



**Lot 31/31A Bethesda Preliminary Plan Amendment 12007069A**

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- Robert Kronenberg, Supervisor, Area One, robert.kronenberg@mncppc-mc.org
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Staff Report Date: 1/13/12

**Description**

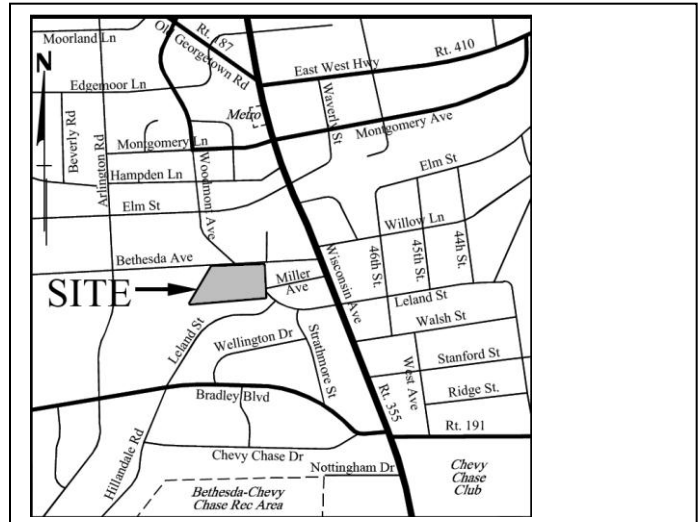
Location: Southeast and southwest quadrants of the intersection of Woodmont Avenue and Bethesda Avenue

Zone: TS-M

Master Plan: Bethesda CBD Sector Plan

Property Size: 3.07 acres

Limited Preliminary Plan Amendment to modify or add certain conditions of approval for a previously approved preliminary plan that subdivided the subject property into two lots for up to 250 multi-family dwelling units and 40,000 square feet of retail uses. This amendment proposes to eliminate internal lot lines so that all of the development is contained in one lot instead of two lots.



**Summary**

**Staff Recommendation: Approval with Conditions**

Staff recommends approval of the amendment to revise one condition of approval. The amendment would allow creation of one lot on the subject property instead of two lots.

The need for the amendment arises because the two lots approved on the subject property sit on each side of Woodmont Avenue while the proposed underground parking garage would straddle both of the lots and the Woodmont Avenue right-of-way that lies between them. The private parking garage, however, must not project into the right-of-way, even below-grade. To resolve this, both parts of the site, on both sides of Woodmont Avenue, will be combined into one lot. The right-of-way for Woodmont Avenue will extend downward underground to a depth that is above the roof of the underground garage, and the space below the right-of-way will be part of the single proposed lot on the site.

One other condition has been modified and one added relating to adequate public facilities validity and plan validity, respectively, in order to accurately reflect the correct expiration dates.

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) These conditions supersede the conditions contained in the Resolution no. 07-184, dated December 20, 2007.
- 2) Approval under this preliminary plan is limited to one lot for 250 multi-family dwelling units, including up to 35 workforce housing units with a minimum of 12.5% moderately priced dwelling units (MPDUs), and 40,000 square feet of commercial retail with an underground parking garage containing no more than 1,480 spaces with no more than 342 private spaces.
- 3) The Applicant must comply with the specifications and requirements of the approved Development plan for Zoning Application No. G-850.
- 4) 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.
- 5) No clearing, grading or recordation of plats prior to certification of the Site Plan.
- 6) Final approval of the final number and location of buildings, dwelling units (including MDPUs and workforce housing units), on-site parking, site circulation, sidewalks, and bike paths will be determined by the Site Plan.
- 7) Site Plan #820070180 must be approved by the Board and signed by Staff prior to the approval of the record plat.
- 8) The Applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements:
  - a. Construct a left-turn lane on the eastbound Bethesda Avenue approach at its intersection with Woodmont Avenue.
  - b. Provide for an exclusive left turn and a shared through/right turn lane on westbound Elm Street at its intersection with Woodmont Avenue, if required by the Montgomery County Department of Transportation (MCDOT).
  - c. Applicant will provide channelization measures to reinforce the operational restrictions of right-in and right-out only limitation on ingress and egress for the parking garage access along Bethesda Avenue. The design of such channelization would be subject to Department of Permitting Services (MCDPS) and MCDOT approval.
- 9) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
- 10) The Applicant must comply with the conditions of the MCDOT letters dated August 6, 2007, and August 10, 2007. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 11) Prior to Certified Site Plan approval, the Applicant must provide a vehicular, pedestrian, and bicycle circulation plan for the construction phase to MNCPPC for review.
- 12) The record plat must reflect dedication of right-of-way for Bethesda Avenue and relocated Woodmont Avenue as shown on the Preliminary Plan. The right-of-way for relocated Woodmont Avenue will be dedicated by deed instrument prior to recordation of the record plat (which deed instrument shall reserve from the dedication the area beneath the road structure that will be occupied by the private/public garage). The subsequent record plat must reference the dedication by liber/folio reference to the recorded deed instrument. Abandonment of existing Woodmont Avenue right-of-way, per Council Resolution 15-1584, shall be finalized with the recordation of the record plat.

- 13) The Applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width and design standards shown on the Certified Site Plan and approved by MCDOT and MCDPS.
- 14) The final number of dwelling units and MPDUs as per condition #1 above will be determined at the time of Site Plan approval.
- 15) The record plat must reflect a public use and access easement over all private streets, trails and bikepaths, and adjacent parallel sidewalks.
- 16) The record plat must depict the abandonment of the right-of-way for existing Woodmont Avenue located on the property.
- 17) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated October 13, 2006. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 18) The Applicant must make the following agreed improvements to the Capital Crescent Trail located adjacent to the Subject Property:
  - a. Landscaping along the trail per Site Plan.
  - b. Bicycle parking racks to be provided and located per Site Plan.
  - c. Adequate trail signage to be provided at Bethesda Avenue and at the intersection with the access trail from the bike drop-off.
- 19) The Applicant must provide a bicycle drop off along Woodmont Avenue, with a Public Improvement Easement (PIE) to allow maintenance of the drop-off facility and a paved access trail per the Site Plan within a Public Access and Use Easement along the southern boundary of the Property, from the drop off to the Capital Crescent trail. Final location and design of these facilities to be determined at Site Plan. Location and design of the intersection of the access trail with the Capital Crescent Trail per site plan.
- 20) The record plat must reflect the location of the P.I.E. for the bicycle drop-off area, and the Public Access/Use Easement for the southern path connection with a notation that recordation of the two easements will occur prior to release of the first building permit.
- 21) The Adequate Public Facility (APF) review for the preliminary plan will remain valid until January 20, 2017.
- 22) Other necessary easements must be shown on the record plat.
- 23) This approval will remain valid until January 20, 2015. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

## **BACKGROUND**

On September 20, 2007, the Planning Board approved Preliminary Plan 120070690 (Lot 31/31A). The preliminary plan created two lots for 250 multi-family dwelling units, including up to 35 workforce housing units and a minimum of 12.5% moderately priced dwelling units (MPDUs), and 40,000 square feet of retail uses. The development is to be served by an underground parking garage containing no more than 1,480 spaces with no more than 342 private spaces. One of the proposed lots was to be on the west side of Woodmont Avenue and the other on the east side, on the block south of Bethesda Avenue.

In order to accommodate the proposed development, Woodmont Avenue is to be realigned on the block between Bethesda Avenue and Leland Street. The mechanism by which this will be carried out is that the existing right-of-way for Woodmont Avenue will be abandoned by the County, and the new

alignment will be dedicated to the County as new public right-of-way. Typically, when land is dedicated as public right-of-way, the public right-of-way continues downward through the ground, theoretically to the center of the Earth. In this case, however, the proposed underground parking garage will be located across the entire site, including under the right-of-way for Woodmont Avenue. Because the garage must not be located in the right-of-way (even underground), the right-of-way will not continue down to the center of the Earth, but will only be deep enough to contain the street and associated utilities and drainage. Viewed in cross section, the newly dedicated right-of-way would appear as an approximately U-shaped trough.

Because the approved preliminary plan created two separate lots, one on each side of Woodmont Avenue, and the right-of-way for Woodmont Avenue does not extend below the street and utility infrastructure, the area of the underground garage that is to be located below Woodmont Avenue would be in a “no man’s land” of sorts – it would not be in either of the two lots or in the right-of-way.

In addition, the County Council’s resolution that approved the abandonment of the original right-of-way for Woodmont Avenue called for the creation of one lot that would encompass the subject property on both sides of Woodmont Avenue. However, the approved preliminary plan created two lots – one on each side of Woodmont Avenue.

## **PROJECT DESCRIPTION**

The applicant is requesting an amendment to change the subdivision from two lots (one lot on each side of Woodmont Avenue) to one lot that will encompass the entire site. The one lot will encompass the space below the right-of-way for Woodmont Avenue, solving the issue of the garage under the right-of-way not being contained within a lot. Also, creation of one lot for the entire site will bring the project into consistency with the County Council resolution for the abandonment of the existing Woodmont Avenue right-of-way.

Amendment of the plan is accomplished by amending a condition of the previous approval that set forth the limits on development. Condition number 1 (new Condition No. 2) is recommended to be modified as follows:

- 1 2) Approval under this preliminary plan is limited to one lot for 250 multi-family dwelling units, including up to 35 workforce housing units with a minimum of 12.5% moderately priced dwelling units (MPDUs), and 40,000 square feet of commercial retail with an underground parking garage containing no more than 1,480 spaces with no more than 342 private spaces.

One additional condition is proposed to be modified and one to be added addressing adequate public facilities validity and preliminary plan validity, respectively. Other changes are minor housekeeping items, such as changing the name of the Montgomery County Department of Public Works and Transportation to the Montgomery County Department of Transportation. The modified and added conditions are as follows:

- 7 8) The Applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements:
  - a. Construct a left-turn lane on the eastbound Bethesda Avenue approach at its intersection with Woodmont Avenue.

- b. Provide for an exclusive left turn and a shared through/right turn lane on westbound Elm Street at its intersection with Woodmont Avenue, if required by the Montgomery County Department of ~~Public Works and Transportation (DPWT MCDOT)~~.
  - c. Applicant will provide channelization measures to reinforce the operational restrictions of right-in and right-out only limitation on ingress and egress for the parking garage access along Bethesda Avenue. The design of such channelization would be subject to Department of Permitting Services (MCDPS) and ~~DPWT MCDOT~~ approval.
- 8 ~~9~~) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and ~~DPWT MCDOT~~ to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
- 9 ~~10~~) The Applicant must comply with the conditions of the ~~DPWT MCDOT~~ letters dated August 6, 2007, and August 10, 2007. These conditions may be amended by ~~DPWT MCDOT~~, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- ~~12~~ 13) The Applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width and design standards shown on the Certified Site Plan and approved by ~~DPWT MCDOT~~ and MCDPS.
- ~~18~~ 21) The Adequate Public Facility (APF) review for the preliminary plan will remain valid ~~for sixty one (61) months from the date of mailing of the Planning Board opinion~~ until January 20, 2017.
- 23) This approval will remain valid until January 20, 2015. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

## **ANALYSIS AND FINDINGS**

The Planning Board found the original preliminary plan to be in substantial conformance with the Bethesda CBD Sector Plan, served by adequate public facilities, in compliance with the Forest Conservation Law (Chapter 22A), in compliance with the Subdivision Regulations (Chapter 50), and in compliance with the Zoning Ordinance (Chapter 59). The proposed limited preliminary plan amendment does not affect the application's fulfillment of these requirements, and the Planning Board's prior findings remain valid, except for the findings specifically related to the size, shape, width and orientation of the lot, and compliance of the lot with the dimensional standards of the Zoning Ordinance. Because the layout of the subdivision is changing from two lots to one lot, staff recommends that the Planning Board make the following finding:

The Planning Board finds, with the conditions of approval, that the size, width, shape, and orientation of the proposed lot 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 lot was reviewed for compliance with the dimensional requirements for the TS-M zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan Amendment. Therefore, the Planning Board finds that the size, shape, width, and area of the lot are appropriate for its location within the subdivision.

### **Citizen Correspondence and Issues**

Because this is a limited preliminary plan amendment, no pre-submission meeting was required. Written notice of the plan submittal and the public hearing date was given, however, by the applicant and staff, respectively. As of the date of this report, no citizen letters have been received.

### **CONCLUSION**

The proposed limited preliminary plan amendment to create one lot on the subject property instead of two lots and to modify conditions of approval, as specified above, of the previously approved preliminary plan does not alter the Planning Board's previous findings with respect to conformance with the Master Plan and compliance with the Forest Conservation Law, the Subdivision Regulations, the Zoning Ordinance, and adequate public facility requirements, except as modified in this staff report. Staff recommends approval of the limited amendment, subject to the conditions in this staff report.

### **Attachments**

Attachment A – Draft Resolution  
Attachment B – Resolution 07-184  
Attachment C – Preliminary Plan Amendment



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

**MCPB No. 12-01**  
**Preliminary Plan No. 12007069A**  
**Lot 31/31A Bethesda**  
**Date of Hearing: January 26, 2012**

**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 December 20, 2007, the Planning Board approved Preliminary Plan No. 120070690, Lot 31/31A Bethesda (MCPB No. 17-184<sup>1</sup>) for the development of two lots for 250 multi-family dwelling units, including up to 35 workforce housing units with a minimum of 12.5% moderately priced dwelling units (MPDUs), and 40,000 square feet of commercial retail with an underground parking garage containing no more than 1,480 spaces with no more than 342 private spaces on 3.07 acres of land in the TS-M zone, located in the southeast and southwest quadrants of the intersection of Woodmont Avenue and Bethesda Avenue ("Property" or "Subject Property"), in the Bethesda CBD Sector Plan area ("Sector Plan"); and

WHEREAS, on December 12, 2011, Lot 31 Development Statutory Trust and Lot 31 Joint Venture, LLC ("Applicant"), filed an application for approval of a limited preliminary plan amendment that would change the number of lots from two to one and would modify conditions of approval of Preliminary Plan No. 120070690 to reflect that change; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan Amendment No. 12007069A, Lot 31/31A Bethesda ("Preliminary Plan Amendment" or "Application"); and

<sup>1</sup> This was a Corrected Resolution to correct certain typographical errors.

Approved as to  
Legal Sufficiency:

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

MNCPPC Legal Department  
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 13, 2012, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on its January 26, 2012, Staff presented the Application to the Planning Board as a consent item for its consideration and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 50 the Planning Board APPROVES Preliminary Plan Amendment No. 12007069A to create one lot on the Subject Property, subject to the following conditions:

- 1) These conditions supersede the conditions contained in the Resolution no. 07-184, dated December 20, 2007.
- 2) Approval under this Preliminary Plan Amendment is limited to one lot for 250 multi-family dwelling units, including up to 35 workforce housing units with a minimum of 12.5% moderately priced dwelling units (MPDUs), and 40,000 square feet of commercial retail with an underground parking garage containing no more than 1,480 spaces with no more than 342 private spaces.
- 3) The Applicant must comply with the specifications and requirements of the approved Development plan for Zoning Application No. G-850.
- 4) 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.
- 5) No clearing, grading or recordation of plats prior to certification of the Site Plan.
- 6) Final approval of the final number and location of buildings, dwelling units (including MDPU's and workforce housing units), on-site parking, site circulation, sidewalks, and bikepaths will be determined by the Site Plan.
- 7) Site Plan #820070180 must be approved by the Board and signed by Staff prior to the approval of the record plat.
- 8) The Applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements:
  - a. Construct a left-turn lane on the eastbound Bethesda Avenue approach at its intersection with Woodmont Avenue.
  - b. Provide for an exclusive left turn and a shared through/right turn lane on westbound Elm Street at its intersection with Woodmont Avenue, if required by the Montgomery County Department of Transportation (MCDOT).



- c. The Applicant will provide channelization measures to reinforce the operational restrictions of right-in and right-out only limitation on ingress and egress for the parking garage access along Bethesda Avenue. The design of such channelization would be subject to Department of Permitting Services (MCDPS) and MCDOT approval.
- 9) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
  - 10) The Applicant must comply with the conditions of the MCDOT letters dated August 6, 2007, and August 10, 2007. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan Amendment approval.
  - 11) Prior to Certified Site Plan approval, the Applicant must provide a vehicular, pedestrian, and bicycle circulation plan for the construction phase to MNCPPC for review.
  - 12) The record plat must reflect dedication of right-of-way for Bethesda Avenue and relocated Woodmont Avenue as shown on the Preliminary Plan Amendment. The right-of-way for relocated Woodmont Avenue will be dedicated by deed instrument prior to recordation of the record plat (which deed instrument shall reserve from the dedication the area beneath the road structure that will be occupied by the private/public garage). The subsequent record plat must reference the dedication by liber/folio reference to the recorded deed instrument. Abandonment of existing Woodmont Avenue right-of-way, per Council Resolution 15-1584, shall be finalized with the recordation of the record plat.
  - 13) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan Amendment to the full width and design standards shown on the Certified Site Plan and approved by MCDOT and MCDPS.
  - 14) The final number of dwelling units and MPDUs as per condition #1 above will be determined at the time of Site Plan approval.
  - 15) The record plat must reflect a public use and access easement over all private streets, trails and bikepaths, and adjacent parallel sidewalks.
  - 16) The record plat must depict the abandonment of the right-of-way for existing Woodmont Avenue located on the Property.
  - 17) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated October 13, 2006. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan Amendment approval.
  - 18) The Applicant must make the following agreed improvements to the Capital Crescent Trail located adjacent to the Subject Property:
    - a. Landscaping along the trail per Site Plan.
    - b. Bicycle parking racks to be provided and located per Site Plan.

- c. Adequate trail signage to be provided at Bethesda Avenue and at the intersection with the access trail from the bike drop-off.
- 19) The Applicant must provide a bicycle drop off along Woodmont Avenue, with a Public Improvement Easement (PIE) to allow maintenance of the drop-off facility and a paved access trail per the Site Plan within a Public Access and Use Easement along the southern boundary of the Property, from the drop off to the Capital Crescent trail. Final location and design of these facilities to be determined at Site Plan. Location and design of the intersection of the access trail with the Capital Crescent Trail per site plan.
  - 20) The record plat must reflect the location of the P.I.E. for the bicycle drop-off area, and the Public Access/Use Easement for the southern path connection with a notation that recordation of the two easements will occur prior to release of the first building permit.
  - 21) The Adequate Public Facility (APF) review for the Preliminary Plan Amendment will remain valid until January 20, 2017.
  - 22) Other necessary easements must be shown on the record plat.
  - 23) This approval will remain valid until January 20, 2015. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan Amendment must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

BE IT FURTHER RESOLVED, that this Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in Preliminary Plan 120070690, and all findings in that approval remain in effect except as modified herein; and

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 Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that the size, width, shape, and orientation of the proposed lot 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 lot was reviewed for compliance with the dimensional requirements for the TS-M zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan Amendment. Therefore, the Planning Board finds that the size, shape, width, and area of the lot are appropriate for its location within the subdivision.

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is \_\_\_\_\_ (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 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ voting in favor of the motion, **modify vote as applicable if PB member absent, abstains, etc.** at its regular meeting held on Thursday, \_\_\_\_\_, in Silver Spring, Maryland.

\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



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

DEC 20 2007

**MCPB No. 07-184**  
**Preliminary Plan No. 120070690**  
**Lot 31/Lot 31A Bethesda**  
**Date of Hearing: September 20, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

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

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

WHEREAS, on March 27, 2007, Lot 31 Associates, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 3.30 acres of land located at the Southeast and southwest quadrants of the intersection of Woodmont Avenue and Bethesda Avenue ("Property" or "Subject Property"), in the Bethesda CBD Sector Plan Master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070690, ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated September 7, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on September 20, 2007, 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

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

Approved as to  
Legal Sufficiency:

8 Feb 08

8787 Georgia Ave. Montgomery, MD 20886-1000 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on September 20, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Lynch, seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Cryor, Hanson, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070690 to create two lots on 3.30 acres of land located Southeast and southwest quadrants of the intersection of Woodmont Avenue and Bethesda Avenue ("Property" or "Subject Property"), in the Bethesda CBD Sector Plan Master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 250 multi-family dwelling units including up to 35 workforce housing units with a minimum of 12.5% moderately priced dwelling units (MPDUs), and 40,000 square feet of commercial retail with an underground parking garage containing no more than 1,480 spaces with no more than 342 private spaces.
- 2) The Applicant must comply with the specifications and requirements of the approved Development plan for Zoning Application No. G-850.
- 3) 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.
- 4) No clearing, grading or recordation of plats prior to certification of the Site Plan.
- 5) Final approval of the final number and location of buildings, dwelling units (including MDPU's and workforce housing units), on-site parking, site circulation, sidewalks, and bikepaths will be determined by the Site Plan.
- 6) Site Plan #820070180 must be approved by the Board and signed by the Development Review Staff prior to the approval of the record plat.
- 7) The Applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements:
  - a. Construct a left-turn lane on the eastbound Bethesda Avenue approach at its intersection with Woodmont Avenue.
  - b. Provide for an exclusive left turn and a shared through/right turn lane on westbound Elm Street at its intersection with Woodmont Avenue, if required by the Montgomery County Department of Public Works and Transportation (DPWT).
  - c. *Applicant will provide channelization measures to reinforce the operational restrictions of right-in and right-out only limitation on ingress and egress for the parking garage access along Bethesda Avenue. The design of such channelization would be subject to Department of Permitting Services (DPS) and Department of Public Works and Transportation (DPWT) approval.*

- 8) The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
- 9) The applicant must comply with all the conditions of approval set by the DPWT in their August 6, 2007 letter (*Appendix B*) and their August 10, 2007 amendment letter (*Appendix C*) to MNCPPC unless otherwise amended by DPWT.
- 10) Prior to Certified Site Plan approval, the Applicant must provide a vehicular, pedestrian, and bicycle circulation plan for the construction phase to MNCPPC for review.
- 11) The record plat must reflect dedication of right-of-way for Bethesda Avenue and relocated Woodmont Avenue as shown on the Preliminary Plan. The right-of-way for relocated Woodmont Avenue will be dedicated by deed instrument prior to recordation of the record plat (which deed instrument shall reserve from the dedication the area beneath the road structure that will be occupied by the private/public garage). The subsequent record plat must reference the dedication by liber/folio reference to the recorded deed instrument. Abandonment of existing Woodmont Avenue right-of-way, per Council Resolution 15-1584, shall be finalized with the recordation of the record plat.
- 12) The Applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width and design standards shown on the Certified Site Plan and approved by DPWT and Montgomery County Department of Permitting Services (MCDPS).
- 13) Final number of dwelling units and MPDU's as per condition #1 above to be determined at the time of Site Plan.
- 14) The record plat must reflect a public use and access easement over all private streets, trails and bikepaths, and adjacent parallel sidewalks.
- 15) Record plat to depict the abandonment of the right-of-way for existing Woodmont Avenue located on the property.
- 16) The Applicant must comply with the conditions of approval of the MCDPS stormwater management approval dated October 13, 2006 (*Appendix D*).
- 5) The Applicant must make the following agreed improvements to the Capital Crescent Trail located adjacent to the Subject Property:
  - a. Landscaping along the trail per Site Plan.
  - b. Bicycle parking racks to be provided and located per Site Plan.
  - c. Adequate trail signage to be provided at Bethesda Avenue and at the intersection with the access trail from the bike drop-off.
- 16) The Applicant must provide a bicycle drop off along Woodmont Avenue, with a Public Improvement Easement (PIE) to allow maintenance of the drop-off facility and a paved access trail per the Site Plan within a Public Access and Use Easement along the southern boundary of the Property, from the drop off to the Capital Crescent trail. Final location and design of these facilities to be



- determined at Site Plan. Location and design of the intersection of the access trail with the Capital Crescent Trail per site plan.
- 17) The record plat must reflect the location of the P.I.E. for the bicycle drop-off area, and the Public Access/Use Easement for the southern path connection with a notation that recordation of the two easements will occur prior to release of the first building permit.
  - 18) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
  - 19) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (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 master plan.*

The proposed Preliminary Plan is subject to the 1994 Sector Plan for the Bethesda Central Business District and Rezoning Application G-850. The rezoning case rezoned both Lots 31 and 31A to the TS-M zone, but maintained the overall goals of the Bethesda CBD Master Plan by preserving the community retail and service business area, providing housing, and ultimately improving traffic circulation, and pedestrian safety. The Preliminary Plan proposes redevelopment for multi-family residential with MPDUs in the heart of the CBD, in accordance with the master plan goals.

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

The proposed preliminary plan complies with all agency requirements and Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision.

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

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

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

#### Forest Conservation

There is no forest on the Property and has a planting requirement of 0.71 acres. The planting requirement will be met by a combination of landscaping credit and either off-site or by payment of fee-in-lieu.

#### Tree Save

The adjacent properties contain a number of trees which will be impacted by the proposed development. To address tree save issues, the Applicant is entering into a Construction Management Plan and Agreement with the adjacent property owners which defines the developer's responsibilities to protect or replace the trees on adjacent properties.

#### Noise

A noise analysis was conducted along Bethesda and Woodmont Avenues which showed noise levels that exceeded the maximum levels. The maximum indoor noise level is 45 dBA Ldn and the maximum outdoor noise level is 65 dBA Ldn. In an effort to reduce the noise levels associated with the proposed development, an outdoor to indoor noise analysis will be made prior to issuance of building permits. At that time, noise mitigation will be implemented.

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.*

On October 13, 2006, the MCDPS Stormwater Management Section approved the stormwater management concept for the project which includes topsoiling prior to permanent vegetation stabilization, stormwater management computations, engineered sediment control plan and provision of green roof.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record



plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

**DEC 20 2007** BE IT FURTHER RESOLVED, that the date of this Resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record); and

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

#### CERTIFICATION

At its regular meeting, held on Thursday, February 21, 2008, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Bryant, and Cryor present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120070690, Lot 31/31A.



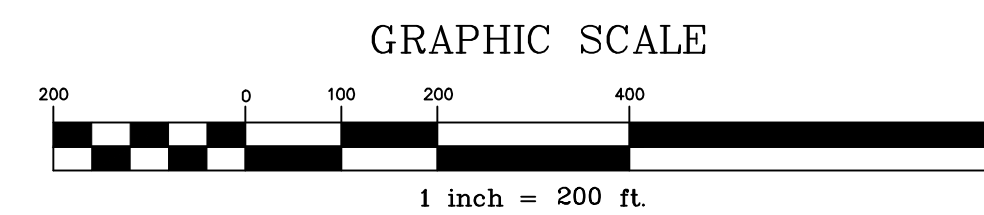
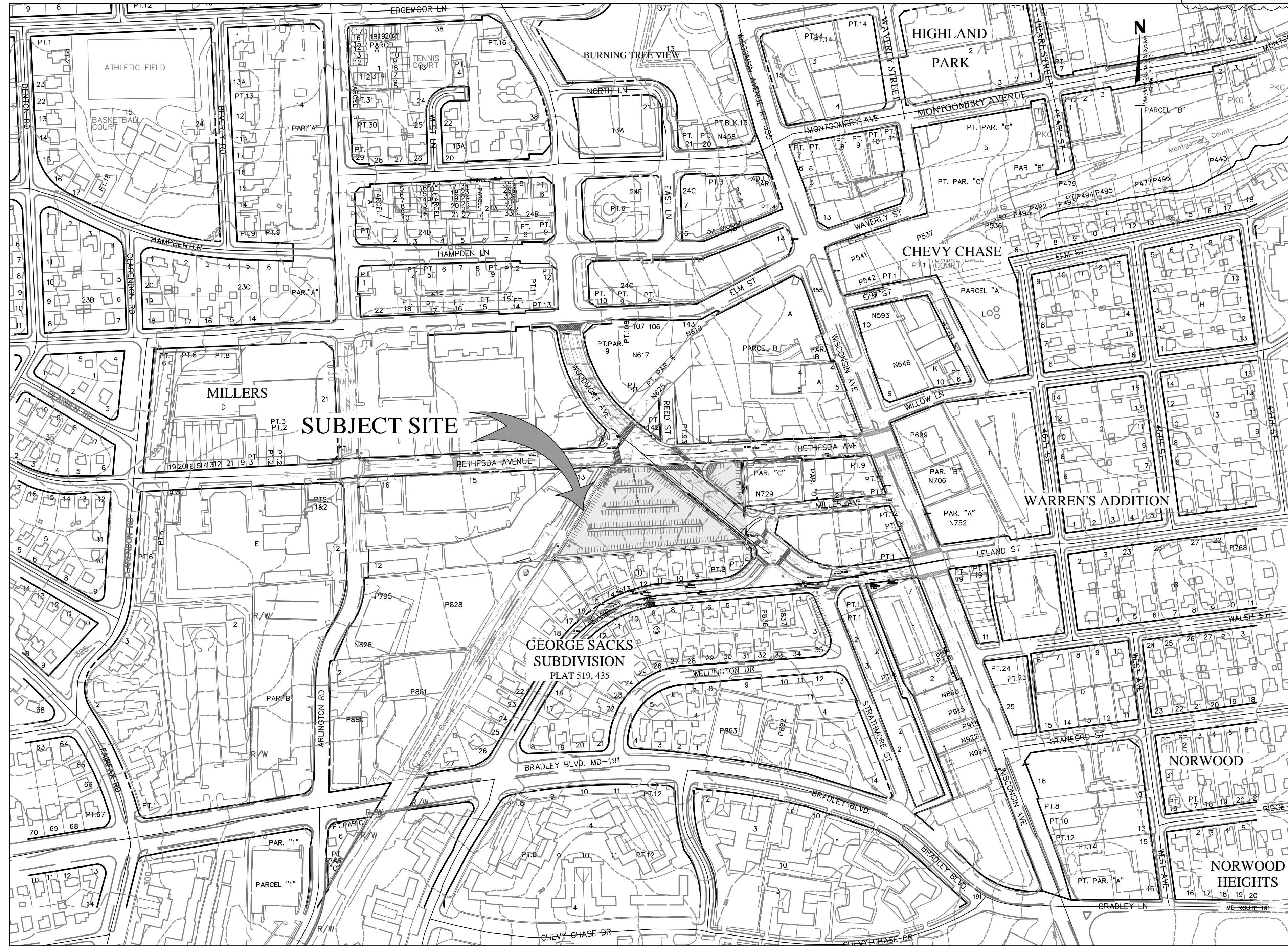
Royce Hanson, Chairman  
Montgomery County Planning Board



# LOT 31 / LOT 31A - BETHESDA PRELIMINARY PLAN

## SHEET INDEX

SHEET NO.	PLAN TYPE
PP-1	PRELIMINARY PLAN COVER SHEET/ LOCAL AREA MAP
PP-2	PRELIMINARY PLAN



APPLICANT:  
LOT 31 DEVELOPMENT STATUTORY TRUST,  
a Maryland statutory trust

By: Lot 31 Joint Venture, LLC,  
a Delaware limited liability company, its Trustee  
7200 WISCONSIN AVENUE, SUITE 700

**Owner:**  
Montgomery County Department Of  
Public Works and Transportation  
Division Of Operations  
101 Orchard Ridge Road  
Gaithersburg, Maryland 20878  
Phone: (240) 777-6008  
Contact: Al Roshdiah

**Applicant:**  
~~Lot 31 Associates, LLC~~  
~~c/o Stonebridge Associates, Inc.~~  
4733 Bethesda Avenue, Suite 800  
Bethesda, Maryland 20814  
Phone: (301) 913-9610  
Contact: Jane Mahaffie & Jeremy Lena

**Architect:**  
SK & I Architectural Design  
7735 Old Georgetown Road, Suite 100  
Bethesda, Maryland 20814  
Phone: (301) 654-9300  
Contact: Filiz Basaran

**Civil Engineer:**  
Rodgers Consulting, Inc.  
19847 Century Boulevard, Suite 200  
Germantown, MD. 20874  
Phone: (301) 948-4700  
Contact: Kim McCary

**Traffic Engineer:**  
Wells and Associates, LLC  
1420 Spring Hill Road, Suite 600  
McLean, Virginia 22102  
Phone: (703) 917-6620  
Contact: Martin Wells, P.E.

**Parking/ Garage Consultant:**  
Walker Parking Consultants  
900 West Valley Road, Suite 800  
Wayne, Pennsylvania 19087  
Phone: (610) 995-0260  
Contact: Jim Warner

**Landscape Architect:**  
Lee and Associates, Inc.  
638 Eye Street, NW  
Washington, DC 20001  
Phone: (202) 466-6666  
Contact: Jeff S. Lee

**Attorney:**  
Linowes and Blocher, LLP  
7200 Wisconsin Avenue, Suite 800  
Bethesda, Maryland 20814  
Phone: (301) 654-0504  
Contact: C. Robert Dalrymple &  
Heather Dlhopsky

APPLICANT:  
LOT 31 DEVELOPMENT STATUTORY TRUST,  
a Maryland statutory trust

By: Lot 31 Joint Venture, LLC,  
a Delaware limited liability company, its Trustee  
7200 WISCONSIN AVENUE  
SUITE 700

APPLICANT:  
~~LOT 31 ASSOCIATES, L.L.C.~~  
~~STONEBRIDGE ASSOCIATES, INC.~~  
4733 BETHESDA AVENUE  
SUITE 800  
BETHESDA, MARYLAND 20814  
PHONE: (301) 913-9610  
CONTACT: JANE MAHAFFIE & JEREMY LENA

**SURVEYOR'S CERTIFICATION**

I hereby certify to the best of my professional belief and knowledge that the outline of the property included in this application is taken from a boundary survey conducted by Rodgers Consulting, Inc., in November, 2005. The topographic data shown hereon is from field topography performed by Rodgers Consulting, Inc., and is shown at a 2 foot contour interval. Topography outside of the area included in this application was obtained from M-NCP&P and is shown at a 5 foot contour interval.

12-07-2011  
Date  
Timothy Paul Quinn  
Professional Land Surveyor  
Maryland Registration Number 20002

**DEVELOPER'S CERTIFICATE**

The undersigned agrees to execute all features of the Preliminary Plan Approval No. 12007069A, including Approval Conditions and Development Program.

Developer's Name: Lot 31 Development Statutory Trust, a Maryland Trust  
By: Lot 31 Joint Venture, LLC, a Delaware limited liability company, its Trustee  
Company  
Douglas M. Firstenberg  
Contact Person  
Address: 7200 Wisconsin Ave., Suite 700 Bethesda, MD, 20814  
Phone / Email: Ph. (301) 913-9610  
Email: dfirstenberg@lot31development.com

Signature: \_\_\_\_\_

**APPROVED PRELIMINARY PLAN**

FILE NO. 12007069A  
MONTGOMERY COUNTY PLANNING BOARD

CHAIRMAN OR DESIGNER DATE

PRE-PRELIMINARY PLAN NUMBER: #7-20060150  
PRELIMINARY PLAN NUMBER: #12007069A  
SITE PLAN NUMBER: #820070180

REVISION	DATE	REVISION	DATE	REVISION	DATE

**PRELIMINARY PLAN  
COVER SHEET/  
LOCAL AREA MAP**



Rodgers Consulting, Inc.  
19847 Century Blvd., Suite 200  
Germantown, MD 20874  
301.948.4700  
301.948.0250 (fax)  
301.253.8609  
www.rodgers.com

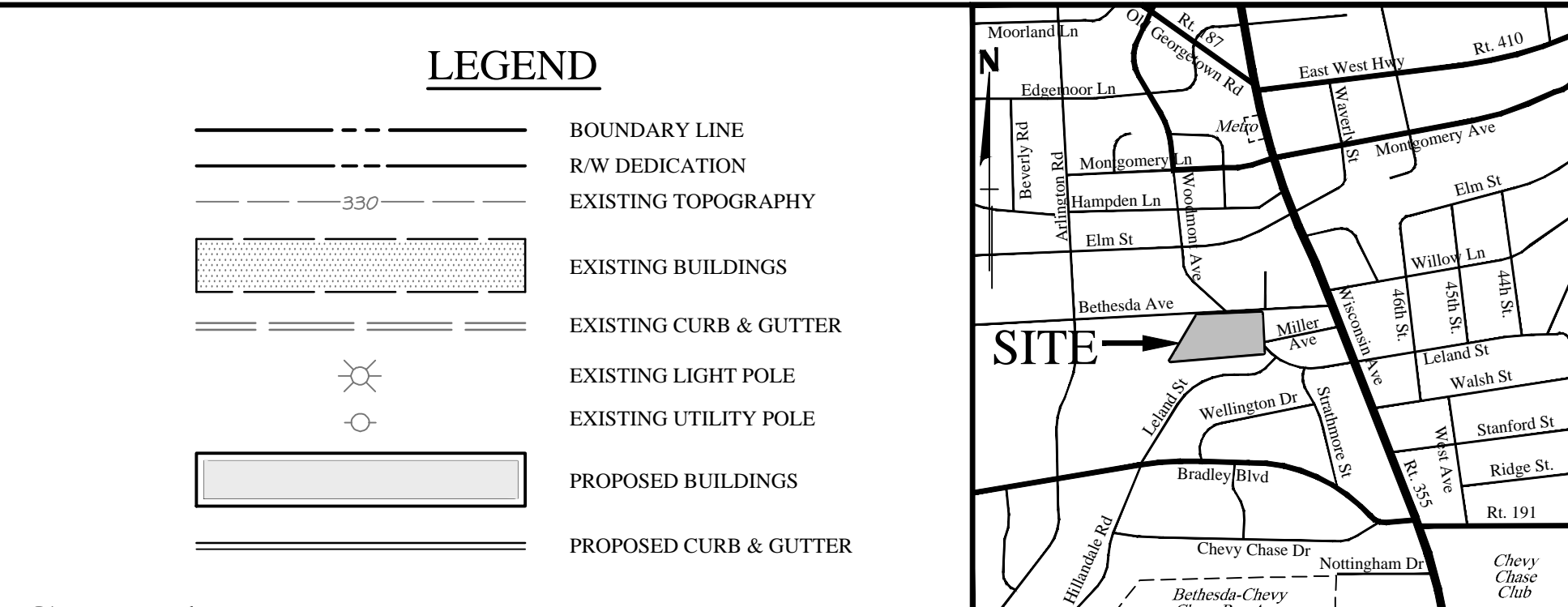
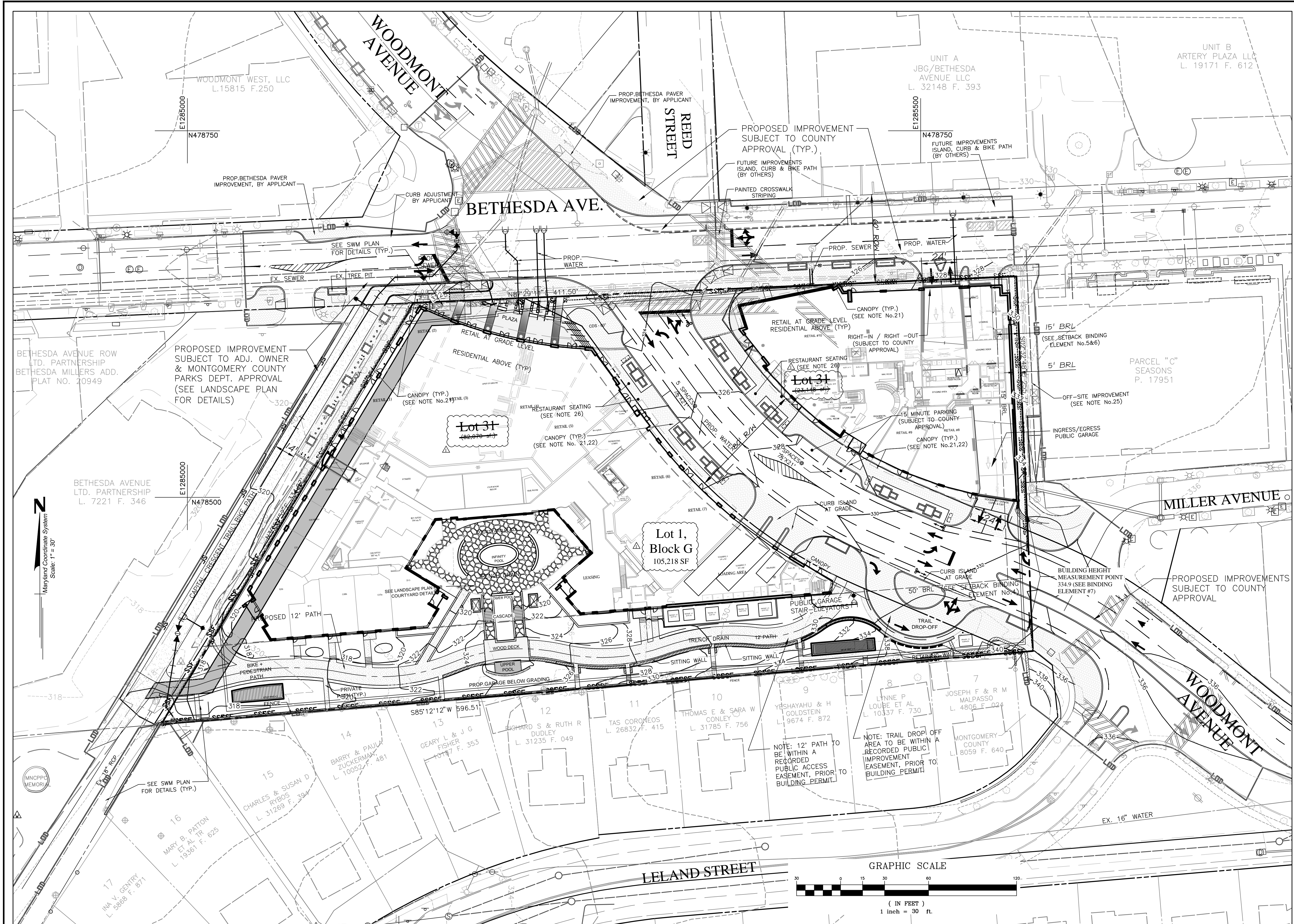
BY	DATE
BASE DATA	CADD 1/07
DESIGNED	RDW 10/10
DRAWN	RDW 10/10
REVIEWED	RKM 10/10
RODGERS CONTACT: KIM MCCARY	
RELEASE FOR	
BY: _____	DATE: _____

**LOT 31 / LOT 31A - BETHESDA**

ELECTION DISTRICT NO. 7  
MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 200'  
JOB NO. 898A  
DATE: OCTO 2010  
**PP-1**  
SHEET No. 1 of 2





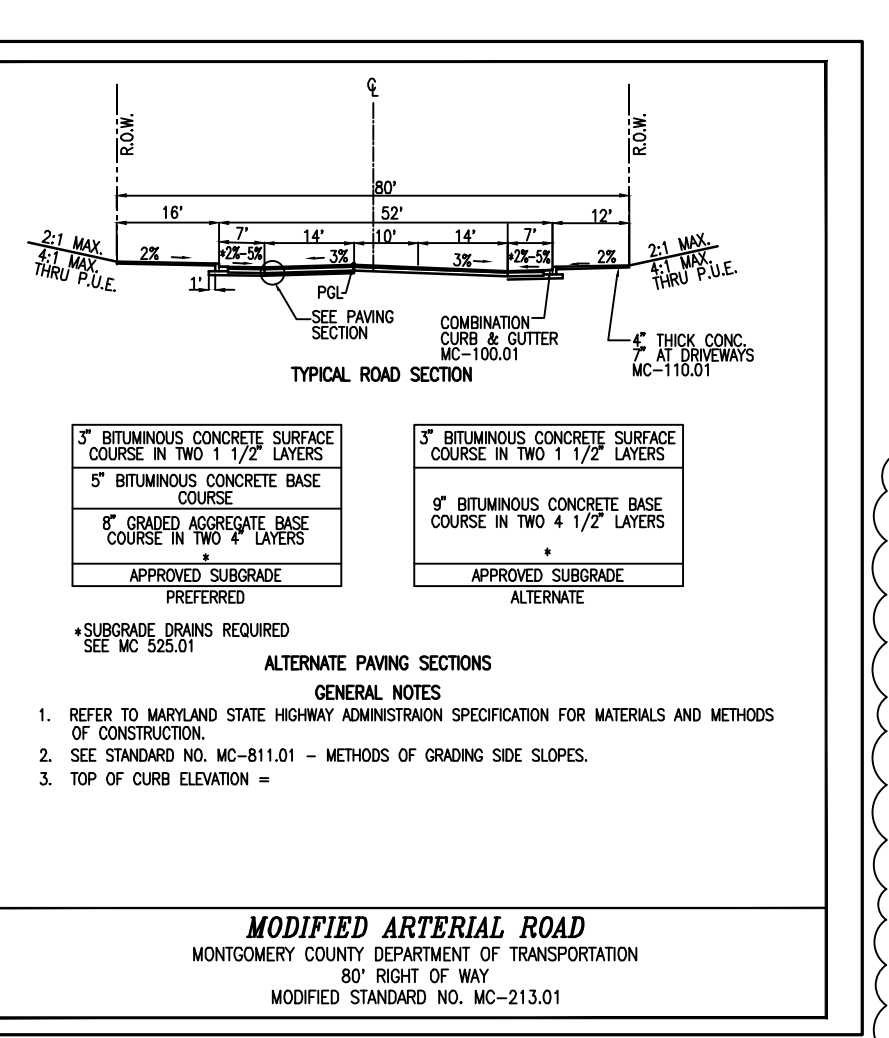
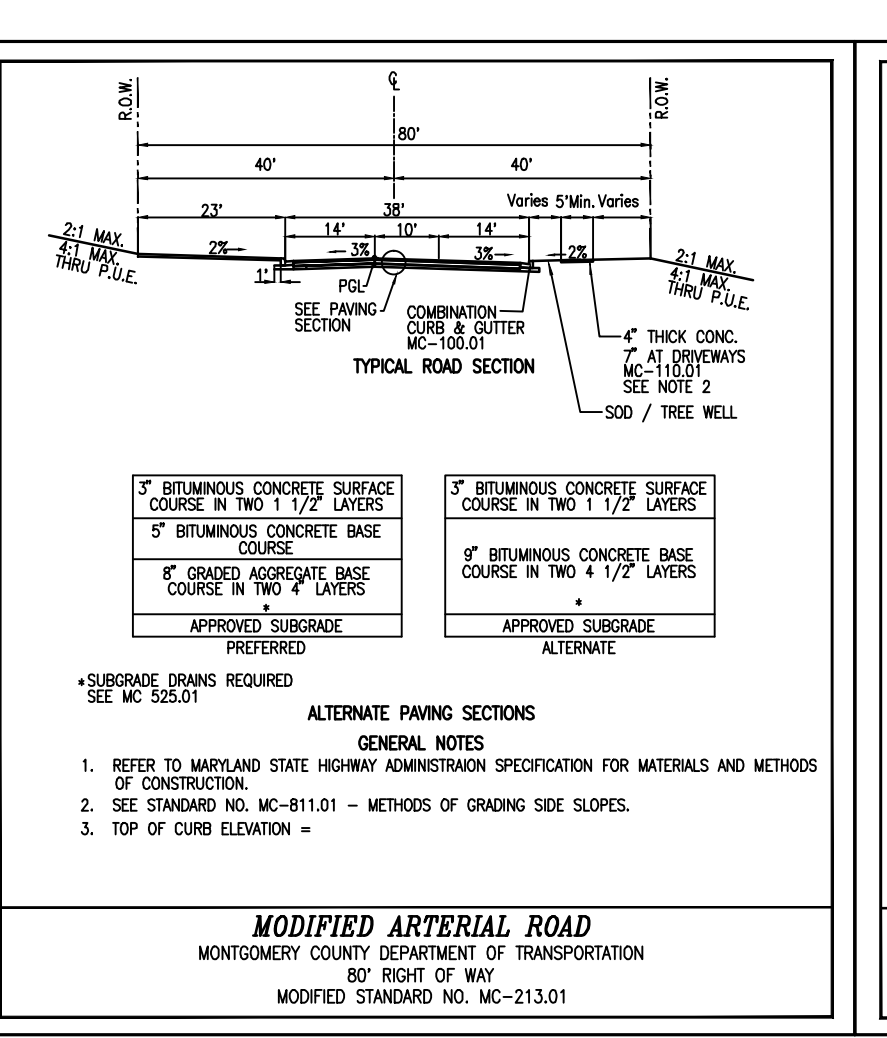
- ### General Notes:
- The site is comprised of parts of recorded lots 18, 19, 20, 21, 22, 23, 24, and Lots 138 and 139 as shown on a plat recorded in Plat Book B, Plat 37, for on Montgomery County 23rd Edition Tax Map HN122, and rights of way provided from those lots. The tax account numbers are 07-00430190 and 07-00430361.
  - The present zoning is TS-M.
  - Total Gross Tract Area = 3.30 acres or 143,819 square feet. Net Lot Area = 3.07 acres or 133,738 square feet.
  - The site is located within Bethesda/Chevy Chase Planning Area 35.
  - Boundary and topographic information shown hereon were established by a topography and boundary survey by Rodgers Consulting, Inc., November 2005. Off-site topographic and building feature information is aerial topography provided digitally by MNCPPAC.
  - The site is within the Little Falls Basin.
  - Soils information was taken from the Soil Survey of Montgomery County, Maryland issued July, 1995, Sheet 27. The site is comprised of an urban land (400).
  - This property is the subject of an approved NRI/FSD (M-NCPPC #4-06087 Bethesda Lot 31)
  - No wetlands, 100-year floodplain, streams, stream valley buffers or other hydrologically significant features were observed or identified for the subject site.
  - Per the 1994 Bethesda CBD Sector Plan, no historical or cultural features were noted.
  - The property is to be served by public water & sewer systems. This property is presently classified in water and sewer category W-1, S-1 found on WSSC 209NW05.
  - The Horizontal Datum: Maryland Coordinate System (NAD 83/91).
  - Site utilities are served by Comcast, Pepco, Verizon, Washington Gas and WSSC.
  - Mail facilities are located within the building.
  - Stormwater quality facilities are located on-site within the structure parking garage, approved by MCDPS on Oct. 13, 2006.
  - Erosion and sediment control measures will be provided through perimeter controls and inlet protection.
  - This project is to be developed in one phase.
  - Maintenance of the recreational and other common or quasi-public areas will be managed by a combination of the County, which is responsible for the public garage, rights-of-way and sidewalks, and the condominium entity which will be created as part of the overall land-and-building development structure. Condominium documents will specifically set forth perpetual maintenance requirements, and the County and the condominium entity may contract with the "Bethesda Urban Partnership" to physically conduct this maintenance.
  - The public garage facility (including means & location of ingress/egress) is not part of this Preliminary Plan and was reviewed & approved through the Mandatory Referral No.06806-DPWT-1 on June 28, 2006.
  - Public utility easements and rights of way will be provided where needed on site and locations will be determined at permit.
  - Applicant requests flexibility to seek County approval to allow a maximum of 6 feet within the western property boundary, Woodmont Avenue public right-of-way & a maximum of 8 feet within Bethesda Avenue public right-of-way and public space supporting this Project on both the west and east buildings for Applicant to install canopies, shade signs, cornices and other architectural elements that will not interfere with street level activity.
  - Applicant requests flexibility to seek County approval to allow a canopy within the Woodmont Avenue public right-of-way at the entrance to both the east and west building primary residential entrances that will not interfere with the street level activity. This canopy will not be structurally integrated into the building. The canopy will extend from the entrance of the building to the face of curb and have support poles at inside edge of curb.
  - Applicant has agreed with the Sacks neighborhood to install a fence between the properties and provide, if desired by the individual homeowners, gated entrances from the Sack's properties that border the Applicant's property to the path. Accessibility to the Property by gate will be solely the private option of the Applicant and the individual homeowner and not subject to Site Plan Approval. An example of any such gate will be provided with the Site Plan documents.
  - Doors at Retail Area are shown as illustrative and will be determined by Tenant/Developer.
  - Applicant and the owner of The Seasons building have agreed, applicant to improve the space between the east building and the adjacent Seasons building with a pedestrian path, lighting, and small shrubs at the northern and southern edge (see Landscape drawings for details).
  - Applicant requests the use of Woodmont Avenue right-of-way from face of curb to 10'-6" face of building for tenant restaurant (if any) outdoor seating.
  - Dedication of right-of-way for re-located Woodmont Avenue (reserving from dedication from that area beneath the road that will contain the public/private garage facility) to be made by deed instrument prior to platting of the property, with reference to the dedication to be noted on the plat.
  - Abandonment of existing Woodmont Avenue, per council resolution No.15-158A shall be finalized with recordation of a record plat.
  - Applicant requests that additional movable tables and chairs will be located in the courtyard. Selection to be determined.

### PLAN DATA

PLAN DATA	ZONING ORDINANCE DEVELOPMENT	APPROVED DEVELOPMENT PLAN	APPROVED SITE PLAN
<b>Minimum Area (Sec. 59-C-8-41)</b>	40,000 SF	143,819	143,819
<b>Density (Sec. 59-C-8-42)</b>	3.0 F.A.R. Max.	2.59 F.A.R.	"may not exceed 2.59 F.A.R."
<b>Use/Use Intensity</b>			
<b>Dwelling Units</b>			
Total Residential Units (% of market)	n/a	250	"may not exceed maximum"
Moderately Priced Dwelling Units (% of market)	n/a	12.5% (27 units) <sup>2</sup>	12.5% of market units (27 units)
Work Force Housing	n/a	up to (35 units)	up to (35 units)
<b>Open Space (Sec. 59-C-8-43)</b>			
(a) Min. % of net area devoted to public use space	10%	not specified	10%
(b) Min. % of net area devoted to active and passive recreational purposes	25%	not specified	25%
Total minimum open space requirement (percent)	35%	35% minimum	48.3% min. off-site amenity space
<b>Building Height (Zoning Case G-850)</b>			
(a) East of Woodmont Avenue	n/a	90 / 65'	90 / 65'
(b) West of Woodmont	n/a	54 / 14'	54 / 14'
<b>Building Setbacks (Zoning Case G-850)</b>			
(See binding elements (this sheet))			
South property line	n/a	50'	50'
East property line	n/a	5 / 10 / 15 / 40 / 75'	5 / 10 / 15 / 40 / 75'
West property line	n/a	not specified	0
North property line	n/a	not specified	0
<b>Parking Tabulation<sup>1</sup> (Zoning Case G-850)</b>			
Required		Proposed	
Garage Public Parking Spaces (approx.)	n/a	1,150 spaces <sup>2</sup>	1,150 spaces
Garage Private Parking Spaces (max.)	n/a	none <sup>3</sup>	342 spaces
Total (max.)	n/a	1,150 spaces	1,492 spaces
Bicycle Parking	n/a	none	"must meet minimum"

- ### LOT 31/31A DEVELOPMENT PLAN (ZONING CASE G-850) - BINDING ELEMENTS
- Maximum FAR of 2.59 as reflected on development plan.
  - Maximum of 250 total dwelling units (final number of units and unit mix to be determined at site plan).
  - Maximum of 342 private parking spaces (total number of parking spaces based on unit mix to be determined at site plan).
  - Building setback from south property line, west of realigned Woodmont Avenue, shall be 50 feet.
  - Building setback from east property line, east of realigned Woodmont Avenue, shall be 5 feet for the entire building line. Beginning at and above the second floor the building shall be setback from the east property line as shown on the plan entitled "Building Setback Plan At and Above Second Floor Adjacent to Seasons Building" entered into the public hearing record for this zoning application as Exhibit No. 56 and which plan is also shown on the face of the development plan.
  - The mechanical penthouse on the rooftop of the building located east of Woodmont Avenue will:
    - be setback 40 feet from the shared property line with the adjacent Seasons Apartments to the east ("Seasons");
    - not have any primary vertical components of any cooling towers located closer than 75 feet from the shared property line with the Seasons (by example, pipes along the rooftop that are ancillary to a cooling tower would be allowed); and
    - have a maximum height of 14 feet above the rooftop.
  - Measured from the measuring points shown on the development plan (identified on development plan as elevation 334.9 feet above sea level - "Measuring Points"), maximum building heights (not including mechanical penthouses) are as follows:
    - East of Woodmont Avenue: Building height not to exceed 90 feet as measured from the Measuring Points (elevation 324.9 feet above sea level), with step down to building height not to exceed 65 feet as measured from the Measuring Points (elevation 309.9 feet above sea level) at intersection of Bethesda Avenue and Woodmont Avenue.
    - West of Woodmont Avenue: Building height not to exceed 54 feet as measured from the Measuring Points (elevation 388 feet above sea level) for building west of Woodmont Avenue, with maximum building height of 14 feet as measured from the Measuring Points (elevation 348 feet above sea level) between 50 and 60 feet setback along southern property line (for town home style condominium units adjacent to single family Sack's neighborhood to south).
  - Provision on-site of 12.5% MPDUs per County law and provision of up to 35 workforce housing units per DHCA Agreement, to be finally reflected at site plan.
  - Minimum 35% open space (active and passive recreational space/public use space), with final area to be determined at site plan.

- Developer to construct realignment of Woodmont Avenue and improvements to Woodmont Avenue/Bethesda Avenue intersection per the Development Plan and future DPWT approvals, with final design and operation of the intersection for pedestrians, bicyclists and vehicles to be determined at site plan.
- Loading docks serving buildings shall be enclosed within building area.
- All residential units will be multi-family condominium units.
- Dwelling units along the southern building edge of the building west of realigned Woodmont Avenue shall be townhome style condominium units.
- The underground public garage shall exhaust through the roof of the on-site buildings west of Woodmont Avenue (and away from adjacent residential uses), this also being known as the existing Lot 31 property, and there shall be no exhaust from the underground public garage through any buildings (through the roof or otherwise) east of Woodmont Avenue, this also being known as the existing Lot 31A property.
- A bicycle and pedestrian connection from Woodmont Avenue to the Capital Crescent Trail shall be provided along the southern property line within the 50-foot setback area, and the final design and operations of the bike drop off area adjacent to Woodmont Avenue to be finalized with DPWT and M-NCPPC at site plan.
- At time of site plan review, Applicant to provide appropriate hardscape/landscape in setback area along eastern property line. With the cooperation and authorization of the adjacent property owner to the east, coordinated hardscape/landscape amenities within the setback area located on the adjacent property to the east will be included as part of the amenity package for the redevelopment of Lot 31/31A by the Applicant.
- Detailed information regarding the ultimate location, operation, and alignment of Woodmont Avenue between Bethesda Avenue and Leland Street shall be provided for DPWT and M-NCPPC review and approval at time of preliminary plan and site plan. New right-of-way for realigned Woodmont Avenue shall be established with DPWT at the time of preliminary plan and reflected on the record plat.
- LATK study for the subject project to be provided by Applicant at time of preliminary plan reflecting approved public garage access points. The Applicant will further analyze capacity, design and operations of local road network.
- The Applicant will request DPWT approval of a right-in/right-out limitation on ingress and egress to the public garage access along Bethesda Avenue.
- Documentation of agreement between Applicant and DPWT allowing for private access beneath Woodmont Avenue to be provided at time of site plan, including documentation of future ownership of the public and private property.



**APPLICANT:**  
**LOT 31 DEVELOPMENT STATUTORY TRUST,**  
 a Maryland statutory trust

By: Lot 31 Joint Venture, LLC,  
 a Delaware limited liability company, its Trustee  
**7200 WISCONSIN AVENUE SUITE 700**  
**BETHESDA, MARYLAND 20814**

**SURVEYOR'S CERTIFICATION**  
 I hereby certify to the best of my professional belief and knowledge that the outline of the property included in this application is taken from a boundary survey conducted by Rodgers Consulting, Inc., in November, 2005. The topographic data shown hereon is from field topography performed by Rodgers Consulting, Inc., and is shown at a 2 foot contour interval. Topography outside of the area included in this application was obtained from M-NCPPAC and is shown at a 5 foot contour interval.

Date: 12-07-2011  
 Timothy Paul Quinn  
 Professional Land Surveyor  
 Maryland Registration Number 20002

**DEVELOPER'S CERTIFICATE**  
 The undersigned agrees to execute all features of the Preliminary Plan Approval No. 120070606, including Approval Conditions and Development Program.

Developer's Name: Lot 31 Development Statutory Trust, a Maryland Trust  
 By: Lot 31 Joint Venture, LLC, a Delaware limited liability company, its Trustee  
 Douglas M. Craythorn  
 Contracted Person

Address: 7200 Wisconsin Ave., Suite 700 Bethesda, MD 20814  
 Phone / Email: Ph: 301-913-9610  
 email: 120070606@rodgersassociates.com

Signature: \_\_\_\_\_  
 CHAIRMAN OR DESIGNEE DATE

**NOTES:**  
 BUILDING AND LANDSCAPING FEATURES SHOWN ON THE PRELIMINARY PLAN ARE FOR NON-BINDING, ILLUSTRATIVE PURPOSES ONLY, WITH SUCH ELEMENTS TO BE DEFINED FURTHER WITH CERTIFIED SITE PLAN.

OPTIONAL AND NON-REGULATORY. TO BE PROVIDED OR NOT PROVIDED AT SOLE DISCRETION AND DETERMINATION OF OWNER WITHOUT FURTHER PURPOSE.

REVISION	DATE	REVISION	DATE	REVISION	DATE

**APPLICANT:**  
**LOT 31 ASSOCIATES, L.L.C.**  
**SPONSORED BY: LOT 31 ASSOCIATES, INC.**  
**3232 BETHESDA AVENUE**  
**SUITE 300**  
**BETHESDA, MARYLAND 20814**  
**PHONE: (301) 913-9610**  
**CONTACT: JANE MAHAFFIE & JEREMY LENA**

**MODIFIED ARTERIAL ROAD**  
 MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION  
 80' RIGHT OF WAY  
 MODIFIED STANDARD NO. MC-213.01

**MODIFIED ARTERIAL ROAD**  
 MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION  
 80' RIGHT OF WAY  
 MODIFIED STANDARD NO. MC-213.01

**PRELIMINARY PLAN**

**RODGERS CONSULTING**  
 Enhancing the value of land assets  
 www.rodgers.com

Rodgers Consulting, Inc.  
 19847 Century Blvd., Suite 200  
 Germantown, MD 20874  
 301.948.4700  
 301.948.0256 (fax)  
 301.253.8609

**PRELIMINARY PLAN NUMBER: #120070606**  
**#12007069A**

**LOT 31 / LOT 31A - BETHESDA**

ELECTION DISTRICT NO. 7  
 MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 30'  
 JOB NO: 898A  
 DATE: OCT 2010  
**PP-2**  
 SHEET No. 2 of 2