watershed: Little Falls Branch

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a green roof and a proprietary flow-through filter device. Onsite recharge is not required since this is redevelopment. Channel protection volume for 0.25 for acres is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. A waiver of on-site channel protection for 0.7 acres and a waiver of water quality for 0.43 acres are granted due to the existing shallow storm drain system.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Maintenance access entrance and path to be reinforced to meet H-20 loading.
6. The green roof is to be a minimum of 5,000 square feet.
7. The green roof is to be designed by a professional with green roof experience.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

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

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



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

RRB:dm CN228762 Woodmont East Phase II.DWK

cc: C. Conlon  
M. Pfefferle  
SM File # 228762

QN - Onsite/Waived;	Acres: 0.25/0.70
QL - Onsite/Waived;	Acres: 0.52/0.43
Recharge is not provided	



## DEPARTMENT OF PERMITTING SERVICES

DEVELOPMENT REVIEW

Isiah Leggett  
County Executive

Carla Reid  
Director

**MEMORANDUM**

March 23, 2009

TO: Joshua Sloan, Development Review Division - MNCPPC

FROM: Sarah R. Navid *Sarah R. Navid*  
Right-of-Way Permitting and Plan Review Section

SUBJECT: Woodmont East Phase II, Site Plan #820090080

We have reviewed the site plan and recommend approval, with the following comments/conditions to apply:

**Woodmont Avenue - Georgetown Branch Trail and Pedestrian Crossing**

The applicant will be responsible for providing all necessary interim modifications and future curb realignment on the north leg to accommodate bicycle and pedestrian crossing. These modifications include the east side curb extension, traffic signals, ramps, and pavement markings. To emphasize this high activity crossing, synthetic asphalt, stamped and colored to look like pavers is recommended. (The west leg of Bethesda Avenue, the continuation of the trail crossing, should also be treated this way but is not the responsibility of this applicant.) The streetscape design along the east curblin should discourage trail users and pedestrians from crossing outside the crosswalk area.

**Pavers in the public right of way**

All pavers in the public right of way must be constructed in conformance with the Bethesda Streetscape Standard. A minimum five foot wide accessible pedestrian route must be provided within the streetscape area, clear of all objects, walls, grates etc.

**Easement Areas**

The Applicant may remove any existing materials and improvements such as landscaping, pavement, track remains, debris etc. in the 32-foot wide Perpetual Easement Area in connection with development of the office building and public use space.

At least two months (2) prior to construction of the Purple Line, the applicant will remove all structural improvements within the future Ramp Easement area.

The County will not take any action that may damage the Woodmont East II project within, below, above or adjacent to the 32-foot wide Perpetual Easement Area or the future easement areas for the Georgetown Branch Trail, the Ramp or the Turning Radius.

**Purple Line Notice and Construction**

The County should provide the applicant with at least six (6) months notice of the start of work on the Purple Line on the Applicant's property. Representatives from the Maryland Transit Authority (MTA) and the County should meet with the Applicant at least three (3) months prior to construction to review the construction plans and a detailed schedule of construction and projected completion. The County should work with the Applicant to reasonably schedule the Purple Line construction to minimize impacts, including noise, on project occupants.

**Loading**

The shared loading area with the adjacent property on Bethesda Avenue is acceptable. The Applicant must obtain a shared access easement for this area.

Thank you for the opportunity to comment on this site plan.

cc: Chorman Romano - JBG  
Patricia Harris, Esq. – H&K  
Stephen Crum, P.E. – MHG  
Greg Leck – DOT  
Joe Cheung – DPS  
Robert Kronenberg - MNCPPC

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April 16, 2009

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VIA ELECTRONIC MAIL

Mr. Michael Madden  
Project Manager  
Maryland Transit Administration  
Office of Planning & Programming  
William Donald Schaefer Tower  
6 St. Paul Street  
Baltimore, MD 21202-1614

Re: Woodmont East II

Dear Mr. Madden:

Thank you for taking the time to meet with representatives of JBG Associates ("JBG") and the Maryland-National Capital Park and Planning Commission ("M-NCPPC") Staff on April 3, 2009, to address the issues that were raised by RK&K, LLP Engineering's email from March 16, 2009, in connection with the proposed Woodmont East II Project Plan Amendment, Preliminary Plan Amendment, and Site Plan (the "Plans"). The purpose of this letter is to confirm the actions that JBG will take in order to address the concerns to which the attendees have agreed.

As we discussed, JBG will revise the Plans as follows:

1. Relocate the storm drain located within 110 feet of the entrance to the Wisconsin Avenue tunnel to a location outside the 32-foot wide Perpetual Easement area (the "Easement Area") and the additional six foot (approximately) future easement area previously referred to as Reservation Area No. 1. After this point, the storm drain will enter the Easement area in order to reach the storm drain structure at Woodmont Avenue.
2. Eliminate the planting wall located on the north side of the Easement Area between the steps accessing the existing parking facility and the face of the Wisconsin Avenue tunnel. In order to preserve JBG's ability to construct the planting wall in the future (in the event the construction of the Purple Line is significantly delayed or the Purple Line project is eliminated), the Site Plan will provide the wall as an "optional" improvement, thus eliminating the need for further Site Plan approval. This "optional" improvement would align with the existing steps accessing the existing parking facility at Elm Street.

3. Relocate the foundation wall of the office building along the south side of the Easement Area and the additional six foot (approximately) future easement area previously referred to as Reservation No. 1, a minimum of 12 inches further to the south in order to provide sufficient space to apply finish materials to the north wall of the underground garage which will be exposed during the construction of the Purple Line. The final office building design will not rely upon any excavation support. Any excavation support that is constructed within the Easement Area will be considered as "abandoned in place", thus allowing MTA to remove it as necessary as a part of the Purple Line construction. The easement agreement establishing the Easement Area will provide MTA with these rights.
4. Prior to the issuance of the building permit for the office building, JBG shall provide a copy of the garage plans to MTA in order that MTA may review the permit plans to confirm that the garage design can accommodate the future ramp construction.

In addition to the three revisions outlined above, Maryland-National Capital Park and Planning Commission Staff will propose the following conditions of approval:

1. Any utilities within the future easement for the Georgetown Branch of the Capital Crescent Trail that must be relocated to construct the Trail Ramp will be done at the Applicant's expense.
2. JBG will not construct and/or install any permanent facilities within the Purple Line easements or future easements areas that may interfere with access to the tunnel by MTA or Montgomery County emergency, maintenance, and construction equipment.
3. The record plat shall include a note providing that the public use space will provide unobstructed access between the face of the tunnel and Woodmont Avenue, along the north side of the Easement Area.
4. Sloped sections of the trail ramp shall not exceed 8.33 percent.

Please confirm that the information set forth above reflects the agreement reached with JBG representatives and M-NCPPC Staff at the April 3, 2009 meeting. As we discussed, MTA's confirmation will provide M-NCPPC Staff with the written indication needed for their Staff Report.

If you have any questions or if for any reason we have not accurately represented what was agreed to at our meeting, please contact me.



Mr. Michael Madden  
April 16, 2009  
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Very truly yours,

HOLLAND & KNIGHT LLP

  
Patricia Harris

AGREED TO:  
MARYLAND TRANSIT ADMINISTRATION

By: , Project Manager

cc: Mr. Robert Kronenberg  
Mr. Joshua Sloan  
Mr. Neil Braunstein

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