



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

**Staff Report: Woodmont Central
Project Plan Amendment 92009001A
Preliminary Plan Amendment 12009014A
Site Plan 820110020**

ITEM #: _____

MCPB HEARING

DATE: April 21, 2011

REPORT DATE: April 11, 2011

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Robert Kronenberg, Supervisor
Area 1 Division

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APPLICATION

DESCRIPTION: Amendment to a previously approved project and preliminary plan; new site plan. Will create two (2) lots for 585,577 square feet of multiple family residential use with up to 455 dwelling units, 81,107 square feet of office uses; and no more than 30,295 square feet of retail uses; and a parking waiver of 313 spaces. Both sites are within the Woodmont Triangle Amendment Area of the Bethesda CBD Sector Plan.

APPLICANT: Donohoe Development Company

FILING DATE: Project Plan: 10/4/2001; Preliminary Plan: 10/4/2010; Site Plan: 9/27/2010

RECOMMENDATION: Approval with conditions

Approval signatures

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EXECUTIVE SUMMARY

The subject application is for three buildings on two sites within the area subject to the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. One site, zoned CBD-2, at the corner of Wisconsin Avenue and Battery Lane, will be developed with a 90-foot tall, 91,612 square-foot office building with ground floor retail. The other site, zoned CBD-R2, at the apex of the intersections of Rugby and Del Ray Avenues, will be developed according to one of two alternatives: as either two 174-foot tall, 493,965 square-foot total residential buildings with ground floor retail or two 143-foot tall, 408,459 square-foot buildings. The difference in the two alternatives is the number of Moderately Priced Dwelling Units (MPDUs) provided; the former requiring a minimum of 15% MPDUs, the latter a minimum of 12.5% MPDUs. Most of the public use space will be provided on the mixed use site. Parking in both cases will be provided under the buildings.

The subject applications request amendments to previously approved project and preliminary plans and approval of a new site plan. The requested amendments to the project and preliminary plans entail several modifications:

- Removal of workforce housing, due to changes in the workforce housing law (viz., that workforce housing is no longer a requirement)
- Incorporation of new properties;
- Division of the previous mixed use building into two separate buildings;
- Significant redesign of the public use space;
- Decrease in the number of curb cuts.

The site plan finalizes the details associated with these amendments and provides the necessary information to ensure compliance with the necessary regulations and safe, efficient, and adequate development of the structures, open spaces, circulation systems, and environmental protections. The approval will still rely on a transfer of density between the two sites. Generally, the residential density allowed on the CBD-1 site will be transferred to the CBD-R2 site and most of the commercial density allowed on the CBD-R2 site will be transferred to the CBD-1 site. Because of the transportation mode-share goals of the Bethesda CBD, the constraints of such an infill development, and the project's proximity to many transportation alternatives, the Applicant is also requesting a significant parking waiver of 37% - akin to the parking ratios established by the CR zone.

TABLE OF CONTENTS	
SITE DESCRIPTION	4
PROJECT DESCRIPTION	5
Previous Approvals	5
Proposal	6
PROJECT AND PRELIMINARY PLAN ANALYSIS AND FINDINGS	12
Conformance with the Sector Plan	12
Subdivision of Land	12
Roads and Transportation Facilities	14
Other Public Facilities and Services	17
Environment	17
Compliance with the Subdivision Regulations and Zoning Ordinance	18
Citizen Correspondence and Issues	20
Conclusion	20
SITE PLAN ANALYSIS AND FINDINGS	21
RECOMMENDATION & CONDITIONS	26
Project Plan	26
Preliminary Plan	28
Site Plan	30
APPENDICES	33

SITE DESCRIPTION

The subject property consists of two noncontiguous sites. One site, located in the southwest quadrant of the intersection of Wisconsin Avenue (MD 355) and Battery Lane, consists of a single platted lot that is 19,122 square feet in area. An additional 12,959 square feet can be counted towards the gross tract area due to prior dedications of public road right-of-way. The property is zoned CBD-1. It is developed with a gas station and convenience store, which will be removed entirely to accommodate the proposed development. Surrounding uses consist of mixed residential and commercial development in the CBD-1 zone. The site is located in the Lower Rock Creek watershed. The property is entirely developed, and no significant environmental features exist on site.

The other site, located in the southwest quadrant of the intersection of Rugby Avenue and Del Ray Avenue, consists of 27 platted lots or parts of platted lots that have a combined area of 59,339 square feet. An additional 20,422 square feet can be counted towards the gross tract area due to prior dedications of public road right-of-way. The property is zoned CBD-R2. It is developed with low-rise commercial buildings and surface parking lots, which will be removed entirely to accommodate the proposed development. Surrounding uses consist of commercial and multiple-family residential development in the CBD-R2 and CBD-1 zones. The site is located in the Lower Rock Creek watershed. The property is entirely developed, and no significant environmental features exist onsite.





Aerial Photo Looking South

PROJECT DESCRIPTION

Previous Approvals

Project plan 920090010 was approved on June 25, 2009, for a maximum of 553,772 square feet of gross floor area. The total residential floor area was limited to a maximum of 453,109 square feet of gross floor area; the total commercial floor area was limited to a maximum of 100,663 square feet.

Preliminary plan 120090140 was approved on June 25, 2009, for two lots for no more than 453,109 square feet of multiple-family residential use, which must not comprise more than 457 dwelling units and which must include a minimum of 15% MPDUs and 10% workforce housing; no more than 81,107 square feet of office uses, and no more than 19,556 square feet of retail uses.

Both of these previous approvals are being amended by this application.

Proposal

This application proposes a phased, mixed-use development on two sites: one commercial site and one commercial/residential site. Two options are under review: the total density of these two sites will be either 585,577 square feet of development with 15% moderately priced dwelling units (MPDUs) or 500,071 square feet of development with 12.5% MPDUs. Either option will be developed on the two sites that together comprise a combined area of 113,017 gross square feet of land.

Design

Commercial Site - Wisconsin and Battery Lane

The footprint of the proposed building is a basic rectangle. The façade along Wisconsin, however, is an interesting massing of rectilinear planes and volumes. The materials are predominantly metal and glass with minimal use of precast concrete panels to provide contrasting texture. A thin vertical element on the northeast corner of the building creates a distinctive feature that marks the entrance to the Battery Lane District.



Illustrative Plan

Commercial/Residential Site – Del Ray, Auburn, & Rugby Avenues

In contrast to the original project plan approval that proposed one large building with complex massing to mitigate the presence of the structure, the amended project plan and site plan proposes two buildings. These buildings fundamentally create two rectilinear masses separated by a wide open space running between Auburn Avenue and Del Ray Avenue. One building sits lengthwise between the two streets with a long frontage along the open space. The building

sitting at the apex of the acute angle created by the Rugby/Del Ray intersection, however, sits atop a triangular first floor and creates a distinct wedge shaped façade at the point. The upper floors of both buildings are clad in aluminum trimmed windows and masonry with most units having balconies looking onto the open space or the street.



Original Project Plan – View Looking South



Aerial View Looking South

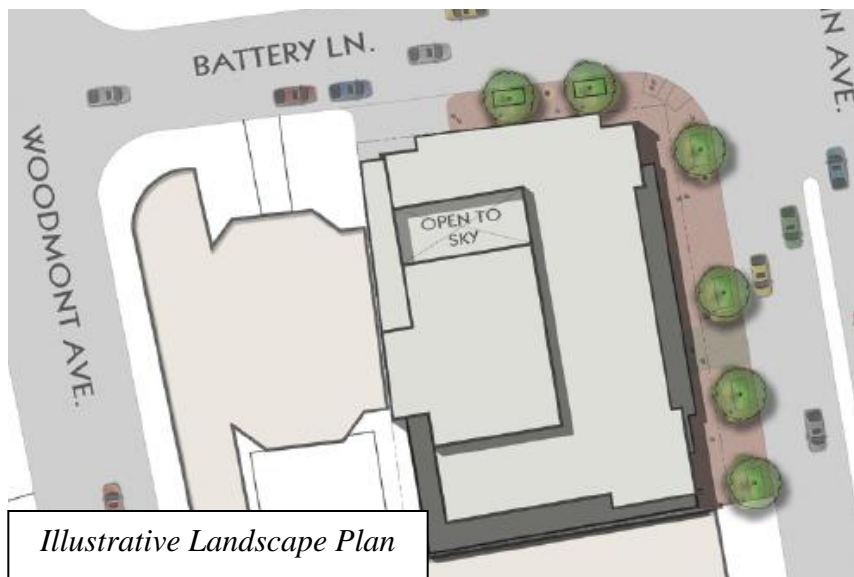


Aerial View Looking North

Public Amenities & Open Space

Commercial Site

All retail and lobby entrances are on Wisconsin Avenue. Because this is a busy street and not appropriate for casual sitting, the open space on this site is relegated entirely to the sidewalks. The balance of the required open space will be built on the residential site as part of the density transfer provisions this project is using. In all, this 19,122 net square-foot site will provide a minimum of 2,011 square feet of on-site public use space and 3,926 square feet of off-site amenity space. The entire on- and off-site open space will be used for upgrading the immediately adjacent sidewalks to the Bethesda Streetscape standard. These improvements typically include street trees, lamps, brick paving, benches, and waste receptacles. A small



Illustrative Landscape Plan

section of the building's wall along Battery Lane is being studied as a possible location for a continuation of the theme of the vertical metal and light element mentioned earlier.

More importantly, this site is replacing the existing gas station with ground-floor retail with small bays (4,400 square feet and 6,600 square feet). This will encourage small business owners to stay in the Woodmont Triangle area and provide services for employees and nearby residents.

Commercial/Residential Site

The open space on the mixed-use site has been significantly modified since the original project plan. The through block connection that was previously proposed between the single residential building and the adjacent properties can now be placed between the two residential buildings now being proposed. The open space, with a minimum width of 42 feet and, for most of the length, approximately 48 feet, will provide more than 9,000 square feet for walking, relaxing, and people-watching. Most of the frontage along this through-block passage is lined with retail or other active uses. Further, a public art program is being developed to complement the proposed landscaping, seating, and water feature concept. Sidewalks along all of the frontages will be developed to the Bethesda CBD Streetscape standard, with wide curb to building frontages but also a well-defined street-wall.



Illustrative Landscape Plan

A separate private passageway and courtyard is now proposed along the southwestern edge of the site, creating a street-accessible open space for residents. This area will be lit with catenary lighting and will include plantings to soften the hardscaped garden area. Additional open space is provided on the roofs of each building and through a fitness center and community rooms

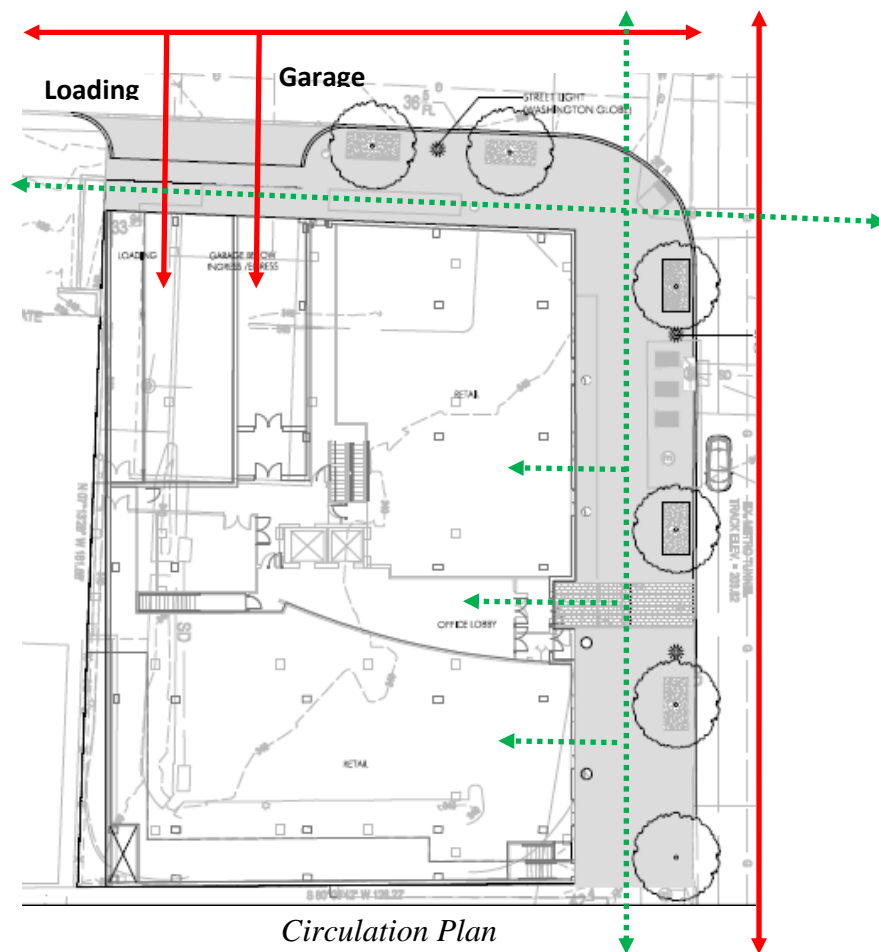
within the buildings.

The entire on-site public use space for the combined sites will be a minimum of 16,000 square feet. On- and off-site public use and amenity space will be a minimum of 34,000 square feet.

Vehicular and Pedestrian Circulation

Commercial Site

Vehicular access for loading and employee parking is provided from Battery Lane. Pedestrian access to the office lobby and retail uses is from the sidewalk along Wisconsin Avenue.



Commercial/Residential Site

Vehicular access, including garage access and two loading areas for residents and, presumably, employees, is provided from Del Ray Avenue. These curb cuts are reduced and localized along Del Ray Avenue to minimize conflicts with pedestrians. A drop-off/delivery area is proposed on Rugby Avenue pending DOT and DPS approval, as is the proposed on-street parking along each

of the streets. The success of these streets is dependent on both the on-street parking and the drop-off/delivery area to promote street activity for retail and pedestrian comfort and safety and effective circulation.

Pedestrians will access the site via the sidewalks along Rugby, Auburn, and Del Ray Avenues. Crosswalks are provided at all of the intersections, which are controlled by stop signs, not traffic lights. Within the site, pedestrians will have access to seating in the open space areas and throughout the through-block connection. Cyclists will have racks to safely lock their bikes on-site near the retail areas and open spaces. Retail, lobby, and office entrances are provided along the sidewalks and within the site.



Circulation Plan

A waiver of 313 parking spaces (37%) is being requested; the applicant proposing to build 533 parking spaces. If no bonus density is used, the request would remain at the same percent of spaces. The reasons provided in the justification statement are several:

- Accommodation of stormwater management structures;
- Accommodation of bicycle storage areas;
- Reduction of vehicle trips by employees and residents to meet mode share goals;
- Close proximity of public parking structures;
- Close proximity of public transportation;
- Increase in walking to promote foot traffic for local businesses.

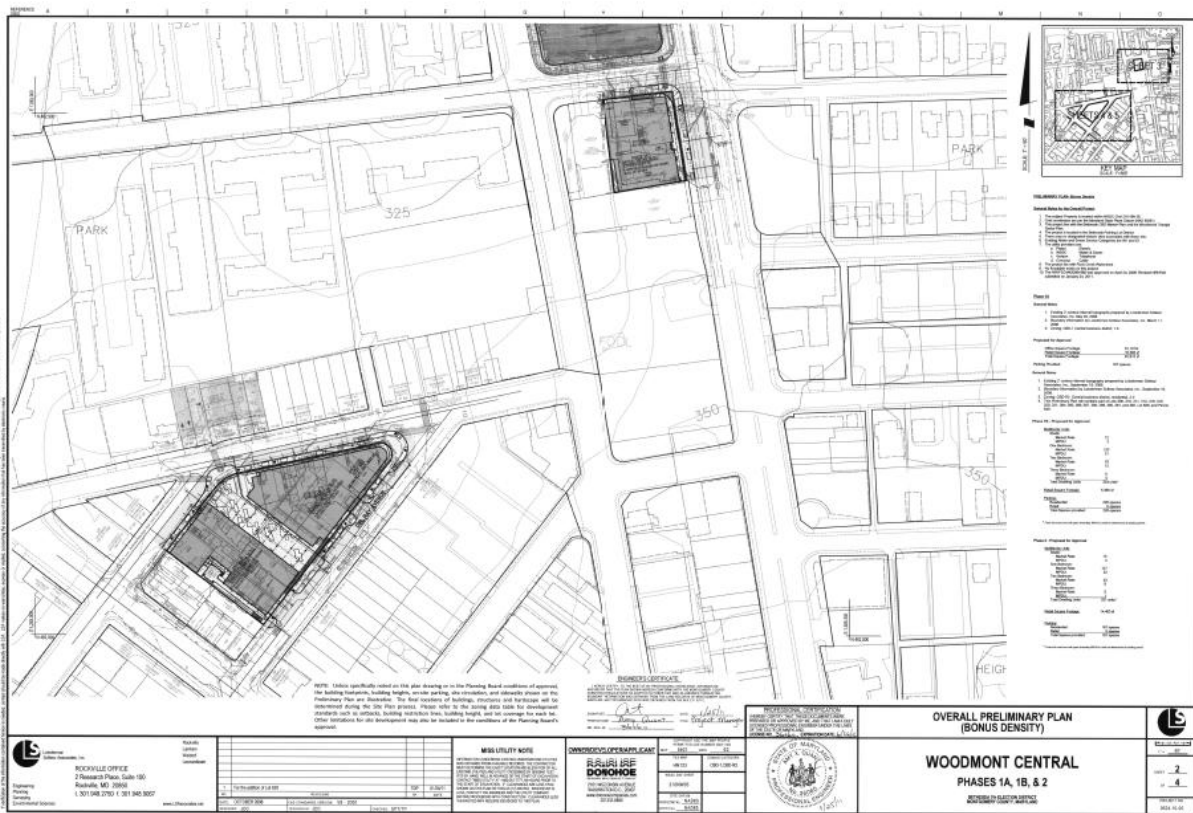
PROJECT AND PRELIMINARY PLAN ANALYSIS AND FINDINGS

Conformance with the Sector Plan

The Planning Board found the original project plan (920090010) and preliminary plan (120090140) in substantial conformance with the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. The proposed amendment does not affect the application's conformance with the Master Plan and the Planning Board's prior findings remain valid (approved resolutions attached).

Subdivision of Land

The Applicant proposes to combine the 27 lots or parts of lots that comprise the residential site and dedicate 749 square feet for right-of-way to create one 59,339-square-foot lot on Rugby Avenue. In addition, the Applicant wishes to reconfigure the existing lot at the commercial site by dedicating 426 square feet of land for right-of-way and creating a 19,122-square-foot lot. Once the two sites are created, a transfer of development rights between the two sites will occur to allow the construction of a six-story, 91,612-square-foot office building with ground-floor retail on the commercial site and two 16-story multi-family residential buildings with ground-floor retail for a maximum combined floor area of 493,965 square feet on the Commercial/Residential site.



Preliminary Plan

The applicant has submitted two proposals for approval with respect to the multi-family residential use. The Rugby Avenue buildings could contain either 455 dwelling units, 15% of which will be MPDUs, 366 dwelling units, 12.5% of which will be MPDUs, or some combination in between using the MPDU sliding scale. The provision of 15% MPDUs would allow the maximum 22% bonus in the number of market-rate units. The total proposed development density for the entire preliminary plan is either a maximum of 474,175 square feet of multi-family residential use (consisting of 455 dwellings) with 15% MPDUs or 388,669 square feet of multi-family residential use (consisting of 366 dwellings) with 12.5% MPDUs, 81,107 square feet of office, and 30,295 square feet of retail uses. The proposed land uses are summarized in the following table:

<i>Table 1: Proposed Land Uses</i>			
Option 1: 15% MPDUs, 22% bonus density			
	Commercial site	Residential site	Total by Land Use
Residential	0	474,175	474,175
Office	81,107	0	81,107
Retail	10,505	19,790	30,295
Total by Site	91,612	493,965	585,577
Option 2: 12.5% MPDUs, no bonus density			
	Commercial site	Residential site	Total by Land Use
Residential	0	388,669	388,669
Office	81,107	0	81,107
Retail	10,505	19,790	30,295
Total by Site	91,612	408,459	500,071

The proposal includes a transfer of development rights between the two sites, as allowed by the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. Prior to any bonus density calculations, 65,014 square feet of residential development rights are proposed to be transferred from the commercial site to the residential site and 59,105 square feet of office and retail development rights are proposed to be transferred from the residential site to the commercial site. The total development proposed on both sites does not exceed the combined residential and commercial densities permitted on the combined gross tract area of the two sites, whether or not the MPDU density bonus is used.

As compared to the previously approved preliminary plan, the proposed land uses represent a

21,066-square-foot increase in multi-family floor area (if the MPDU density bonus is used) or a 64,440-square-foot decrease in multi-family floor area (if the MPDU density bonus is not used) and a 10,739-square-foot increase in retail floor area. The proposed office floor area remains unchanged from the previously approved plan. In addition, the proposed amendment does not provide workforce housing, since such housing is no longer required. In the previously approved preliminary plan, 10% of the dwelling units were workforce housing units.

Roads and Transportation Facilities

As mentioned above, the application consists of two non-contiguous sites: The commercial site on Wisconsin Avenue (Phase 1A of the project) and the residential site on Rugby Avenue (Phases 1B and 2 of the project). The two sites were analyzed separately for traffic purposes, because each site has its own unique traffic patterns. Although the applicant is seeking approval on the residential site of two different proposals, one with 15% MPDUs and 22% bonus density and the other with 12.5% MPDUs and no bonus density, the larger project was analyzed for traffic purposes in order to evaluate the greatest impact with respect to density.

Commercial Site (Phase 1A):

Local Area Transportation Review

Because this amendment makes no changes to the commercial site, the previously approved Local Area Transportation Review (LATR) for this site remains valid, and no new finding is required.

Policy Area Mobility Review

Although no new trips are being generated for the Policy Area Mobility Review (PAMR), as compared to the previously approved preliminary plan, staff's recommendation includes a modified PAMR condition (as compared to the previous approval) because the PAMR fee was adjusted for CPI in July 2010. The current fee is \$11,300 per PAMR trip; the previous fee was \$11,000 per PAMR trip.

Commercial/Residential Site (Phases 1B and 2):

Local Area Transportation Review

Compared with the previously-approved land uses, the number of multi-family units is reduced and the square footage of retail space is increased for the proposed land uses on the Rugby Avenue site.

Tables 2 and 3 below show the number of peak-hour trips generated by the previously-approved and proposed land uses during the weekday morning and evening peak periods. The trips shown in Tables 2 and 3 below are total trips (i.e., that includes new, diverted, and pass-by) and new

trips are shown in parentheses.

Table 2: Previously-Approved Site-Generated Peak-Hour Trips

Line No.	Land Uses	Square Feet or Apartment Units	Site-Generated Peak-Hour Trips	
			Morning	Evening
Proposed Land Uses				
1	High-Rise Apartments *	457	137 (137)	137 (137)
2	General Retail Uses *	9,051	6 (3)	24 (8)
3	Subtotal: Peak-Hour Trips (<i>Line 1 + Line 2</i>)		143 (140)	161 (145)
4	Trips Generated by the Site's Existing Land Uses **		50 (50)	318 (318)
5	Net Increase in Peak-Hour Trips (<i>Line 3 – Line 4</i>)		+93 (+90)	-157 (-173)

*= Peak-hour trips calculated using the trip-generation rates in the *LATR and PAMR Guidelines*.

**= Peak-hour trips based on actual driveway counts from the site.

*Table 3: Proposed Site-Generated Peak-Hour Trips**

Line No.	Land Uses	Square Feet or Apartment Units	Site-Generated Peak-Hour Trips	
			Morning	Evening
Proposed Land Uses				
1	High-Rise Apartments *	455	137 (137)	137 (137)
2	General Retail Uses *	21,400	14 (6)	56 (20)
3	Subtotal: Peak-Hour Trips (<i>Line 1 + Line 2</i>)		151 (143)	193 (157)
4	Trips Generated by the Site's Existing Land Uses **		61 (61)	318 (318)
5	Net Increase in Peak-Hour Trips (<i>Line 3 – Line 4</i>)		+90 (+82)	-125 (-161)

*= Peak-hour trips calculated using the trip-generation rates in the *LATR and PAMR Guidelines*.

**= Peak-hour trips based on actual driveway counts from the site. The trips generated by existing proposed site is larger compared with the existing previously approved site during the AM peak hour because proposed site includes more existing land than the previously approved site.

The proposed land uses in Table 3 generate eight fewer new peak-hour trips within the weekday morning peak period than the previously approved land uses in Table 2. Within the evening peak period, the number of new peak-hour trips generated by the existing land uses exceeds the trips generated by the proposed land uses. Thus, an updated traffic study for the proposed land uses was not required to satisfy the LATR test in accordance with the *LATR and PAMR Guidelines*.

For the previously approved land uses, a traffic study was submitted to satisfy the LATR test because those land uses generate 30 or more peak-hour trips within the weekday morning and evening peak periods. Table 4 below shows the calculated CLV values at analyzed intersections for existing, background, and total traffic conditions:

Table 4: Calculated Critical Lane Volumes at the Analyzed Intersections

<i>Analyzed Intersection</i>	<i>Peak Hour</i>	<i>Traffic Condition</i>		
		<i>Existing</i>	<i>Background</i>	<i>Total</i>
Old Georgetown Road & Auburn Avenue	Morning	713	734	743
	Evening	970	1,005	969*
Old Georgetown Road & Battery Lane	Morning	982	992	989*
	Evening	1,247	1,263	1,243*
Norfolk Avenue & Cordell Avenue	Morning	390	399	435
	Evening	434	451	425*
Rugby Avenue & Woodmont Avenue	Morning	621	647	678
	Evening	385	423	372*

* = The total CLV value is less than background CLV value because existing retail/office/service-related trips are in the critical movement direction while the trips generated by the proposed apartments are in the non-critical movement direction.

All CLV values for all analyzed intersections were less than the 1,800 CLV standard for the Bethesda CBD Policy Area and, thus, the LATR test is satisfied.

Policy Area Mobility Review

Under the current *Growth Policy*, the PAMR test requires that the applicant mitigate 30% of the net new peak-hour trips generated by the proposed land uses within the weekday morning and evening peak periods. A site located in proximity to two Metrorail Stations and in the Bethesda CBD has an inherent PAMR trip reduction credit because the availability of transit services and Metrorail Stations results in lower trip generation as compared to other parts of the County. The resultant trip reduction is the difference between the “starting base” of vehicular peak-hour trips calculated using the higher countywide trip-generation rates and the trips calculated using the lower Bethesda CBD rates. Table 5 below depicts how the vehicular trip reduction contributes towards meeting the PAMR requirements.

Table 5: Vehicular Trips Mitigated by being located near a Metrorail Station

Line No.	Land Use	Square Feet or Apartment Units	New Peak Hour Trips		
			Morning	Evening	
Starting Base Condition using the Higher Countywide Trip-Generation Rates					
1	Proposed	High-Rise Apartments	455	143	167
2		General Retail Space	21,400	30	93
3	Base Number of Vehicular Trips (<i>Line 1 + Line 2</i>)			173	260
4	Trips Generated by the Existing Land Uses on the Site			61	318
5	Net New Peak-Hour Trips (<i>Line 3 – Line 4</i>)			112	n/a*
6	Lower Bethesda CBD Trips from Line 5, Table 3 above			82	n/a
7	Vehicular Trip Credit: Countywide minus Bethesda CBD Trip Rates (<i>Line 5 – Line 6</i>)			30	n/a
8	PAMR 30% New Site-Generated Trips (<i>Line 6 x 0.30</i>)			25	n/a
9	Is the required PAMR test satisfied? (<i>Line 8 vs. Line 7</i>)			(-5)	n/a
No. of Vehicular Peak-Hour Trips to be Mitigated (<i>Line 8 - Line 7</i>)				n/a	n/a

*n/a = The resultant number is zero or less new peak-hour trips.

All new peak-hour trips within the weekday morning peak period can be satisfied for PAMR simply by being located in the Bethesda CBD Policy Area with Metrorail service.

Other Public Facilities and Services

Public facilities and services are available and will be 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 who has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. With respect to public schools, the Planning Board found the original preliminary plan (120090140) to be adequately served. The current amendment does not add any additional dwelling units and is still under a valid APF approval, and, therefore, does not affect the adequacy of public schools. The Planning Board's prior findings remain valid. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

Environment

The subject property contains no streams, wetlands, floodplain, forest or other environmentally sensitive areas. However, the project is subject to the requirements of the Forest Conservation Law. Accordingly, the project must fulfill a 0.43-acre afforestation requirement. The Applicant is proposing to meet the planting requirement through an in-lieu fee payment.

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on April 1, 2011. The stormwater management concept includes meeting Environmental Site Design to the Maximum Extent Practicable by the use of a green roof and micro-retention biofilters. This is supplemented with use of two proprietary biofilters to accommodate stormwater runoff from the streets. Due to onsite constraints the channel protection volume cannot be provided, and a waiver has been granted. Recharge has been waived since this is redevelopment and since the majority of the site is covered by sidewalks, a building, and a garage.

Compliance with the Subdivision Regulations and Zoning Ordinance

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

The lots were reviewed for compliance with the dimensional requirements for the CBD-1 and CBD-R2 zones as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in those zones. A summary of this review is included in the table below. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The Planning Board found the original project plan (92009001A) in conformance with the Zoning Ordinance standards and requirements. The proposed amendment does not affect the Application's conformance with the Zoning Ordinance and the Planning Board's prior findings remain valid (approved resolutions attached).

Preliminary Plan Data Table and Checklist

Plan Name: Woodmont Central				
Plan Number: 12009014A				
Zoning: CBD-1 and CBD-R2				
# of Lots: 2				
# of Outlots: N/a				
Dev. Type: Residential and commercial				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	Not specified	19,122 sq. ft. minimum	NB	4/8/11
Lot Width	Not Specified	126 ft. minimum	NB	4/8/11
Lot Frontage	Not Specified	126 ft. minimum	NB	4/8/11
Setbacks				
Front	Not Specified	Must meet minimum ¹	NB	4/8/11
Side	Not Specified	Must meet minimum ¹	NB	4/8/11
Rear	Not Specified	Must meet minimum ¹	NB	4/8/11
Maximum Height	90 ft. (CBD-1) 174 ft. (CBD-R2)	May not exceed maximum ¹	NB	4/8/11
Max s.f. per Zoning	585,577	585,577	NB	4/8/11
MPDUs	12.5%-15%	12.5%-15%	NB	4/8/11
Workforce Housing	N/a			
TDRs	N/a		NB	4/8/11
Site Plan Req'd?	Yes		NB	4/8/11
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	NB	4/8/11
Road dedication and frontage improvements		Yes	Agency letter	4/1/11
Environmental Guidelines		N/a	Staff memo	3/31/11
Forest Conservation		Yes	Staff memo	3/31/11
Master Plan Compliance		Yes	Staff memo	2/28/11

<i>ADEQUATE PUBLIC FACILITIES</i>			
Stormwater Management	Yes	Agency letter	4/1/11
Water and Sewer (WSSC)	Yes	Agency comments	2/28/11
10-yr Water and Sewer Plan Compliance	Yes	Agency comments	2/28/11
Well and Septic	N/a	Agency letter	2/28/11
Local Area Traffic Review	N/a	Staff memo	3/22/11
Policy Area Mobility Review	N/a	Staff memo	3/22/11
Transportation Management Agreement	Yes	Staff memo	3/22/11
School Cluster in Moratorium?	No	NB	4/8/11
School Facilities Payment	Yes	NB	4/8/11
Fire and Rescue	Yes	Agency letter	3/29/11

¹ As determined by M-NCPPC during site plan review and confirmed by MCDPS at the time of building permit.

Citizen Correspondence and Issues

The Applicant conducted a pre-submission community meeting on August 30, 2010. No major concerns were raised at the meeting. In addition, written notice of the plan submittal and the public hearing date was given by the Applicant and Staff. As of the date of this report, no citizen letters have been received.

Conclusion

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the project and preliminary plan amendments with the conditions specified below is recommended.

SITE PLAN ANALYSIS AND 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.*

The site plan is consistent with the amended project plan, which was reviewed concurrently with the site plan application to reflect all modifications and ensure conformance.

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

The subject site comprises land that is zoned CBD-R2 and CBD-1, both of which are governed by the development standards in Section 59-C-6.23 of the Montgomery County Zoning Ordinance. The typical minimum lot size of 18,000 square feet for optional method projects is not required per section 59-C-6.231 of the zoning ordinance.¹ There is no maximum building coverage for optional method projects, but there is a requirement for a minimum of 20% of the net lot area to be devoted to public use space, which this application satisfies by providing a plaza/mid-block pedestrian connection, and on-site sidewalks.

The maximum density for mixed-use optional method projects in the CBD-R2 Zone is 5 FAR and in the CBD-1 is 3 FAR; the proposed density is 5.18 FAR for the combined sites if 15% MPDUs are provided. Alternatively, if only 12.5% MPDUs are provided the proposed density for the combined sites is 4.42 FAR.

The only other development standard for an optional method project is building height. In the CBD-1 zone, height is normally limited to 60 feet but may be increased to 90 feet under Section 59-C-6.235(b) of the Montgomery County Zoning Ordinance “[if] approved by the Planning Board in the process of site plan ... as not adversely affecting surrounding properties”. Likewise, in the CBD-R2 zone, the height is normally limited to 143 feet, but may be increased to 200 feet under the same provision. The heights of both buildings are in accord with the recommendations of the Sector Plan, which states on page 22 that buildings up to 174 feet are appropriate on the CBD-R2-zone block if 15% MPDUs are provided, and up to 90 feet on the CBD-1-zoned block for commercial uses.

¹ Page 25 of the Sector Plan recommends that there be no minimum lot size for optional method projects.

As the data table shows, all of the requirements of the zone are met by the subject project plan. Because this project is within a Parking Lot District, no parking spaces are required on site. Parking calculations have been provided, however, the sites are located within the Parking Lot District and parking spaces are not required to be provided on site. For those spaces not being provided on site, the applicant will need to pay the appropriate ad valorem tax to the PLD. The applicant is requesting a waiver of the number of required parking spaces, which this recommendation is supporting but, any reduction of the ad valorem tax will ultimately need to be granted by the PLD.

Project Data Table for the CBD-1 and CBD-R2 Zones

Development Standard (previously approved standards are in the attached Project Plan Resolution)	CBD-1	CBD-R2	Proposed for Approval (CBD-1/CBD-R2)
	Permitted/Required	Permitted/Required	
Building Height (feet)	90	174 ²	90/174
Setbacks (feet)			
To any Property Line (min)	0	0	0
To any Right-of-Way (min)	0	0	2/5.5
Site Area (square feet)			
Net Tract Area	n/a	n/a	78,461
Dedications	n/a	n/a	34,556
Gross Tract Area (min)	n/a ³	n/a	113,017
Density (Floor Area Ratio) w/No MPDU Bonus (option #2)			
Commercial (max)	1.0 (32,507sf) ⁴	1.0 (80,510sf)	0.98 (111,402sf)
Total (max)	3.0 (97,521sf)	5.0 (402,550sf)	4.42 (500,071sf)
Density (Floor Area Ratio) w/22% MPDU Bonus⁵ (option #1)			
Commercial (max)	1.0 (32,507sf)	1.0 (80,510sf)	0.98 (111,402sf)
Residential (base max)	n/a	n/a	3.44 (388,669sf)
Residential Bonus (22% of base max)	n/a	n/a	0.76 (85,506sf)
Total (max w/15% MPDUs)	3.44 (111,824sf; based on 1FAR of commercial proposed)	5.88 (473,753sf; based on 0.98 FAR of commercial proposed)	5.18 (585,577sf)

² Per master plan, page 22.

³ Per master plan, page 25.

⁴ Per Sector Plan, page 21.

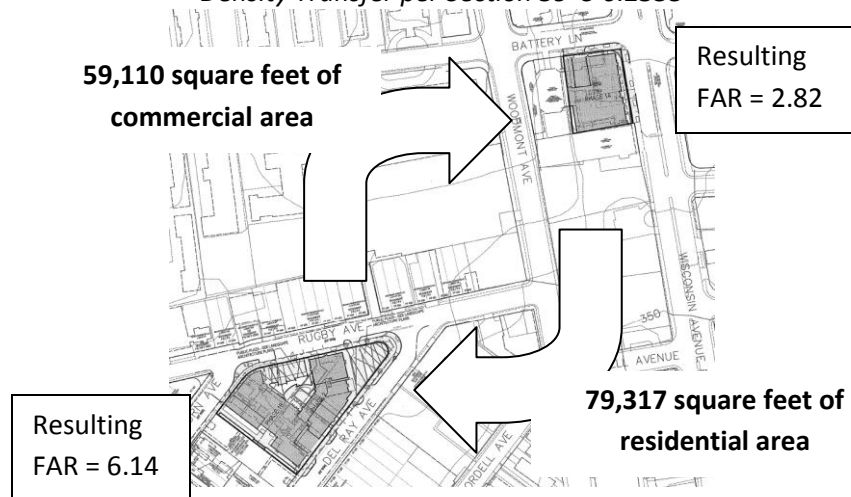
⁵ For this 22% Density Bonus, the Applicant must provide a minimum of 15% MPDUs per Chapter 25A.

Development Standard (previously approved standards are in the attached Project Plan Resolution)	CBD-1	CBD-R2	Proposed for Approval (CBD-1/CBD-R2)
	Permitted/Required	Permitted/Required	
Public Use Space (% of net lot)			
On-Site Public Use Space	20	20	21
Off-Site Amenity Space (excluding private amenity space)	n/a	n/a	18.7
Total Public Use & Amenity Space	20	20	39.7

Parking Requirements

Use	Requirement	Total Required	Less 10% CBD Residential Credit	Provided on CBD-1 Property	Provided on CBD-R2 Property	Total Provided	Waiver Requested
Studio	1 per unit	25					
Studio MPDU	0.5 per unit	2					
1-Bed	1.25 per unit	309					
1-Bed MPDU	0.625 per unit	28					
2-Bed	1.5 per unit	164					
2-Bed MPDU	0.75 per unit	15					
3-Bed	2 per unit	10					
3-Bed MPDU	1 per unit	1					
Residential	n/a	554	499	0	377	377	122
Office	2.4 per 1,000sf	195	195	156	0	156	39
Retail	5 per 1,000sf	152	152	0	0	0	152
Total	n/a	901	846	156	377	533	313

Density Transfer per Section 59-C-6.2355



The parking waiver of 37% of the required spaces is supported by the goals of the Sector Plan, the Office of Legislative Services' "Transportation Demand Management" report, the recently published "Montgomery County Parking Study" focusing on parking requirements in transit-oriented, shared use environments, and for the reasons stated in the Proposal section of this staff report. A waiver of the number of required parking spaces, does not necessarily entail a reduction or dismissal of the ad valorem tax to the Parking Lot District, which is not under the jurisdiction of the Planning Board.

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

The buildings and structures of the proposed development are located along the adjacent roads with setbacks only as necessary to create a comfortable and engaging pedestrian realm, providing easy access to the buildings from adjoining sidewalks and parking. The massing is proposed to decrease impacts on the pedestrian realm and is appropriate for a downtown, urban context. Building heights have been established per the Sector Plan recommendations. 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 primarily concentrated on a mid-block plaza that connects two streets and provides significant activated frontage opportunities; this will well-serve patrons, residents, visitors, and retail owners. Landscaping is provided throughout the open space for shade, stormwater management, and as a colorful space for ornamental plantings. 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 significant recreation facilities provided on site for residents, including pools, a fitness room, and garden area. Residents also can use the nearby facilities of Battery Lane Urban Park. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Sector Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements, including reduced curb cuts and better lighting. The vehicular circulation design efficiently directs traffic into the parking and loading areas with minimal impacts to pedestrian circulation. This balance of design between site constraints, the recommendations of the Sector Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

The applicant has chosen not to provide all the parking normally required because the site is located in a PLD and is in close proximity to non-automobile transportation alternatives. The provision of fewer spaces will discourage single-occupancy automobile

use and assist in meeting the non-auto-driver mode share goal of the Bethesda Transportation Management District.

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

The proposed uses are similar to adjacent existing and proposed development that is, or will be, created at similar densities. The structures themselves are in scale with the nearby buildings per the recommendations and vision of the Sector Plan and are located such that they will not adversely impact existing or proposed adjacent uses.

As recommended in the Sector Plan, the mixed-use building fronting on Del Ray, Auburn, and Rugby Avenues, is proposed at a maximum height of 174 feet if the applicant provides 15% MPDUs and 143 feet if fewer MPDUs are provided. This is less than the confronting building to the south and, as discussed by the Sector Plan is necessary to accommodate more affordable housing in the area without adversely affecting neighboring sites. The commercial building is proposed at the typical CBD-1 height of 90 feet.

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 not subject to water resources protection but is subject to the forest conservation law, which will be satisfied through a payment for off-site planting.

The stormwater management concept includes meeting Environmental Site Design (ESD) to the Maximum Extent Practicable by the use of a green roof and micro-retention biofilters. This is supplemented with use of two proprietary biofilters to accommodate stormwater runoff from the streets. Due to onsite constraints the channel protection volume (CPV) portion of the ESDv cannot be provided. A waiver of Cpv is granted. Recharge is waived since this is redevelopment and since the majority of the site is currently covered by sidewalks, a building, and a garage.

RECOMMENDATION AND CONDITIONS

Project Plan

Approval of project plan 92009001A subject to the following conditions:

1. Previous Approval of Project Plan 92009001A

These conditions replace the previous conditions of approval in full.

2. Development Ceiling

The proposed development is limited to a maximum of 585,577 square feet of gross floor area for both buildings. The total residential floor area is limited to a maximum of 474,175 square feet of gross floor area if a minimum of 15% MPDUs are provided or 388,669 square feet of gross floor area if a minimum of 12.5% MPDUs are provided; the total commercial floor area in either case is limited to a maximum of 111,402 square feet of gross floor area.

3. Density Transfer

A density transfer of any commercial or residential gross floor area between the two created lots must be established and recorded per Section 59-C-6.2355(b) of the Zoning Ordinance.

4. Building Height and Mass

- a. Building massing must substantially conform to the project plan amendment drawings. Details of the building must be provided at site plan.
- b. Building heights for the mixed-use building fronting on Del Ray, Auburn, and Rugby Avenues are limited to a maximum of 174 feet if a minimum of 15% MPDUs are provided. If fewer than 15% MPDUs are provided, the building heights are limited to a maximum of 143 feet.
- c. The proposed development at the corner of Wisconsin Avenue and Battery Lane is limited to the building footprint as delineated in the project plan drawings submitted to MNCPPC dated May 13, 2009 unless modified at site plan review and to 90 feet in height from the approved building height measurement point, as determined by the Department of Permitting Services.

5. Public Use Space

Public use space may be distributed disproportionately on either site included in this project plan application provided that:

- a. The Applicant must provide a minimum of 20% of the combined net lot area for on-site public use space. The minimum percentage of additional improvements will be determined at site plan. 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 public art program and other features in general conformance with the illustrative landscape plan depicted in the staff report.

6. Staging of Amenity Features

- a. The proposed development may be completed in up to three phases. A detailed development program for each phase will be required prior to approval of the certified site plan.
- b. The Applicant must complete the on-site public use space improvements as delineated by the phasing plan prior to issuance of use-and-occupancy permits unless modified by the site plan development program.
- c. The Applicant must install any landscaping described in the phasing plan no later than the next growing season after completion of the building and site work in each phase.
- d. If the total amount of public use space approved with this application is not completed by the end of the approved preliminary plan validity period, the Applicant must pay a fee-in-lieu to the public amenity fund in an amount approved by the Planning Board.
- e. A significant amount of retail uses must be provided in all phases of the project with the final amount determined at site plan.
- f. Prior to approval of a site plan for either site included in this project plan application, the Planning Board must accept and approve a report explaining in detail the steps the Applicant took to retain the existing retail tenants. If the existing retail tenants are not retained, the report must explain why.

7. Environmental

The Applicant must achieve a LEED Silver rating, or other certification based on equivalent energy and environmental design standards, for both buildings unless the Planning Board finds at site plan review that this requirement may be waived in light of the final quantity and quality of the other amenities being provided and if the applicant can show that the expense required to achieve a Silver rating is unreasonably high.

8. Maintenance and Event Management Organization

Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another public entity.

9. Moderately Priced Dwelling Units and Workforce Housing

The Applicant must provide a minimum of 12.5% MPDUs as required by Chapter 25A and will not receive any density bonus; alternatively, the Applicant may provide a minimum of 15% MPDUs as required by Chapter 25A for a 22% density bonus. The Applicant could also choose to provide a number of MPDU's that falls between 12.5% and 15%, establishing the total number of units that would be allowed by using the sliding scale found in 25A. The final calculation of market rate units and MPDUs will be determined at site plan.

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

- a. The Applicant must obtain written approval from MCDOT for the final design and extent of any and all streetscape improvements within the rights-of-way.
- b. The Applicant must coordinate with the following agencies for any changes that are created by the conditions of this approval or the final site plan application: MCDOT, MCDPS, SHA, and the Montgomery County Planning Department.

Preliminary Plan

Approval of Preliminary Plan 12009014A pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions:

- 1) These conditions replace the previous conditions of approval for Preliminary Plan 120090140 in full.
- 2) Approval under this preliminary plan is limited to two lots for no more than 474,175 square feet of multi-family residential use, which must not comprise more than 455 dwelling units and which must include a minimum of 15% moderately priced dwelling units (MPDU); no more than 81,107 square feet of office uses; and no more than 30,295 square feet of retail uses. Alternatively, the Applicant may provide no more than 388,669 square feet of multi-family residential use, which must not comprise more than 366 dwelling units and which must include a minimum of 12.5% MPDUs; no more than 81,107 square feet of office uses; and no more than 30,295 square feet of retail uses.
- 3) The final number of MPDUs as per condition #2 above will be determined at the time of site plan.
- 4) The final approval of the number and location of buildings, dwelling units, commercial floor area, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 5) The Applicant must comply with the conditions of approval for Project Plan No. 920090010 and Project Plan No. 92009001A.
- 6) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 7) Prior to any land disturbing activity on the subject property, the applicant must pay a fee in lieu of planting to M-NCPPC for the required 0.43 acres of afforestation.
- 8) The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by

contributing \$11,300 for each trip for 13 new peak-hour trips for a total of \$146,900 prior to certification of the site plan. The \$146,900 should be use to fund the Montgomery County Department of Transportation's (MCDOT) Defense Base Closure and Realignment Commission (BRAC) bikepath project and, specifically, the completion of the North Bethesda Trail along Old Georgetown Road.

- 9) The Applicant must construct the following pedestrian improvements:
 - a. At the Rugby Avenue/Auburn Avenue intersection, realign the approach lanes on Auburn Avenue and shorten the north-south pedestrian crossing distance.
 - b. At the Rugby Avenue/ Del Ray Avenue intersection, provide a pedestrian crosswalk across Rugby Avenue at the eastern intersection leg.These improvements must be under permit and bond with MCDPS prior to release of any building permit for phase 1B.
- 10) Prior to certification of the Preliminary Plan, the Preliminary Plan drawing must be revised to show the 749-square-foot area of right-of-way dedication for Del Ray Avenue and the 426-square-foot area of right-of-way dedication for Wisconsin Avenue.
- 11) The Applicant must dedicate and the record plat must show dedication of 426 square feet of right-of-way along the property frontage for Wisconsin Avenue and 749 square feet of right-of-way along the property frontage for Del Ray Avenue, as will be shown on the certified Preliminary Plan.
- 12) The Applicant must construct all road and sidewalk improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
- 13) The record plat must include a note referencing that the site contains public use spaces, as approved by the site plan.
- 14) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated April 1, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 15) The Applicant must comply with the conditions of the MCDOT letter dated April 1, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 16) The Applicant must comply with the conditions of the two MDSHA letters dated June 11, 2009. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 17) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and as required by MDSHA prior to issuance of access permits.
- 18) Before any residential building permit can be issued, the Applicant must make the applicable school facilities payment to MCDPS.
- 19) No clearing, grading or recording of plats prior to certified site plan approval.
- 20) The record plat must show necessary easements.
- 21) The certified preliminary plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the site plan process. Please refer to the zoning data

table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

- 22) For the proposed commercial office/retail building on Wisconsin Avenue, the Applicant must enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the Bethesda Transportation Management District (TMD). The Traffic Mitigation Agreement must be fully executed prior to approval of a certified site plan.
- 23) For both the commercial site and the residential site, the Applicant must provide inverted-U bike racks near the main entrance of each proposed building and secure bike storage in the garage near the elevator in a well-lit area. The number of bike racks and size of secure bike storage and their ultimate locations will be determined at site plan review.
- 24) The Adequate Public Facility (APF) review for Phases 1A and 1B of the preliminary plan will remain valid until October 11, 2018. The APF review for Phase 2 of the preliminary plan will remain valid until October 11, 2021. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed.

Site Plan

Approval of site plan 820110020, Woodmont Central, for a maximum of 585,577sf of commercial and residential development on 2.59 gross acres. All site development elements shown on the site and landscape plans stamped by the M-NCPPC on March 29, 2011 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 92009001A as listed in the Planning Board Resolution.
2. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for preliminary plan 12009014A as listed in the Planning Board Resolution. 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 final forest conservation plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

Parks, Open Space, & Recreation

4. Recreation Facilities
 - a. The Applicant must provide at least the following recreation facilities: 6 picnic/sitting areas, 2 swimming pools, 2 indoor community spaces, and 1 indoor fitness facility.
 - b. The indoor facilities must satisfy the area requirements specified in the M-NCPPC Recreation Guidelines.
5. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscaping, paving, benches, trash containers, water features, and art works.

Density & Housing

6. Moderately Priced Dwelling Units (MPDUs)

The proposed development must provide one of the two following options, either of which requires an Agreement to Build with the Department of Housing and Community Affairs:

 - a. The Applicant may provide at least 12.5% MPDUs subject to the provisions of Chapter 25A for no density bonus as enumerated in the data table in the Planning Board Resolution for this site plan, or
 - b. The Applicant may provide at least 15% MPDUs subject to the provisions of Chapter 25A for a 22% density bonus as enumerated in the data table in the Planning Board Resolution for this site plan.
 - c. In either case, occupancy of all MPDU units shall be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for Moderately Priced Dwelling Units and any regulations duly adopted thereunder as such Article or regulations may be amended from time to time.
 - d. The Applicant must execute an Agreement to Build with the Department of Housing and Community Affairs prior to the release of any residential building permits.

Miscellaneous

7. Public Art
 - a. The Applicant must provide a final public art program integrated with the through-block plaza design for the property fronted by Del Ray, Rugby, and Auburn Avenues.
 - b. The area subject to this final design must be denoted on the certified site plan with explanatory notes and illustrations as required by Staff and will be subject to MNCPPC inspection and approval.
8. Landscape Surety

The Applicant must provide a performance bond in accordance with Section 59-D-3.5(d)

of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety must include plant material, on-site lighting, recreational facilities, and site furniture within the relevant phase of development. Surety to be posted prior to issuance of first building permit within each relevant phase of development and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c. Completion of plantings by phase to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

9. Density Transfer

The office space occupied by Miller and Long may be retained and occupied for no longer than 12 months after a use-and-occupancy permit is granted for Phase 1A of this application, being the office building on the corner of Wisconsin Avenue and Battery Lane. A further detailed schedule of a density transfer between each site must be:

- a. Established, transferred, and attached to each property per the requirements of Section 59-C-6.2355(b); and
- b. Approved by the Planning Board prior to the release any building permits.

10. 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. Building demolition and public use space construction;
- b. 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.
- c. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, art work, and bicycle facilities must be installed prior to release of any building occupancy permit per phase.
- d. 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.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

11. Certified Site Plan

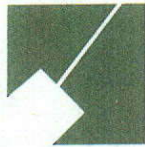
Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between site plan and landscape plan.
- e. Delineate area subject to Art Review Panel comment and MNCPPC inspection and approval.
- f. Minor modifications and clarifications to conform to these conditions of approval.

APPENDICES

- A. Project Plan Resolution
- B. Preliminary Plan Resolution
- C. Agency Letters
- D. Retail Survey

SEP 16 2009



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

MCPB No. 09-117
Project Plan No. 920090010
Woodmont Central
Date of Hearing: June 25, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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 January 22, 2009, Donohoe Development Company ("Applicant"), filed an application for approval of a project plan for the creation of two lots for 453,109 square feet of multiple family residential use with up to 457 dwelling units, 81,107 square feet of office use, and 19,556 square feet of retail use ("Project Plan"), on 48,966 square feet of CBD-R2 zoned land at the intersection of Rugby Lane and Del Rey Avenues and 19,122 square feet of CBD-1 zoned land at the intersection of Wisconsin Avenue and Battery Lane, ("Properties" or "Subject Properties"); and

WHEREAS, the Applicant's project plan application was designated Project Plan Number 920090010, Woodmont Central (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated June 15, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on June 25, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to
 Legal Sufficiency:


 M-NCPPC Legal Department

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

WHEREAS, on June 25, 2009, the Planning Board approved the Application subject to conditions, on the motion of Commissioner Robinson, seconded by Commissioner Cryor, with a vote of 3-2, Commissioners Cryor, Hanson, and Robinson voting in favor, Commissioners Alfandre and Presley voting in opposition.

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 number 920090010 for the creation of two lots for 453,109 square feet of multiple family residential use with up to 457 dwelling units, 81,107 square feet of office use, and 19,556 square feet of retail use on 48,966 square feet of CBD-R2 zoned land and 19,122 square feet of CBD-1 zoned land, subject to the following conditions:

1. Development Ceiling

The proposed development is limited to a maximum of 553,772 square feet of gross floor area for both buildings. The total residential floor area is limited to a maximum of 453,109 square feet of gross floor area; the total commercial floor area is limited to a maximum of 100,663 square feet.

2. Density Transfer

A density transfer of any commercial or residential gross floor area between the two created lots must be established and recorded per Section 59-C-6.2355(b) of the Zoning Ordinance.

3. Building Height and Mass

- a. The building footprint on the site at the corner of Rugby Avenue and Del Ray Avenue (Phases 1b and 2 on the project plan) must be revised such that the first floor is within ten feet of the property line for a minimum of three-quarters of the property line along Auburn Avenue, Rugby Avenue, and Del Ray Avenue. The apex of the intersection of Rugby Avenue and Del Ray Avenue should be occupied by the building, not open space. Details of the building must be provided at site plan.
- b. A majority of the first floor building frontage along the street rights-of-way on the site at the corner of Rugby Avenue and Del Ray Avenue must provide retail storefronts and entrances.
- c. A minimum ten-foot podium setback must be provided along the Del Ray Avenue frontage within 55 feet of height measured from the sidewalk grade.
- d. The building at the corner of Rugby Avenue and Del Ray Avenue is limited to a maximum height of 190 feet, exclusive of mechanical equipment and uses

incidental to the residential uses on site under the provisions of Section 59-B-1.1.

- e. The proposed development at the corner of Wisconsin Avenue and Battery Lane is limited to the building footprint as delineated in the project plan drawings submitted to MNCPPC dated May 13, 2009 unless modified at site plan review and to 90 feet in height from the approved building height measurement point, as determined by the Department of Permitting Services.
- f. Deviations from the above conditions (3a through 3e) can be made at the time of site plan approval without the need to modify the Project Plan if the Planning Board finds that the intents of these conditions - a pedestrian scaled environment along Del Ray Avenue and an active street front along Del Ray, Rugby, and Auburn Avenues - is met by an alternative design.

4. Public Use Space

Public use space may be distributed disproportionately on either site included in this project plan application provided that:

- a. The Applicant must provide a minimum of 20% of the combined net lot area for on-site public use space. The minimum percentage of additional improvements will be determined at site plan in concert with the revised building design per condition 3. If the revised building design reduces the amount of public use space below the 20%, the Applicant may elect to utilize the public amenity fund to satisfy their public use space requirements. 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 public art program and other features in general conformance with the illustrative landscape plan depicted in the staff report.
- d. The Applicant must present the plaza design and public artwork to the art review panel for comment prior to approval of the site plan.

5. Staging of Amenity Features

- a. The proposed development may be completed in up to three phases. A detailed development program for each phase will be required prior to approval of the certified site plan.
- b. The Applicant must complete the on-site public use space improvements as delineated by the phasing plan prior to issuance of use-and-occupancy permits unless modified by the site plan development program.
- c. The Applicant must install any landscaping described in the phasing plan no later than the next growing season after completion of the building and site work in each phase.
- d. If the required public use space is not completed by the end of the approved preliminary plan adequate public facilities finding, the Applicant must pay a

fee-in-lieu to the public amenity fund in an amount approved by the Planning Board.

- e. Retail uses must be provided in all phases of the project plan.
- f. As part of the site plan application, the Applicant must include a report satisfactory to the Planning Board explaining in detail the steps the Applicant took to retain the existing retail tenants. If the existing retail tenants are not retained, the report must explain why.

6. Environmental

The Applicant must achieve a LEED Silver rating, or other certification based on equivalent energy and environmental design standards, for both buildings unless the Planning Board finds at site plan review that this requirement may be waived in light of the final quantity, quality, and expense of the other amenities provided by the Applicant.

7. Maintenance and Event Management Organization

Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another public entity.

8. Moderately Priced Dwelling Units and Workforce Housing

The Applicant must construct 15% of the residential units as MPDUs to receive a 22% density bonus and 10% workforce housing units as required by Chapters 25A and 25B. The final calculation of market rate units, MPDUs, and workforce housing units will be determined at site plan.

9. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan Approval

- a. The Applicant must obtain written approval from MCDOT for the final design and extent of any and all streetscape improvements within the rights-of-way.
- b. The Applicant must coordinate with the following agencies for any changes that are created by the conditions of this approval or the final site plan application: MCDOT, MCDPS, SHA, and the Montgomery County Planning Department.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference except as modified 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.*

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."*

With respect to density, the Sector Plan Amendment recommends allowing the FAR permitted by the optional method of the zone, when a mix of uses is provided. Further, the Plan recommends that non-residential FAR in this area be capped at 1 FAR. This project meets these recommendations.

Building height recommendations are indicated on page 22 of the Sector Plan Amendment. With the proviso that additional height be allowed to accommodate workforce housing, this project meets the recommended height limits of the Plan.

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

The Woodmont Triangle Sector Plan Amendment recommendations vis-à-vis the type of development desired in the Woodmont Triangle Area are to develop sites with a range of residential uses and limited small-scale retail. The proposed development will achieve the recommended density with a range of unit types and MPDUs and workforce housing. And, as conditioned, the site will allow for existing and new small businesses to prosper in the area. This mix of uses will enhance the viability of this area as a place to work, shop, and live.

- (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 proposed development of the site on the corner of Wisconsin Avenue and Battery Lane will enhance pedestrian, bicycle, and vehicular circulation by

providing sidewalk improvements, bike facilities, and reducing curb cuts on these busy streets. The layout of retail doors and lobbies will effectively direct pedestrians into and around the site. The relationship of the proposed building to existing buildings is typical and appropriate for a central business district.

The proposed development of the site at the intersection of Rugby Avenue and Del Ray Avenue will, given the conditions of approval, provide a better relationship between individual buildings and provide a legible streetscape for pedestrians and cyclists. The removal of the driveway between Rugby Avenue and Del Ray Avenue will create a simple and safe vehicular pattern.

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

The proposed development is between $\frac{1}{2}$ and $\frac{3}{4}$ miles from Metro and directly on local bus routes. It is a local and regional imperative that infill development is provided at such sites as an alternative to suburban sprawl. As conditioned, the location and accessibility of the proposed development to the local transit system is an excellent realization of the Sector Plan transit and sustainability goals, for example the provision of jobs and housing within walking distance of the Metro and shopping areas.

(5) "To improve pedestrian and vehicular circulation."

On both sites, vehicular circulation around the site will generally be improved by the decrease in curb cuts, the consolidation of loading and garage access, and the addition of parallel parking spaces (in the case of the site on Rugby and Del Ray). The pedestrian environment provides numerous enhancements to help realize the potential of these sites. These include streetscape upgrades and, as conditioned, open spaces focused on active areas with retail and leisure opportunities. The mid-block connection provides potential for the adjacent properties to turn this into a welcoming area for additional shops and restaurants.

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

The proposed development provides a unit mix of studio apartments and one- and two-bedroom units. A proportional mix of these will be MPDUs and workforce housing units. This range provides a good housing variety for this area.

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

In the case of the development on Rugby Avenue and Del Ray Avenue, the application proposes to consolidate over a dozen small lots and parts of lots into one lot. This will allow for the flexibility in building footprint and open space and can better respond to the site constraints and Sector Plan goals. The site on the corner of Wisconsin Avenue and Battery Lane is reconfiguring an existing lot.

Further Intentions of the CBD-1 and CBD-R2 Zones

Section 59-C-6.213 of the Zoning Ordinance states:

a) *In the CBD-0.5, CBD-R1, and CBD-1 zones it is further the intent:*

1. *To foster and promote the orderly development of the fringes of the CBDs of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*
2. *To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.*

The development of the CBD-1 site proposes an FAR of 2.82, which is below the development standard, and a maximum height of 90 feet. All adjacent and confronting properties are similarly zoned and have the same or similar Sector Plan Amendment recommended limits on density and height. The small retail bays on this property will encourage small businesses; there are no residential uses on this site.

b) *In the CBD-R1, CBD-R2, CBD-2, and CBD-3 zones it is further the intent to foster and promote the orderly development of the CBDs of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.*

The development of the CBD-R2 site proposes up to 457 residential units and approximately 9,600 square feet of retail space. This building has a total gross floor area of approximately 462,000 square feet. This property tax base enhances the economic status of the county and provides a range of living opportunities. As conditioned, the retail base will expand at this site providing more employment opportunities, and the built form and open space will provide a desirable urban environment.

Requirements of the CBD-1 and CBD-R2 Zone

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

Development Standard	CBD-1	CBD-R2	Approved and Binding on the Applicant
	Permitted/ Required	Permitted/ Required	
Building Height (feet)	90	200	90/190
Setbacks (feet)			
To any Property Line	0	0	0
Site Area (square feet)			
Net Tract Area	n/a	n/a	68,088
Dedications	n/a	n/a	32,575
Gross Tract Area	18,000	18,000	100,663
Density			
Floor Area Ratio	3.0	5.0	5.5
Public Use Space (% of net lot)			
On-Site Public Use Space	20	20	20
Off-Site Amenity Space	n/a	n/a	32
Total Public Use & Amenity Space	20	20	52

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

To this end, the proposed development is proffering the following package of amenities and public facilities:

Amenities and Facilities Summary

On-Site Public Use Space Improvements

- Sidewalks
- Art
- Plaza with Focal Feature
- LEED Standards
- Mid-block Pedestrian Connection
- Seating & Landscaping

Off-Site Amenity Improvements

- Sidewalks

In lieu of the entire on-site open space area proposed with this Application, other amenities concentrating on the environmental sustainability of the residential building, the expansion of retail space, and a focus on retaining local businesses must be provided with the site plan.

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

Zoning and Land Use

The subject property is zoned CBD-1 and CBD-R2, which is recommended by the Sector Plan Amendment. All proposed uses are allowed in these zones and the proposed development is in keeping with the general guidelines to provide housing and limited commercial uses. Specifically, the Sector Plan recommends diverse housing opportunities, which this plan provides and a maximum FAR of 1 for commercial uses, which this plan also provides. The proposed uses are appropriate for the subject site and conform to the Sector Plan and Sector Plan Amendment.

Sector Plan Conformance

The Approved and Adopted Bethesda CBD Sector Plan is organized around several goals that the Project satisfies, if modified per the conditions regarding the building footprint, retail frontage, and massing of the building and open space:

- 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;
and

- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

(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.*

Because of its proximity to transit, the location is optimal for as much intensity of use and density as are found to be compatible with the context, i.e., the proposed development must be designed so as not to adversely affect adjacent buildings and uses. To this end, the architecture and open space of the site on Wisconsin Avenue and Battery Lane have been designed as a continuation of the existing street walls, and at heights similar to surrounding uses. The density is below that allowed in the zone and is an appropriate intensity. It is recommended that the residential building on Rugby and Del Ray avenues be modified regarding the design of its footprint and massing to be more compatible with the surrounding streets. But the location and intensity of the uses are compatible. The staging of this building and open space, however, should be conditioned to provide some retail in each phase and provide a payment in-lieu if the entire approved open space improvements are not completed within the time frame allocated by the adequate public facility findings.

The operational characteristics of each site will improve the road and sidewalk network because of the reduction of curb cuts and consolidation of loading, parking, and drop-off areas.

(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.*

A draft traffic management agreement has been submitted by the Applicant and will be finalized during the site plan review process. Other public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to preliminary plan approval. After much discussion and one dissenting vote regarding the capacity of existing public services, the Board finds that the proposal will not overburden existing public services.

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

A standard method project would only allow a density of 3 FAR on these combined sites. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density at transit hubs is a core value of smart growth and given the number and quality of public amenities being provided or required by condition of approval, this optional method project is more desirable and more efficient for this particular site.

- (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 will provide 15% MPDUs as required by Chapter 25A for a 22% density bonus. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review. This project is also providing 10% workforce housing units.

- (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 6.2355, the Project Plan may be approved by the Planning Board based on the following findings:*

The proposed development will create two non-contiguous lots and transfer density between each. The combined lot area exceeds the minimum 18,000 square feet. The project plan complies with the approval requirements of Section 59-D-2.42(g): the project will result in an overall land use configuration that is significantly superior in meeting the goals of the applicable master or sector plan and the zone than what would be achieved without the proposed transfer. Although discussion of this topic lead to a dissenting vote by one member, the Board finds that the proposed optional method development, as conditioned, will be more efficient and desirable than would have been accomplished by a standard method development on this site. It meets these goals by:

- Consolidating public use space,
- Providing more affordable housing,
- Providing more significant amenities, and
- Focusing growth near a transit center.

The proposed development also meets the following provisions:

- The density transfer is measured in terms of gross square feet of development;
- The lots that receive a density transfer do not abut or confront one-family residential zones;

- The development capacity of the combined lots does not exceed the total development capacity otherwise permitted on the separate lots under the optional method of development procedure or any density limit recommended in a master or sector plan; and
- Public use space is provided based on the total area of the lots and is located on-site.

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

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. There is no forest on-site or significant/specimen trees. The site has a forest conservation requirement of 0.26 acres of afforestation. The Applicant is proposing to meet the planting requirement through an in-lieu fee payment.

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

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept for the Commercial site on May 21, 2009. The stormwater management concept includes water quality control using a stormfilter. Onsite recharge is not required because this is a redevelopment project. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

The MCDPS Stormwater Management Section approved the stormwater management concept for the Residential site on June 11, 2009. The stormwater management concept includes water quality control using a flow-based proprietary filter and 1,000 square feet of green roof. Onsite recharge is not required because this is a redevelopment project. A waiver of on-site channel protection is granted because the site is less than two acres in area in a CBD zone and the amount of imperviousness will not increase.

BE IT FURTHER RESOLVED, that all elements of the plans for Project Plan number 920090010, Woodmont Central date stamped May 13, 2009 are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; 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 SEP 16 2009
(which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Alfandre, Presley, and Wells-Harley voting in favor of the motion, and with Commissioner Cryor absent, at its regular meeting held on Thursday, September 10, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board



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

SEP 11 2009

MCPB No. 09-74
Preliminary Plan No. 120090140
Woodmont Central
Date of Hearing: June 25, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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 January 22, 2009, Donohoe Development Company ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 1.56 acres of land located on two sites, one in the southwest quadrant of the intersection of Battery Lane and Wisconsin Avenue and the other in the southwest quadrant of the intersection of Rugby Avenue and Del Ray Avenue ("Property" or "Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan area ("Sector Plan"); and

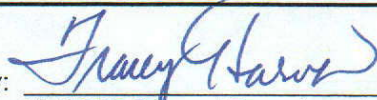
WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120090140, Woodmont Central ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 15, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on June 25, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, on June 25, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Hanson; with a vote of 3-2, Commissioners Cryor, Hanson, and Robinson voting in favor; Commissioners Alfandre and Presley voting in opposition.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 20090140 to create two lots on 1.56 acres of land located on two sites, one in the southwest quadrant of the intersection of Battery Lane and Wisconsin Avenue and the other in the southwest quadrant of the intersection of Rugby Avenue and Del Ray Avenue ("Property" or "Subject Property"), in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan area ("Sector Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to two lots for no more than 453,109 square feet of multiple-family residential use, which must not comprise more than 457 dwelling units and which must include a minimum of 15% MPDUs and 10% workforce housing; no more than 81,107 square feet of office uses, and no more than 19,556 square feet of retail uses.
- 2) The final number of MPDUs and workforce housing as per condition #1 above will be determined at the time of site plan.
- 3) The final approval of the number and location of buildings, dwelling units, commercial floor area, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 4) The Applicant must comply with the conditions of approval for Project Plan No. 920090010.
- 5) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 6) The Applicant must satisfy the Policy Area Mobility Review (PAMR) test for both sites by contributing \$11,000 for each trip for 29 new peak-hour trips for a total of \$319,000 towards the MCDOT's Defense Base Closure and Realignment Commission (BRAC) bike path project prior to approval of a certified site plan.
- 7) For the proposed commercial office/retail building on Wisconsin Avenue, the Applicant must enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the Bethesda Transportation Management District (TMD). The Traffic Mitigation Agreement must be fully executed prior to approval of a certified site plan.
- 8) For both the commercial site and the residential site, the Applicant must provide inverted-U bike racks near the main entrance of each proposed building and secure bike lockers in the garage near the elevator in a well-lit area. The number of

bike racks and size of secure bike lockers and their ultimate locations will be determined at site plan review.

- 9) Prior to certification of the Preliminary Plan, the Preliminary Plan drawing must be revised to show the 749-square-foot area of right-of-way dedication for Del Ray Avenue.
- 10) The Applicant must dedicate and the record plat must show dedication of 426 square feet of right-of-way along the Property frontage for Wisconsin Avenue and 749 square feet of right-of-way along the Property frontage for Del Ray Avenue, as will be shown on the certified Preliminary Plan.
- 11) The Applicant must construct all road and sidewalk improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
- 12) The record plat must include a note referencing that the site contains public use spaces, as approved by the site plan.
- 13) The Applicant must comply with the conditions of the MCDPS stormwater management approvals dated May 21, 2009, and June 11, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 14) The Applicant must comply with the conditions of the MCDOT letter dated June 10, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 15) The Applicant must comply with the conditions of the two MDSHA letters dated June 11, 2009. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 16) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and as required by MDSHA prior to issuance of access permits.
- 17) Before any residential building permit can be issued, the Applicant must make the applicable school facilities payment to MCDPS.
- 18) No clearing, grading or recording of plats prior to certified site plan approval.
- 19) The record plat must show necessary easements.
- 20) The Adequate Public Facility (APF) review for Phases 1A and 1B of the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution. The APF review for Phase 2 of the Preliminary Plan will remain valid for one-hundred and twenty-one (121) months from the date of mailing of the Planning Board resolution.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, except as modified herein, 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 Woodmont Triangle Amendment to the Bethesda CBD Sector Plan focuses on promoting transit-oriented development, providing a range of housing opportunities, establishing mixed use development, and retaining small scale retail establishments. The Woodmont Central project substantially conforms to the transit-oriented development and housing objectives of the plan. This project will supply diverse housing options to the Woodmont Triangle area by providing market-rate, MPDUs, and workforce housing units. The housing, retail, and office uses in the project will contribute to the mixture of land uses in the area.

The Sector Plan includes a goal of retail preservation. One local business, Miller and Long, will move into the proposed office building. Two businesses, the Washington School of Photography and Jerry's Music Exchange, however, may be adversely affected by the project. After its housing options goal, the second major goal of the Woodmont Triangle Amendment is to "provide opportunities to retain existing businesses and expand opportunities for new businesses." The Sector Plan's intent to achieve this goal is supported by its providing the density transfer option. "In order to encourage retention of existing small-scale retail incentives are needed to encourage businesses to remain. Density transfer between properties is one way to achieve that goal." The Sector Plan clearly intended to create an environment in the Woodmont Triangle where the existing small-scale retail establishments would have the option to remain in the area and not be forced out of the area due to new development.

But, according to the justification statement included in the Application, local retail businesses in the area will be encouraged to move into the first floor of the proposed buildings. The Applicant states that it will work with the local businesses, "...to encourage a smooth transition to retail space in the new building."

The Woodmont Central project provides benefits to the community, and, with the project plan conditions that require the Applicant to increase the amount of retail floor area in the residential building and to provide the Planning Board with a detailed strategy on how the Applicant will retain existing retail businesses, the Planning Board finds that the Preliminary Plan is in substantial conformance with the Sector Plan.

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

Roads and Transportation Facilities

The Subject Property consists of two non-contiguous sites: The commercial site on Wisconsin Avenue (Phase 1A of the project) and the residential site on Rugby Avenue (Phases 1B and 2 of the project). The two sites were analyzed separately for traffic purposes, because each site has its own unique traffic patterns. Although the traffic study analyzed a larger project (containing more floor area) than what is proposed by the Preliminary Plan and Project Plan, the proposed traffic mitigation is based on the floor area of the actual proposal, and not the larger floor area analyzed by the traffic study.

Commercial Site (Phase 1A):

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). As commercial development with 25 or more employees, the Applicant is required to enter into a Traffic Mitigation Agreement with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda Transportation Management District (TMD) to assist in achieving the 37% non-auto-driver mode share goal for employees working in Bethesda CBD.

Local Area Transportation Review

In accordance with the Local Area Transportation Review and Policy Area Mobility Review Guidelines, a traffic study was submitted to satisfy Local Area Transportation Review (LATR) because the proposed land uses generate 30 or more peak-hour trips within the weekday morning and evening peak periods. The traffic study was prepared before the Applicant finalized its plan design and analyzed 6,298 more square feet of office/retail space that resulted in 10 more peak-hour trips.

According to the traffic study, all of the CLV values are less than the 1,800 congestion standard for the Bethesda CBD Policy Area at all the analyzed intersections in all traffic conditions and, thus, LATR is satisfied.

Policy Area Mobility Review

Under the current Growth Policy, the Policy Area Mobility Review (PAMR) test requires the Applicant to mitigate 30% of the net new peak-hour trips generated by the proposed land uses within the weekday morning and evening peak periods. A site located in proximity to a Metrorail Station and in the Bethesda CBD has an inherent PAMR trip reduction credit because transit service is much better than in other parts of the County. The resultant trip

reduction is the difference between the vehicular peak-hour trips calculated using the higher county-wide trip generation rates and the trips calculated using the lower Bethesda CBD rates.

The traffic study shows that 14 of the 27 new peak-hour trips within the weekday morning peak period can be satisfied for PAMR simply by being located in the Bethesda CBD Policy Area with nearby Metrorail service. However, the remaining 13 new peak-hour trips must be mitigated by the Applicant making a monetary contribution of \$11,000 per PAMR trip to MCDOT's Defense BRAC bike path project prior to certification of the site plan.

Residential Site (Phases 1B and 2):
Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). As residential development with small-scaled business, the Applicant is not required to enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) to assist in achieving the non-auto-driver mode share goal in Bethesda CBD.

Local Area Transportation Review

In accordance with the Local Area Transportation Review and Policy Area Mobility Review Guidelines, a traffic study was submitted to satisfy Local Area Transportation Review (LATR) because the proposed land uses generate 30 or more peak-hour trips within the weekday morning and evening peak periods. The traffic study was prepared before the Applicant finalized their plan design and analyzed 13 more apartment units or a total of 470 units that resulted in 8 more peak-hour trips.

According to the traffic study all of the CLV values are less than the 1,800 congestion standard for the Bethesda CBD Policy Area at all the analyzed intersections in all traffic conditions and, thus, LATR is satisfied.

Policy Area Mobility Review

Under the current Growth Policy, the Policy Area Mobility Review (PAMR) test requires the Applicant to mitigate 30% of the net new peak-hour trips generated by the proposed land uses within the weekday morning and evening peak periods. A site located in proximity to two Metrorail Stations and in the Bethesda CBD has an inherent PAMR trip reduction credit because transit service is much better than in other parts of the County. The resultant trip

reduction is the difference between the vehicular peak-hour trips calculated using the higher County-wide trip generation rates and the trips calculated using the lower Bethesda CBD rates.

Eleven of the 27 new peak-hour trips within the weekday morning peak period can be satisfied for PAMR simply by being located in the Bethesda CBD Policy Area with nearby Metrorail service. However, the remaining 16 new peak-hour trips must be mitigated by the Applicant making a monetary contribution of \$11,000 per PAMR trip to MCDOT's Defense Base Closure and Realignment Commission (BRAC) bike path project prior to certification of the site plan.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The properties 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 properties have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. Under the test in effect until July 1, 2009, the Application is not within a school moratorium area, but a school facilities payment must be made prior to issuance of residential building permits. Electrical, gas, and telecommunications services are also available to serve the properties.

- 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, the 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 lots were reviewed for compliance with the dimensional requirements for the CBD-1 and CBD-R2 zones as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in those zones. 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 Subject Property contains no streams, wetlands, floodplain, forest or other environmentally sensitive areas. However, the project is subject to the requirements of the Forest Conservation Law. Accordingly, the project must fulfill a 0.26-acre afforestation requirement. The Applicant is proposing to meet the planting requirement through an in-lieu fee payment.

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 Commercial site on May 21, 2009. The stormwater management concept includes water quality control using a stormfilter. Onsite recharge is not required because this is a redevelopment project. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

The MCDPS Stormwater Management Section approved the stormwater management concept for the Residential site on June 11, 2009. The stormwater management concept includes water quality control using a flow-based proprietary filter and 1,000 square feet of green roof. Onsite recharge is not required because this is a redevelopment project. A waiver of on-site channel protection is granted because the site is less than two acres in area in a CBD zone and the amount of imperviousness will not increase.

6. *Nonstandard truncation is appropriate for the intersection of Wisconsin Avenue and Battery Lane.*

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

In this case, the Applicant is proposing to provide an approximately 25-foot, arced truncation for the commercial site at the intersection of Battery Lane with Wisconsin Avenue. Full truncation at this intersection is not necessary because adequate sight distance exists. The intersection is signalized, which further enhances its safety and removes the concern that there is not sufficient

space within the right-of-way to place traffic signal equipment. Providing full truncation would negatively impact the design of the proposed public use space at the intersection and the relationship of the proposed building to the public street. The Maryland State Highway Administration and Montgomery County Department of Transportation have no objection to approval of the Preliminary Plan without full truncation. For these reasons, the Planning Board finds that the proposed truncation in this location is appropriate at this intersection.

7. *The Adequate Public Facilities Review Period is Extended from 85 Months to 121 Months for Phase 2 of the Preliminary Plan.*

Because of the complex nature of the project inherent in there being two separate development sites, the Applicant has requested a longer than standard APF validity period. The Applicant has divided the project into three phases. Phase 1A encompasses the commercial development at the Commercial site located in the southwest quadrant of the intersection of Wisconsin Avenue and Battery Lane, Phase 1B encompasses a portion of the residential and retail development at the Residential site located in the southwest quadrant of the intersection of Rugby Avenue and Del Ray Avenue, and Phase 2 encompasses the remaining residential and retail development at the Residential site. The Planning Board agrees with the Applicant that an extension of the adequate public facilities review period is warranted and grants an APF validity period of 85 months for Phases 1A and 1B and 121 months for Phase 2.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

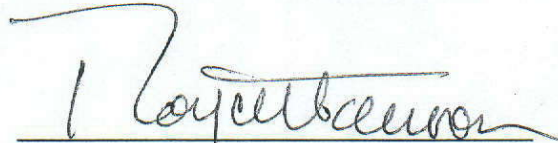
BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 11 2009 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Alfandre, Presley, and Wells-Harley voting in favor of the motion, and with Commissioner Cryor absent, at its regular meeting held on Thursday, September 10, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

April 1, 2011

Arthur Holmes, Jr.
Director

Ms. Rose Krasnow, Chief, Area One
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Project Plan No. 92009001A
Preliminary Plan No. 12009014A,
Woodmont Central, Phases 1A, 1B & 2

Dear Ms. Krasnow:

We have completed our review of the amended project and preliminary plans for this site. The amended preliminary plan was signed and sealed on January 25, 2011. These plans were reviewed by the Development Review Committee at its meeting on February 28, 2011. These comments are being provided in concert with those being provided by Montgomery County Department of Permitting Services/Right of Way Plan Review Section on the concurrent Site Plan. 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 MCDPS 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. The comments contained in our June 10, 2009 letter for the original preliminary plan remain applicable unless modified below.
2. The plan proposes creation of a new drop-off area on Auburn Avenue near its intersection with Rugby Avenue. In our previous letter for this project, we had conditionally agreed to allow a drop-off area for two passenger vehicles on Rugby Avenue; we will continue to honor that agreement. However, we will not allow additional on-street parking spaces to be removed within the Parking Lot District for the creation of drop-off areas. Furthermore, any agency request to remove existing on-street parking will not be considered by our Department without acceptable documentation and justification. The Point of Contact in our Department for the use of public parking spaces within the Parking Lot District is the Division of Parking Management.

Division of Traffic Engineering and Operations

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



Ms. Rose Krasnow
Project Plan No. 92009001A,
Preliminary Plan No. 12009014A
Woodmont Central, Phases 1A, 1B & 2
April 1, 2011
Page 2

3. The updated sight distances studies (3 pages) have been accepted. A copy of the latest accepted Sight Distances Evaluation certification forms are enclosed for your information and reference.
4. The applicant will need to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and this department. We recommend this agreement be executed prior to issuance of the first building permit for the project. The Point of Contact in our Department for the programmatic elements of the TMAg is the Division of Transit Services. Major elements of the TMA trip mitigation program can be expected to include:
 - Participate in the Traffic Mitigation Organization.
 - Provide on-site transportation coordinator/distribute trip info
 - Secure, weatherproof bike storage area
 - Pay the TMO fee as required
 - Emergency transportation
 - Car sharing spaces on-site
 - Car/vanpool spaces
 - Electric car charging spaces
 - Guaranteed Ride Home program
 - Live Near Work incentives
5. 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.
6. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
7. Trees in the County rights of way – spacing and species to be in accordance with the applicable DOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, the Manager of the Division of Highway Services, Tree Maintenance Unit at (240) 777-7651.
8. We are still awaiting submission of the amended Traffic Impact Study.
9. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

Ms. Rose Krasnow
Project Plan No. 92009001A,
Preliminary Plan No. 12009014A
Woodmont Central, Phases 1A, 1B & 2
April 1, 2011
Page 3

- A. Bethesda Central Business District streetscaping including: paving, curbs and gutters, sidewalks and handicap ramps, enclosed storm drainage and appurtenances, streetlights, and amended soil panels and street trees along Battery Lane, Auburn Avenue, Rugby Avenue and Del Ray Avenue site frontages.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project, at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/subd/DCA/12009014A, Woodmont Central, gml revs.doc

Enclosures (3)

cc: James Donohoe IV; Donohoe Development Co.
Pete Gartlan; Donohoe Development Co.
Amy Quant; Loiederman Soltesz Associates, Inc.
Emily Vaias; Linowes & Blocher, LLP
Cathy Conlon; M-NCPPC RC
Neil Braunstein; M-NCPPC Area 1
Josh Sloan; M-NCPPC Area 1
Cherian Eapen; M-NCPPC Area 1
Raymond Burns; MSHA EAPD

cc-e: Sarah Navid; MCDPS RWPR
Atiq Panjshiri; MCDPS RWPR
Henry Emery; MCDPS RWPR
Marie LaBaw; MCFRS
Rick Siebert; MCDOT DPM
Sandra Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Bruce Mangum; MCDOT DTEO
Fred Lees; MCDOT DTEO
Jean Gries; MCDOT DTEO
Joe Pospisil; MCDOT DTEO
David Adams; MCDOT DTEO



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

April 1, 2011

Amy Quant
Loiederman Soltesz Assoc., Inc.
2 Research Place, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for 2nd Revision to Woodmont Central Phase 1B
& 2
Preliminary Plan #: 12009014A
SM File #: 234654
Tract Size/Zone: 1.06
Total Concept Area: 1.06 Ac./CBD-1
Lots/Block: Pts Lots 388 & 389
Watershed: Lower Rock Creek

Dear Ms. Quant:

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 meeting Environmental Site Design to the Maximum Extent Practicable by the use of a green roof and micro biofilters. This is supplemented with use of two proprietary biofilters for work in the right-of-way. Due to onsite constraints the channel protection volume portion of the ESDv cannot be provided. A waiver of Cpv is granted. Recharge is waived since this is redevelopment and since the majority of the site is covered by sidewalks, a building, and a garage.

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. The proprietary biofilters will be designed as flow based due to the existing shallow storm drain.
6. Provide a copy of the mechanical drawings showing that the roof drains and any surface drains go to stormwater management structures and that the underground parking drains go to WSSC.
7. Provide a minimum of 44% green roof, 8" deep, for the total site. The Phase IB building will have 9,273 square feet of green roof. The Phase 2 building will have 8,307 square feet of green roof. Additional areas of green roof may be added at the design stage.

8. If possible provide a flow splitter to divert only the WQv flow to the stormwater management structure.
9. Landscaping within the stormwater management easement will be reviewed and approved by MCDPS at time of sediment and erosion control/stormwater permit process.
10. The driveway/sidewalk and any paved/hardscape areas in the easement and access paths will need to meet tertiary road requirements.
11. Approval is needed from MCDOT for the tree/bio planter area near the intersection of Rugby Avenue and Del Ray Avenue. If this is denied than you will need to provide a flow through filter that will handle this volume of water.

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:lla CN234654 2nd Revision Woodmont Central Phase 1B&2.DWK

cc: C. Conlon
M. Pfefferle
SM File # 234654

QN -Waived; Acres: 1.06
QL - Onsite; Acres: 1.06
Recharge is not provided

Braunstein, Neil

From: Steve Foster [SFoster1@sha.state.md.us]
Sent: Thursday, June 11, 2009 5:05 PM
To: Braunstein, Neil
Cc: Vaias, Emily J. - EJV; Theresa Polizzi, RLA; Conlon, Catherine; Sloan, Joshua; Corren Giles; Jim Soltesz, P.E.
Subject: RE: Woodmont Central - Staff's Proposed Alternative

Neil,

Thank you for the perspective and thoughts. We appreciate and agree with the need to clarify these issues. I am providing the following information to supplement Corren's email for requirements from SHA's perspective to address your concern about future comments.

1. The developer must work with SHA to resolve all dedication and right of way issues along MD355 at Battery Lane to SHA's satisfaction, including Board of Public Works approval, if deemed necessary by SHA.
2. The SHA concurs that the proposed development will not cause any studied intersection to exceed the Bethesda Chevy Chase Policy Area congestion standard threshold as established by the MNCP&PC. However, the proposed development adds northbound MD355 left turn movements at Battery Lane/Rosedale Avenue. Currently, a northbound MD355 left turn lane does not exist to provide a lane for these site-generated vehicles turning left. Therefore, these left-turning vehicles impede the inner-most northbound MD 355 through lane at the intersection while waiting for a gap in traffic along southbound MD355. For safety and operational reasons, the SHA recommends that the developer be required to construct a northbound MD355 left turn lane at the Battery Lane/Rosedale Avenue intersection.
3. The SHA has no objection to this development moving forward to the next approval stage with the conditions outlined in Corren's email (earlier today) and this supplemental email are addressed.

Please do not hesitate to contact Corren or myself if you have any questions.

Steve

NOTICE: This email may contain sensitive information intended only for the recipients. No official or public statement is made or implied. Please use discretion in any further distribution of this communication.

Steven D. Foster, Chief,
Engineering Access Permits Division
Office of Highway Development
Maryland State Highway Administration
707 N. Calvert Street, Mailstop C-302
Baltimore, Maryland 21202
Voice: 410-545-5601, Fax: 410-209-5026, email: sfoster1@sha.state.md.us

Braunstein, Neil

From: Corren Giles [CGiles@sha.state.md.us]
Sent: Thursday, June 11, 2009 12:11 PM
To: Braunstein, Neil
Cc: Vaias, Emily J. - EJV; Theresa Polizzi, RLA; Steve Foster
Subject: RE: Woodmont Central - Staff's Proposed Alternative

Hello Neil,

I have reviewed the preliminary plan for Phase 1A, 1B, and 2 of the Woodmont Central development.

- Based on this plan, an access permit will be required from SHA to close the 2 existing entrances along MD 355.
- There are also 4 ADA ramps that need to be constructed; one at the MD 355/Batterly Lane intersection and the other along MD 355 in the vicinity of the northern most existing entrance. The other 2 ramps that need to be upgraded (if they are not currently ADA compliant) are those that are opposite the 2 previously discussed.
- We are currently reviewing the TIS and based on this review, more comments may be offered and more improvements may be needed.
- Right-of-way dedications along MD 355 will be required per the Master Plan along the property frontage and should be platted using SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. The engineer should contact Mr. Daniel Andrews, Assistant Division Chief, Plats and Surveys Division at (410) 545-8860 or via email at dandrews@sha.state.md.us for more information and any questions regarding the plat review process. Additionally, please contact Mr. Paul Lednak, Chief, District 3 Right of Way at (301) 513-7470 for information regarding the deed process.
- I have no comments regarding Phases 1B & 2 since they are not along a state route.
- Regarding the "RW Easement to be abandoned by SHA", I cannot comment on it at this point. There will be future discussions to determine how this needs to be handled.

Corren V. Giles

Montgomery County Area Engineer
Engineering Access Permits Division
State Highway Administration
707 N. Calvert Street C-302
Baltimore, MD 21202
(410) 545-5595 phone (410) 209-5026 fax

Tenant/Retail Survey – Woodmont Central
February 2011

February 9, 2011

The following is a survey of the tenants and retailers currently or recently in place on the Woodmont Central project site. None of the tenants expect to close their businesses. All anticipate relocating, either nearby or elsewhere within Montgomery County.

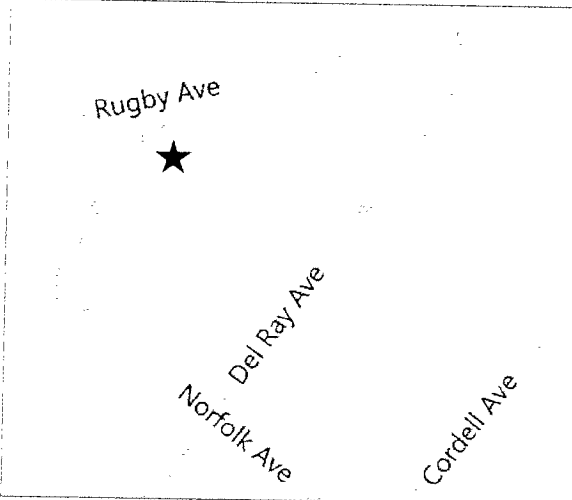
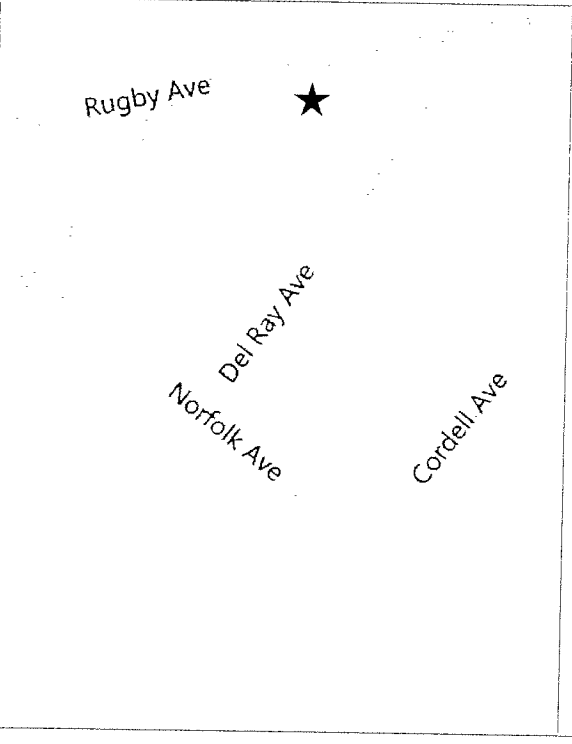
The buildings on site have exceeded their life expectancy and would be termed "Class C." Many of the tenants are onsite precisely because they are attracted to 1), the lower monthly rental costs and 2), greater flexibility of lease length. These are aspects typical of buildings that are subject to a long-term re-development plan.

<u>Tenant</u>	<u>Retail?</u>	<u>Status</u>
Montgomery County Liquor & Wine	Yes	Relocated
Jerry's Music	Yes	Planning to relocate within County
Bethesda Sunoco	Yes	Expect to relocate nearby
Washington School of Photography	Institution	Planning to relocate within County
Wordex Corporation	Semi-retail	Relocated
Entertainment Exchange	No	Continuing month-to-month
360 Group LLC	No	Continuing month-to-month
The Profitable Association, Inc.	No	Continuing month-to-month after 2011

Background information on each tenant is included on the following pages.

Not listed among the tenants here is Miller & Long Concrete, as Miller & Long is a part of the development team. One of the largest employers in the area and a part of the Woodmont Triangle neighborhood for almost 50 years, the company plans to stay within the project by moving their new offices into Woodmont Central Phase 1A, 8280 Wisconsin Avenue, once Phase 1A is complete.

Tenant/Retail Survey – Woodmont Central
February 2011

	<p>Montgomery County Liquor & Wine. 4800 Auburn Ave.</p> <p>Summary: Relocated nearby</p> <p>Retailer?: Yes</p> <p>The County Liquor Store relocated in 2009 to a larger location within the Bethesda Central Business District. They are now located at 4920 Hampden Lane (the former Blockbuster location in the Shoppes of Bethesda).</p>
	<p>Jerry's Music. 4838 Rugby Ave. 2800 RSF (including back-of-house).</p> <p>Summary: Planning to relocate within County</p> <p>Retailer?: Yes</p> <p>Jerry's Music has remained onsite in a month-to-month capacity while their new store is completed. They are currently "building out" the new location in North Bethesda, and expect to open in March.</p> <p>Jerry's Music sells and rents musical instruments. They also maintain practice rooms. Their business is both storefront retail and online sales.</p> <p>For the past four years, we have waived 25% of their rent (from \$1.92/SF/mo. to \$1.43/SF/mo.). This forgone income totals more than \$50,000. We have also forgone a scheduled rent increase.</p>

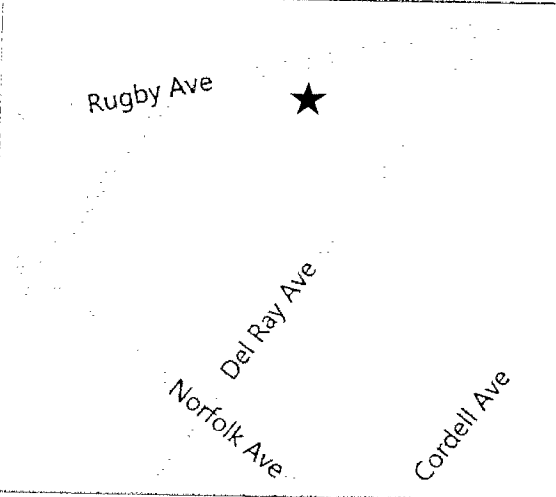
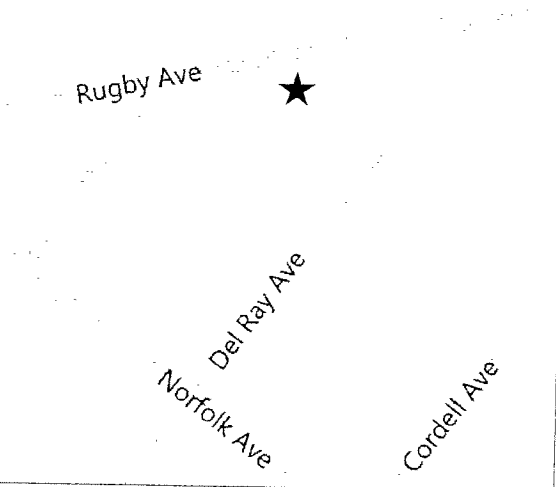
Tenant/Retail Survey – Woodmont Central
February 2011

	<p>Bethesda Sunoco (formerly Bethesda Texaco). 8240 Wisconsin Ave. 3,512 SF (office and convenience mart).</p> <p>Summary: Expect to relocate nearby</p> <p>Retailer?: Yes</p> <p>The Bethesda Sunoco includes a retail convenience mart, several automotive repair bays, car wash, and gasoline pumps. The proprietor, Don Fogel, plans to re-open in a different location. The new operation will continue to include automotive repair and may include other services. Mr. Fogel is waiting until later in the redevelopment process to identify a suitable new location, expected to be in the Bethesda/Chevy Chase or North Bethesda areas. We have offered to assist him in his relocation efforts at the appropriate time.</p>
	<p>Washington School of Photography (WSP). 4850 Rugby Ave. 6,278 SF.</p> <p>Summary: Planning to relocate within County</p> <p>Retailer?: No, but specialized institution</p> <p>Washington School of Photography (WSP) is in talks with The Metropolitan Center for the Visual Arts (VisArts). WSP would co-locate with VisArts at the 30,000 square-foot VisArts facility in Rockville Town Center. WSP would take over the photography resources of VisArts.</p> <p>The combination of the two non-profits seems a good fit: despite having a darkroom and other photography facilities, VisArts currently offers no traditional photography classes, and only two classes relevant to digital photography. WSP, by contrast, offers a complete range of classes from the introductory level to a course of study culminating in certification in professional photography. WSP's base of instructors and students and its reputation in the photography community would complement VisArts's strength in other disciplines.</p> <p>This co-location would make both institutions financially and educationally stronger. WSP's contribution to rent and overhead would lessen the operating expenses for</p>

Tenant/Retail Survey – Woodmont Central
February 2011

	<p>VisArts. Students would also benefit from a wider range of classes at a single location. We have been working with Missy Loewe, the head of WSP, and have been assisting her in estimates of alterations that the VisArts space may require.</p>
<p>Rugby Ave</p> <p>★</p> <p>Del Ray Ave</p> <p>Norfolk Ave</p> <p>Cordell Ave</p>	<p>Wordex Corporation (Wordex). 4808 Auburn Ave. 5,200 SF (mostly office/back-of-house space).</p> <p>Summary: Relocated</p> <p>Retail?: Semi-retail</p> <p>Wordex Corporation (Wordex) is a seller of office supplies and refinished printer cartridges. Wordex had a retail storefront at this location, but the majority of Wordex's business has been contract sales and business-to-business work. Wordex owner Doug Montanaro sold the property to the development team in 2009 as part of his personal retirement planning-and remained in his location at a rent of \$1 per month, triple net. Mr. Montanaro has since retired and sold the company to an investor who has relocated the business.</p>
<p>Rugby Ave</p> <p>★</p> <p>Del Ray Ave</p> <p>Norfolk Ave</p> <p>Cordell Ave</p>	<p>Entertainment Exchange. 4842 Rugby Ave. Est. 1,904 GSF. Office only.</p> <p>Summary: Continuing month-to-month</p> <p>Retail?: No</p> <p>Entertainment Exchange is a non-retail office tenant which books DJs for special events. Entertainment Exchange plans to remain onsite in a month-to-month capacity until redevelopment occurs.</p>

Tenant/Retail Survey – Woodmont Central
February 2011

	<p>360 Group LLC. 4836 Rugby Ave. Office only.</p> <p>Summary: Continuing month-to-month</p> <p>Retailer?: No</p> <p>The 360 Group is a non-retail office tenant. The company is a real estate consulting firm which plans to remain onsite in a month-to-month capacity until redevelopment occurs.</p>
	<p>The Profitable Association, Inc. 4842 Rugby Ave. Office Only.</p> <p>Summary: Leased through 2011, thereafter continuing month-to-month</p> <p>Retailer?: No</p> <p>The Profitable Association is a non-retail office tenant. The company provides business consulting. They are backfilling space previously vacated by office tenant Entertainment Exchange. They plan to remain onsite in a month-to-month capacity until redevelopment occurs.</p>