



**BETHESDA, MARYLAND
STAFF REPORT**

**Project Plan 9-01002 Amendment
Preliminary 1-01012 Amendment
Site Plan 8-01016 Amendment
Utilizing the Optional Method of Development**

Bethesda Triangle, LLC, Applicant
Architects Collaborative, Architect
Edaw, Inc., Landscape Architect
VIKA, Inc., Engineer
Linowes and Blocher LLP

Prepared for The Montgomery County Planning Board

December 20, 2001



MEMORANDUM

DATE: December 14, 2001
TO: Montgomery County Planning Board
VIA: Larry Ponsford, Supervisor *LM*
Joseph R. Davis, Chief *(R)*
Development Review Division
FROM: Mary Beth O'Quinn *mbq*
Planning Department Staff
(301) 495-1322

REVIEW TYPE: Project Plan, Preliminary Site Plan Amendments
for increase in gross lot area and building area to:

APPLYING FOR: 19,573 sf office space, 6,280 sf retail space, 7,000 sf restaurant space,
338,467 sf residential space, 314 total apartments: 269 market rate
and 45 MPDUs

PROJECT NAME: BETHESDA TRIANGLE
CASE #: Project Plan Amendment 9-01002A
Preliminary Plan Amendment 1-01012 A
Site Plan Amendment 8-01016A

REVIEW BASIS: Project Plan, Sec. 59-D-2, 59-D-3, and Chapter 50, MC Code

ZONE: CBD-R2
LOCATION: Cordell Avenue between Norfolk and Woodmont Avenues
MASTER PLAN: Bethesda Central Business District Sector Plan

APPLICANT: Bethesda Triangle, LLC
FILING DATE: November 14, 2001
HEARING DATE: December 20, 2001

STAFF RECOMMENDATION FOR PROJECT PLAN: Approval of 371,320 sf of apartment use, inclusive of 269 market rate residential units and 45 MPDUs, 6,280sf retail space, 7,000 sf restaurant space, and 19,573 sf office space with the following conditions:

1. Conditions of all previous approvals remain in full force and effect except as specifically modified by this approval.

STAFF RECOMMENDATION FOR PRELIMINARY PLAN: Approval of 371,320 sf of apartment use, inclusive of 269 market rate residential units and 45 MPDUs, 6,280 sf retail space, 7,000 sf restaurant space, and 19,573 sf office space with the following conditions:

1. Conditions of all previous approvals remain in full force and effect except as modified by this approval.

STAFF RECOMMENDATION FOR SITE PLAN: Approval of 371,320 sf of apartment use, inclusive of 269 market rate residential units and 45 MPDUs, 6,280 sf retail space, 7,000sf restaurant space, and 19,573 sf office space with the following conditions:

1. Conditions of all previous approvals remain in full force and effect except as modified by this approval.
2. Provide all public space improvements according to Bethesda streetscape standards, including apron details for driveway entrances within the ROW, subject to DPS, DPWT and staff review and approval.
3. Provide full landscape drawings with details for all public use space. Drawings shall comply with Woodmont Triangle Streetscape Improvement Standards as required.
4. Increase green areas within public plaza by: reducing width of driveway and walkways, subject to DPS, DPWT, MCFRS, and staff review and approval.

SUMMARY OF THE ISSUE OF THE REVIEWS:

Successful Acquisition of Additional Gross Tract Area

The amendments of Project Plan, Preliminary Plan, and Site Plan are necessitated by the applicant's successful purchase of a portion of the Right-of-Way adjoining the Bethesda Triangle property boundary and the project's street frontage on Cordell Avenue, Del Ray Avenue and Rugby Avenue. The completion of this land acquisition of 5,823 square feet, that augments the original parcel, results in modest increases to: gross tract area, FAR, building area, density, number of residential units, MPDUs, building height, and off-site public amenity improvements. The building footprint, net lot area, open space, green area, recreational space, and public art components remain the same.

The applicant's request for approval of this property transaction and the resulting changes to building design and density levels were reviewed by the Planning Board at the hearing for Mandatory Referral #01811, presented currently with Site Plan 8-01016 on May 17, 2001. In that action, the Board approved the request by the applicant for purchase of the land. The increase in area and other statistics requires these amendments to the prior approvals.

DISCUSSION OF THE LAND ACQUISITION ISSUE:

GROSS TRACT AREA AND DENSITY INCREASE AND DESIGN ISSUES

[Illustrations and drawings may be found within the Site Plan Staff Report attached.]

The Mandatory Referral #01811

The Mandatory Referral submitted for the Board's consideration in May 2001, discussed the applicant's request to purchase from Montgomery County 5,823 sf of ROW that adjoins the sidewalk adjacent to Cordell, Del Ray, and Rugby Avenues. With approval from the Planning Board and the County Council, the applicant has fulfilled the requirements for obtaining this land area for immediate re-dedication to the County.

Background

This area was previously transferred by deed to the County in the 1950s. The applicant's purchase of the 5,823 sf allows the applicant to re-dedicate the area by plat to the County, and "recover" the square footage as part of the gross tract area on which the density is based. The inclusion of this land provides for continuation of its use as a public sidewalk (upgraded, however, as an Optional Method public use space amenity), and capture of additional density MPDUs.

The applicant proposes that 33% of the units supplied through the application of the additional density be provided as MPDUs (9 additional MPDUs, including two-bedroom units for a total of 45 MPDUs). The applicant also proposes an additional ~3,000 sf of off-site improvements to complete the Bethesda streetscape for the project block on Cordell Avenue and Del Ray Avenue.

Plan Analysis

The plan reviews have considered design implications of the additional density as applied to the building, including additional height of eight feet, and the extension of streetscape



improvements to be provided as enhancing public use amenities under the Optional Method. The proposed changes of these Plan Amendments to the approved Project Plan and Site Plan are as follows (See also revised Development Data Tables):

- Gross tract area increased by 5,823 sf
- Total building area increased by 29,115 sf
- Number of residential housing units increased by 26 units
- Number of MPDUs increased by 9 units
- Building height increased by 8.82 feet
- Public use space increased by 5.5% (2,500 sf)

Staff supports the applicant's proposal to incorporate this "recovered" density because the additional height and number of dwelling units are compatible with the desired CBD development. More significantly, the provision of this incremental density will accommodate additional residential units, of which the applicant proposes that 33% be offered as MPDUs. The applicant's commitment to provide substantial number of units of affordable housing (exceeding the requirement) in this CBD area is a unique opportunity to create a more balanced neighborhood with respect to income and activity.

Project Plan Waiver for Required Retail Floor Area [Sec 59-C-6.23, footnote 3]

The Planning Board approved as part of the original Project Plan, the applicant's request for a partial waiver for the requirements for retail space in the CBD-R2 Zone. The zone requires a minimum of 5% of the total gross floor area be used for commercial/personal service use.

The amended proposal provides 3.5% of retail storefront space (13,280 sf) on Cordell Avenue. An additional 19,573 sf directly fronting Del Ray Avenue is suitable and desirable for personal service/office. The use of the additional space on Del Ray would meet and exceed the zone's requirement. The waiver granted in the Project Plan approval in November 200, addresses 1.2% of the required square footage to allow time to determine the market demand for commercial/personal service/office space for the space. The waiver requested for the new amendment would entail 1.5% of the required space. A condition was included at the time of Project Plan approval to provide a mechanism to encourage and evaluate the applicant's efforts to achieve the feasibility for retail activity for this street front. The condition requires the applicant to pursue retail tenants for a period of six months after occupancy of the building.

**ANALYSIS: Conformance to Development Standards - CBD-R2 Zone
Amended Project Data Table**

| Development Standard | Permitted/Reqd | 9-01002 | 9-01002A |
|-----------------------------|---|--------------------------------------|------------------------------------|
| | CBD-R2/Sector Plan | 1-01012 8-01016 Approved Plans | 1-01012A 8-01016A Amendments |
| Gross Lot Area | 22,000 min. | 68,441 sf | 74,264 sf |
| Net Lot Area | NA | 56,573 sf | 56,573 sf |
| Floor Area Ratio** | 5.0 per Sector Plan | 5.0 | 5.0 |
| Gross Floor Area | | | |
| Retail (non-residential) | 56,573 (1.0 FAR) | 13,000 sf (.18 FAR) | 13,280 sf |
| Office (non-residential) | Combined non-residential | 20,000 sf (.29 FAR) | 19,573 sf |
| Housing | | 309,205 sf (4.5 FAR) | 338,467 sf |
| Total FAR sf | 342,205 sf | 342,205 sf 5.0 FAR) | 371,320 sf |
| Density (dwellings/ac) | 200 units/ac | 288 units | |
| Dwelling Units: | | 288 units | 314 units |
| Studio | - | 29 units | 31 units |
| 1-Bedroom | - | 149 units | 155 units |
| 2-Bedroom | - | 94 units | 125 units |
| 3-Bedroom | - | 16 units | 3 units |
| MPDUs | 12.5% | 36 units | 36 units |
| MPDU Studio | - | 10 units | --- |
| MPDU 1-Bedroom | - | 16 units | --- |
| MPDU 2-Bedroom | - | 10 units | --- |
| Green Space (pervious) | | 13.8% (7,800 sf) | 13.8% (7,800 sf) |
| Public Use Space (%net lot) | 20% (11,315 sf) | 51.0% (28,866 sf) | 55.5% (31,367 sf) |
| On-Site | | 30.7% (17,400 sf) | 29.5% (16,685 sf) |
| Off-Site | | 22.5% (12,744 sf) | 26.0% (14,682 sf) |
| Building Height * | 143 feet (per Zone) 110 feet (per Sector Plan) | 125 feet | 133.8 feet |
| Setbacks | | | |
| Adjoining lots | 0' | 0' | 0' |
| Cordell Avenue | 0' | 12.5' | 12.5' |
| Del Ray | 0' | 0' | 0' |

**ANALYSIS: Conformance to Development Standards – Parking
Amended Parking Analysis**

| Use | Base Requirement | Reduction | Mixed Use Formula * |
|---|------------------|----------------|---------------------|
| Office (2.4 spaces/1,000 sf) | 46.98 | 90% | 4.70 |
| Retail (5 spaces/1,000 sf) | 31.40 | 10% | 28.26 |
| Restaurant (25/1000 sf 4,200 sf patron area | 107.50 | 0% | 107.50 |
| Housing ** | 376.42 | 10% CBD Credit | 376.42 |
| Total parking provided | 562.30 | | 486.23 |
| * Per Section 59-E-3.1 of the Zoning Ordinance for Mixed Uses | | | |
| ** Includes 10% reduction for residential per 59-E-3.3 | | | |
| Parking Type | Required | | Provided |
| Standard | 476.00 | | 476.00 |
| H/C | 11.00 | | 11.00 |
| Loading (MCDOT req) | 4.00 | | 4.00 |
| Bike surface spaces | | | 10.00 |
| Bike underground spaces | | | 10.00 |
| Motorcycle | 10.00 | | 10.00 |

**ANALYSIS: Conformance to Recreation Guidelines
Revised Recreation Chart**

| DEMAND POINTS | Tots | Children | Teens | Adults | Seniors | TOTALS |
|------------------------------|--------------|---------------|---------------|---------------|---------------|-------------|
| HI-Rise Dwelling Units | 4 | 4 | 4 | 77 | 46 | 135 |
| PROJECT DEMAND | | | | | | |
| <i>Hi-Rise # units = 314</i> | 12.56 | 12.56 | 12.56 | 241.76 | 144.44 | |
| SUPPLY POINTS | | | | | | |
| On Site | | | | | | |
| Picnic/Sitting (3) | 6.00 | 6.00 | 90.00 | 30.00 | 12.00 | 144.00 |
| Open Play Area I | 6.00 | 9.00 | 12.00 | 31.00 | 2.00 | 60.00 |
| Indoor Fitness Room | 0.00 | 0.70 | 0.70 | 28.20 | 12.60 | 42.20 |
| Community Room | 0.70 | 1.10 | 2.20 | 42.30 | 33.60 | 79.90 |
| Pedestrian System | 1.26 | 2.51 | 2.51 | 108.80 | 65.00 | 180.08 |
| On Site Total | 19.31 | 107.41 | 240.30 | 125.20 | 13.96 | |
| Off Site | | | | | | |
| Tennis Court | 0.00 | 1.50 | 10.50 | 24.00 | 1.00 | |
| Multi-age Play Area | 9.0 | 9.00 | 11.00 | 3.00 | 7.00 | |
| MP Court | 2.00 | 5.00 | 7.00 | 8.00 | 1.00 | |
| Off Site Total | 11.00 | 16.00 | 10.00 | 15.00 | 2.00 | |
| SUPPLY/DEMAND RATIOS | | | | | | |
| On Site Ratio | 1.04 | 1.40 | 8.41 | 0.68 | 0.56 | |
| TOTAL SUPPLY RATIO | 1.56 | 2.11 | 3.05 | 1.51 | 1.9 | 1.57 |

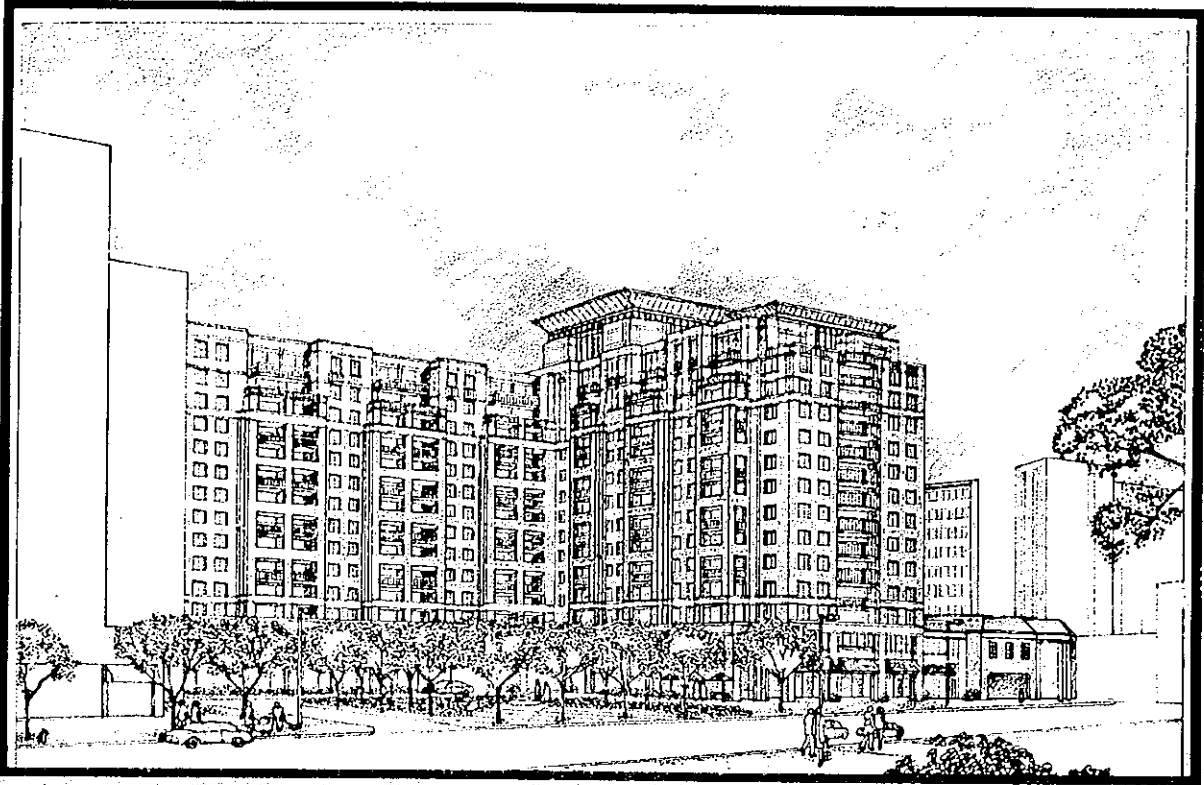
List of Attachments

- I. Mandatory Referral
 - a. Staff Report
 - b. Correspondence

- II. Site Plan
 - a. Staff Report and Correspondence
 - b. Site Plan Opinion 8-01016
 - c. Preliminary Plan Opinion 1-01012

- III. Project Plan
 - a. Staff Report and Correspondence
 - b. Project Plan Opinion 9-01002

BETHESDA TRIANGLE DEVELOPMENT



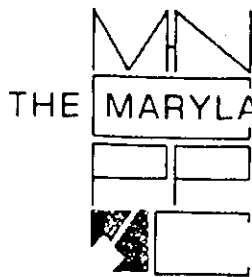
BETHESDA, MARYLAND

STAFF REPORT

**Mandatory Referral #01811
Utilizing the Optional Method of Development**

Bethesda Triangle, LLC, Applicant
Architects Collaborative, Architect
Edaw, Inc., Landscape Architect
VIKA, Inc., Engineer
Linowes and Blocher LLP

**Prepared for The Montgomery County Planning Board
May 17, 2001**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

June 8, 2001

Ms. Gayle Libby Curtiss, Esq.
Chief, Property Acquisition Section
Department of Public Works and Transportation
101 Monroe Street
Rockville, MD 20850-4168

RE: Mandatory Referral#01811-DPW&T-1
Proposed Sale of ten-foot portion of right-of-way (5,821 square feet) abutted by
Cordell Avenue, Del Ray Avenue, and Rugby Avenue, west of Woodmont
Avenue in the CBD-R2 Zone, Bethesda Central Business District

Dear Ms. Curtiss:

The Montgomery County Planning Board, at its regularly scheduled meeting of May 17, 2001, approved the request by the Bethesda Triangle LLC (property owner) to purchase a portion of right-of-way (5,821 square feet) abutted by Cordell Avenue, Del Ray Avenue, and Rugby Avenue, west of Woodmont Avenue in Bethesda CBD.

This request was approved in conjunction with the Site Plan 8-01016 for Bethesda Triangle residential, commercial and office development.

Bethesda Triangle LLC, the property owner, has pursued development of the property that is classified as CBD-R2 Zone, approved for 298 high-rise dwelling units, 12.5 % of which will be MPDUs provided on site. The approved application also included 13,000 square feet of retail and 20,000 square feet of office uses. The right-of-way adjacent to the property for Del Ray, Cordell, and Rugby Avenues was previously partially dedicated by plat (20 feet of width by plat recorded as Plat No. 4, Plat Book 1 in the 1890s) and partially by deed (ten feet of width by deed in the late 1950s).

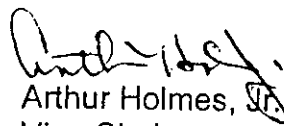
The property owner is seeking to purchase the surrounding ten-foot-wide strip of right-of-way (approximately 5,821 square feet) owned by the County, which is presently being used by the public as a sidewalk, to allow appropriate density to be captured for the project. The 5,821 square feet will be dedicated immediately to the public at no cost to the County by the record plat to be finalized and recorded as part of the subdivision process for this property and project.

Ms. Gayle Libby Curtiss, Esq.
Page Two
June 8, 2001

The Planning Board concluded that this request has merit for consideration in order to implement the mixed-use project at this location.

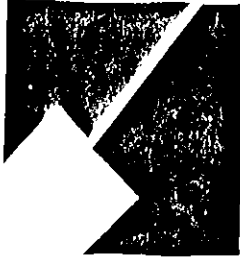
Thank you for the opportunity to review this application. If you need additional information, please contact Mr. Shahriar Etemadi at (301) 495-2168.

Sincerely:


Arthur Holmes,
Vice Chairman

AH:SE:kcw

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
5/17/01
Supplemental Agenda Item #1

MEMORANDUM

DATE: May 11, 2001

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief *JRD*
Development Review Division

FROM: Shahriar Etemadi, Coordinator *[Signature]*
Transportation Planning

SUBJECT: Mandatory Referral No. 01808-DPW&T-1, Proposed Sale – 10 feet
portion of right-of-way (5,821 square feet) abutted by Cordell Avenue, Del
Ray Avenue, and Rugby Avenue, west of Woodmont Avenue in the CBD-
R2 Zone, Bethesda Central Business District

RECOMMENDATION: Staff recommends approval of the request to sell 5,821 square feet of right-of-way abutted by Cordell Avenue, Del Ray Avenue, and Rugby Avenue, West of Woodmont Avenue in Bethesda.

Previous Action and Schedule

The Planning Board has taken actions on approving the project plan, preliminary plan and Site Plan for the Bethesda Triangle LLC (property owner) for a total of 342,205 square feet of development on 56,573 square feet net lot area (gross 68,441 square feet of tract area) of land bordered by Cordell Avenue, Del Ray Avenue and Rugby Avenue.

Background

The Bethesda Triangle LLC, the property owner, has pursued development of the property which is classified as CBD-R2 Zone, approved for 298 high rise dwelling units,

12.5% of which will be MPDUs provide on site. The approved application also included 13,000 square feet of retail and 20,000 square feet of office uses. The right-of-way adjacent to the property for Del Ray, Cordell and Rugby Avenues was previously partially dedicated by plat (20 feet by plat recorded in Plat No. 4, Plat Book 1 in the 1890s) and partially by deed (10 feet by deed in the late 1950s).

Discussion

The property owner is seeking to purchase the surrounding 10 feet (approximately 5,821 square feet) owned by the County, which is presently being used by the public as a sidewalk, to allow appropriate density to be captured for the project. The property owner will purchase the 10-foot "buffer" for the same price that the previous owners sold the property to the County in the 1950s. The 5,821 square feet will immediately be dedicated back to the public at no cost to the County, by the record plat to be finalized and recorded as part of the subdivision process for this property and project.

Site Plan

A concurrent revised Site Plan Application No. 8-01016 is addressed in a separate memorandum to the Planning Board requiring a separate action by the Board. (Please see attached memorandum from the Development Review Division expressing its opinion on this mandatory referral.)

Traffic Circulation and Safety

The applicant submitted a traffic study and subsequent supplemental studies to satisfy the Local Area Transportation Review required by the Adequate Public Facilities Ordinance. Staff reviewed the studies and determined that the proposed development will not negatively impact the area traffic circulation and safety.

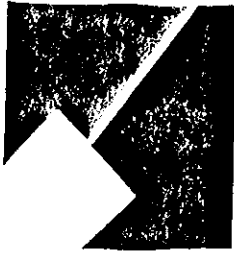
Summary

Staff has no objection to the proposed sale and immediate subsequent rededication of the subject parcel.

SE:ds

Attachments

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

May 11, 2001

TO: Shahriar Etemadi, Coordinator
Transportation Planning

VIA: Larry Ponsford, Supervisor *LRP*
Development Review Division

FR: Mary Beth O'Quinn, Coordinator *mbocq*
Development Review Division

SUBJECT: Mandatory Referral for Bethesda Triangle ROW
Reference: Site Plan 8-01016 Bethesda Triangle

This memorandum addresses the Development Review Division's review of the subject Mandatory Referral.

RECOMMENDATION

Staff supports the applicant's efforts to purchase 5,821 square feet of ROW previously dedicated to the County by deed.

As discussed in the concurrent Site Plan 8-01016, the applicant is seeking to purchase 5,821 sf surrounding the sidewalk adjacent to Cordell, Del Ray, and Rugby Avenues from the County. This area was previously dedicated by deed to the County in the 1950s. The applicant's purchase of the 5,821 sf would allow the applicant to re-dedicate the area by plat to the County, and "recover" the square footage as part of the gross tract area for the purposes of density calculations. The recovery of the square footage would provide for: continuation of its use as a public sidewalk (upgraded, however, as an Optional Method public use space amenity), and capture additional incremental density, and provide additional MPDUs.

The applicant has proposed that 33% of the units supplied through the application of the additional density will be provided as MPDUs. This site plan review has considered design implications of the additional density as applied to the building, including additional height of eight feet, and the supplemental extension of streetscape improvements that may be provided as public use amenities for the Optional Method.

Staff supports the applicant's efforts to recover this density because the additional height and number of dwelling units are compatible with the desired CBD development. More

significantly, the provision of this incremental density will accommodate additional residential units, of which the applicant proposes that 33% be offered as MPDUs. The applicant's commitment to provide substantial number of units of affordable housing in this CBD area is a unique opportunity to create a more balanced neighborhood with respect to income and activity.

Pending the completion of the purchase and the re-dedication of the 5,821 sf, approved Project Plan 9-01002 and approved Preliminary Plan 1-01012 will be require amendment applications and Planning Board approval, as will this site plan currently under review.



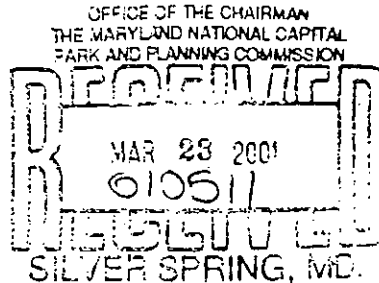
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Albert J. Genetti, Jr., P.E.
Director

March 20, 2001

Mr. William Hussmann, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910



Ref: Proposed Sale – 10ft. portion of right-of-way
(5,821 sq. feet) abutted by Cordell Avenue,
Del Ray Avenue, and Rugby Avenue, west of
Woodmont Avenue in the CBD-R2 Zone,
Bethesda Central Business District

Dear Mr. Hussmann,

The proposed sale of 5,821 square feet adjacent to Del Ray, Cordell, and Rugby Avenues in Bethesda is hereby submitted for review by the Maryland-National Capital Park and Planning commission under Article 28, Section 7-112 Annotated Code of Maryland and referred to as Mandatory Referral.

Bethesda Triangle LLC (Property Owner) has pursued development approvals for Bethesda Triangle, for an optional method residential project which recently received project plan and preliminary plan of subdivision approval for 342,000 square feet of development on 56,000 square feet of land (the "Property") bordered by Cordell Avenue, Del Ray Avenue, and Rugby Avenue and located just west of Woodmont Avenue in the Bethesda Central Business District. The property is classified in the CBD-R2 Zone and is approved for 314 dwelling units, 15% of which will be MPDUs provided on site. The right-of-way adjacent to the Property for Del Ray, Cordell, and Rugby Avenues was previously partially dedicated by plat (20 feet by plat recorded in Plat No. 4, Plat book 1 in the 1890's) and partially by deed (10 feet by deeds in the late 1950s). The Property Owner is seeking to purchase the surrounding 10 feet (approximately 5,821 square feet) deeded to the County, which is presently being used by the public as a sidewalk which will allow appropriate density to be captured for the project. The Property Owner will purchase the 10-foot "buffer" for the values the previous owners sold the property to the County in the 1950s. The 5,821 square feet will immediately be dedicated back to the public and at no cost to the County, by the record plat to be finalized and recorded as part of the subdivision process for this Property and project. I have attached a site map and a tax map identifying the property for your review. I have also attached photographs of the property (the sidewalk area) adjacent to Cordell Avenue, Del Ray Avenue and Rugby Avenue.

ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

FILE NUMBER: 010511 DATE RECEIVED: 3-23-01

CORRESPONDENCE TYPE: Letter DATE OF LETTER: 3-20-01

AGENDA DATE:

TO: William Hussmann

FROM: Gayle Libby Curtiss, DPW&T

SUBJECT:

Letter from DPW&T transmitting a Mandatory Referral review for 10ft. portion of right-of-way abutted by Cordell Ave., Del Ray Ave., and Rugby Ave., west of Woodmont Ave. in the CBD-R2 Zone, Bethesda Central Business District.

TRANSMITTED TO: Loehr/BH

COPIES TO: ~~Carter~~ 240113

DATE DUE:

REMARKS FROM CHAIRMAN'S OFFICE:

Schedule for Planning Board review.

*Sherran, I talked to Da
It's yours. Henry*

Remact

350



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Albert J. Genetti, Jr., P.E.
Director

MEMORANDUM

March 20, 2001

TO: Addressees

VIA: W. Scott Wainwright, Chief, Division of Engineering Services
Department of Public Works and Transportation

FROM: Gayle Libby Curtiss, Esq., Chief Property Acquisition
Property Acquisition Section, Division of Engineering Services
Department of Public Works and Transportation

SUBJECT: Secondary Review – 10 ft. portion of right-of-way (5,821 sq. feet) abutted
by Cordell Avenue, Del Ray Avenue, and Rugby Avenue, west of
Woodmont Avenue in the CBD-R2 Zone, Bethesda Central Business
District

Under the provision of Section 11B-45 of the Montgomery County Code and the pertinent provisions of Executive Regulation 31-97 (Disposition of Real Property), approximately 5,821 square feet of fee simple real property owned by Montgomery County are submitted for Secondary Review.

Under Section 9.0 A of the Executive Regulation OCE-PIS, responded that the above referred to property was not specifically designated in an approved Master Plan for a particular public use. Likewise, OMB responded that the property was not desirable for a future public use as a fire station, police station or other project as contained in an approved Capital Improvements Program.

Background of the Property

Bethesda Triangle LLC (Property Owner) has pursued development approvals for Bethesda Triangle, for an optional method residential project which recently received project plan and preliminary plan of subdivision approval for 342,000 square feet of development on 56,000 square feet of land (the "Property") bordered by Cordell Avenue, Del Ray Avenue, and Rugby Avenue and located just west of Woodmont Avenue in the Bethesda Central Business District. The property is classified in the CBD-R2 Zone and is approved for 314 dwelling units, 15% of which will be

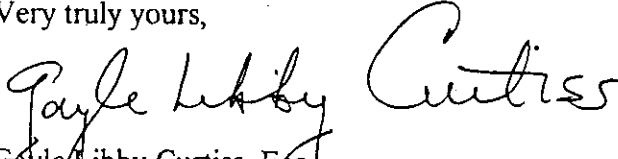
March 20, 2001

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The County Executive has stated his support for this project. Please submit any comments Maryland National Capital Park and Planning commission may have to the Property Acquisition Section at the address stated below.

If you have any questions please feel free to telephone me at (240) 777-7253.
Thank you for your attention to this matter.

Very truly yours,


Gayle Libby Curtiss, Esq.
Chief, Property Acquisition Section

DEPARTMENTS AND OFFICES TO RECEIVE
SECONDARY REVIEW REQUEST

Robert C. Hubbard, Director
Department of Permitting Services
250 Rockville Pike - 2nd Floor

Elizabeth B. Davison, Director -
Department of Housing and Community Development
COB - 4th Floor

Scott Wainwright, Acting Chief
Division of Engineering Services
EOB 9th Floor

Thomas V. Orr, Acting Chief
Division of Highway Services
COB - Room 114

John W. Thompson, Acting Chief -
Division of Traffic and Parking Services
EOB 11th Floor

Arthur G. Balmer, Chief -
Division of Solid Waste Services
EOB 6th Floor

Carolyn Biggins, Chief
Division of Transit Services
EOB 5th Floor

Gail Nachman, Director
Bethesda-Chevy Chase Government Cen.
7815 Woodmont Avenue
Bethesda, MD 20814

William H. Hussmann, Chairman -
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

John R. Griffin, General Manager -
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, MD 20707

Laura Swisher, Esq.
Business Development
WSSC

March 20, 2001

Page 2

MPDUs provided on site. The right-of-way adjacent to the Property for Del Ray, Cordell, and Rugby Avenues was previously partially dedicated by plat (20 feet by plat recorded in Plat No. 4, Plat book 1 in the 1890's) and partially by deed (10 feet by deeds in the late 1950s).

The Property Owner is seeking to purchase the surrounding 10 feet (approximately 5,821 square feet) deeded to the County, which is presently being used by the public as a sidewalk which will allow appropriate density to be captured for the project. The Property Owner will purchase the 10-foot "buffer" for the values the previous owners sold the property to the County in the 1950s. The 5,821 square feet will immediately be dedicated back to the public and at no cost to the County, by the record plat to be finalized and recorded as part of the subdivision process for this Property and project. I have attached a site map and a tax map identifying the property for your review. I have also attached photographs of the property (the sidewalk area) adjacent to Cordell Avenue, Del Ray Avenue, and Rugby Avenue.

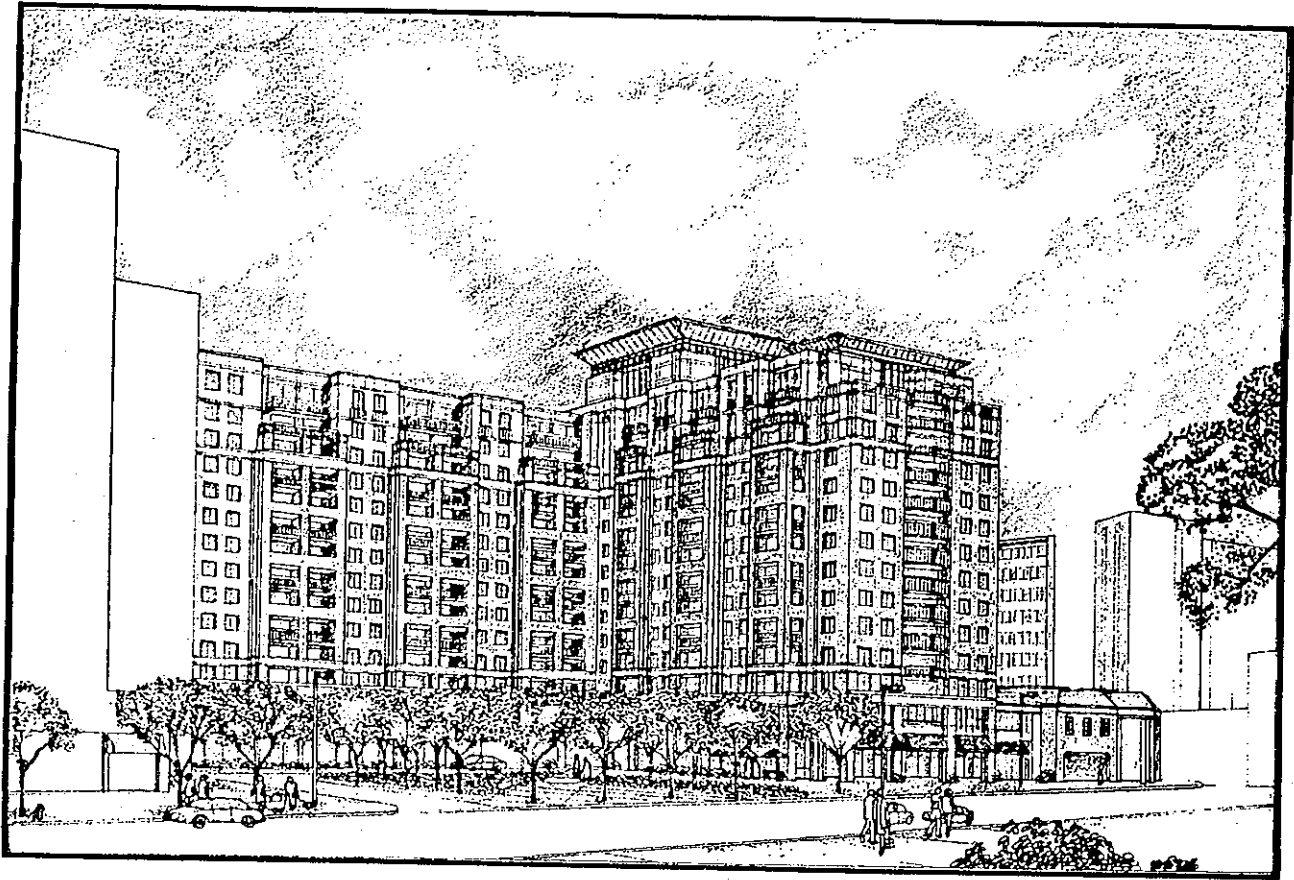
The County Executive has stated his support for this project in a memorandum to me, dated February 2, 2001, through George F. Griffin, Assistant Chief Administrative Officer and thereafter by electronic mail. This project has also been discussed with Ms. Gail Nachman, Director, Bethesda-Chevy Chase Regional Services Center.

Please review the attachments and respond to me as to whether or not you have a public purpose need for this property or an otherwise County re-use need for the property. If you have any questions please feel free to telephone me at (240) 777-7253.

GLC:ksd:PAS/Dis-acq/Bethesda Triangle.1

Attachments

BETHESDA TRIANGLE DEVELOPMENT



BETHESDA, MARYLAND

STAFF REPORT

**Site Plan 8-01016
Utilizing the Optional Method of Development**

Bethesda Triangle, LLC, Applicant
Architects Collaborative, Architect
Edaw, Inc., Landscape Architect
VIKA, Inc., Engineer
Linowes and Blocher LLP

**Prepared for:
The Montgomery County Planning Board
May 17, 2001**



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: May 11, 2001
TO: Montgomery County Planning Board
VIA: Larry Ponsford, Supervisor
 Joseph R. Davis, Chief *JRD*
 Development Review Division
FROM: Mary Beth O'Quinn *mboq*
 Planning Department Staff
 (301) 495-1322

REVIEW TYPE: Site Plan Review
 [See also Mandatory Referral submitted for concurrent review]

APPLYING FOR: 20,000 sf office, 13,000 sf retail, 309,250 sf residential
 288 total apartments: 252 market rate and 36 MPDUs

PROJECT NAME: Bethesda Triangle
CASE #: 8-01016
REVIEW BASIS: Site Plan Review is required in the CBD-R2 zone

ZONE: CBD-R2
LOCATION: Cordell Avenue between Norfolk and Woodmont Avenues
MASTER PLAN: Bethesda Central Business District Sector Plan

APPLICANT: Bethesda Triangle, LLC
FILING DATE: March 23, 2001
HEARING DATE: May 17, 2001



STAFF RECOMMENDATION: Approval of 309,250 sf of apartment use, inclusive of 252 market rate and 36 MPDUs, 13,000 sf retail space, 20,000 sf office space with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A.
2. Conditions of MCPDS stormwater management approval dated October 31, 2000.
3. Conditions of Transportation Planning memo dated May 11, 2001.

DESIGN CONDITIONS

Prior to signature set approval of the site/landscape plans the following revisions shall be made or information provided, for review and approval by planning staff:

4. Site Plan

- a. Site Plan Signature Set shall show all easement lines, LODs, PUEs, ROWs, setbacks, slopes of sidewalks, riser numbers, and all grading;
- b. Site Plan Signature Set shall include wall height and materials of the roof top mechanical space. A note shall be added to the plans which states that all roof-mounted mechanical equipment shall be screened from view by nearby buildings and that noise associated with such equipment shall be mitigated to within the limits set forth in the noise ordinance;
- c. Provide information on exterior building materials for Signature Set;
- d. Provide design for building entry canopy with materials and specifications;
- e. Provide drawings showing the exact placement of all art pieces, including dimensions and materials;
- f. Show materials and specifications for loading dock door;
- g. Show garage fresh air intakes;
- h. Provide dimensions and area for indoor residents recreation amenities (community room and fitness center);
- i. Show examples of all signage.

5. Landscape Plan

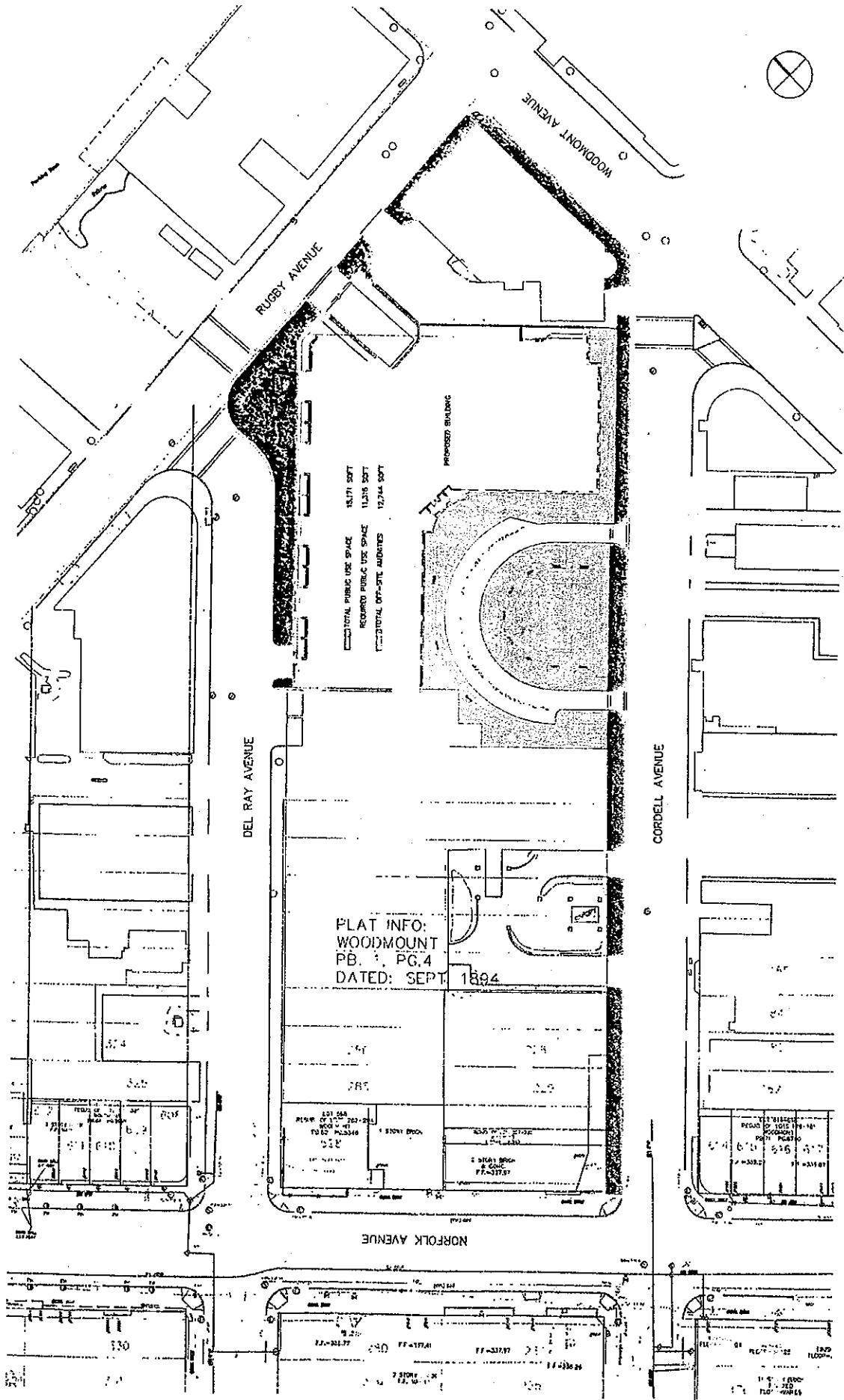
- a. Landscape Plan shall include the Bethesda structural soil panel for all street trees.
- b. Provide street trees at 4"-4.5" caliper at the time of planting;

6. Lighting Plan

- a. Provide lighting details and specifications for all fixtures, including lamp type, wattage, house shields, and mounted height; include as part of landscape drawing;
- b. Provide performance specifications for restaurant/retail store front lighting;
- c. Provide performance specifications for all exterior building lighting at garage entrance and for garage stairwells;
- d. Provide garage lighting photometric plan;
- e. Revise light distribution plan to include building mounted fixtures and provide lighting calculations summary including average/maximum and average/minimum ratios.
- f. Demonstrate that exterior lighting levels follow the IESNA Guidelines.

7. MPDUs

- a. Provide all MPDUs on site and show final location of all MPDU units within the building.

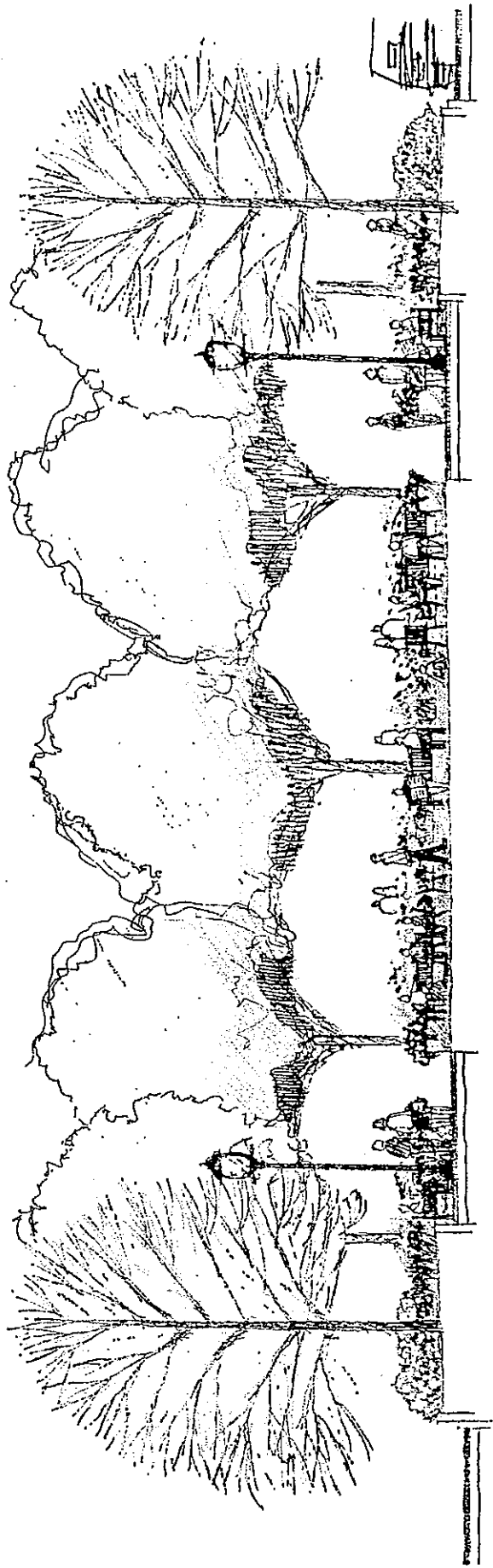


ACI

BETHESDA TRIANGLE LLC

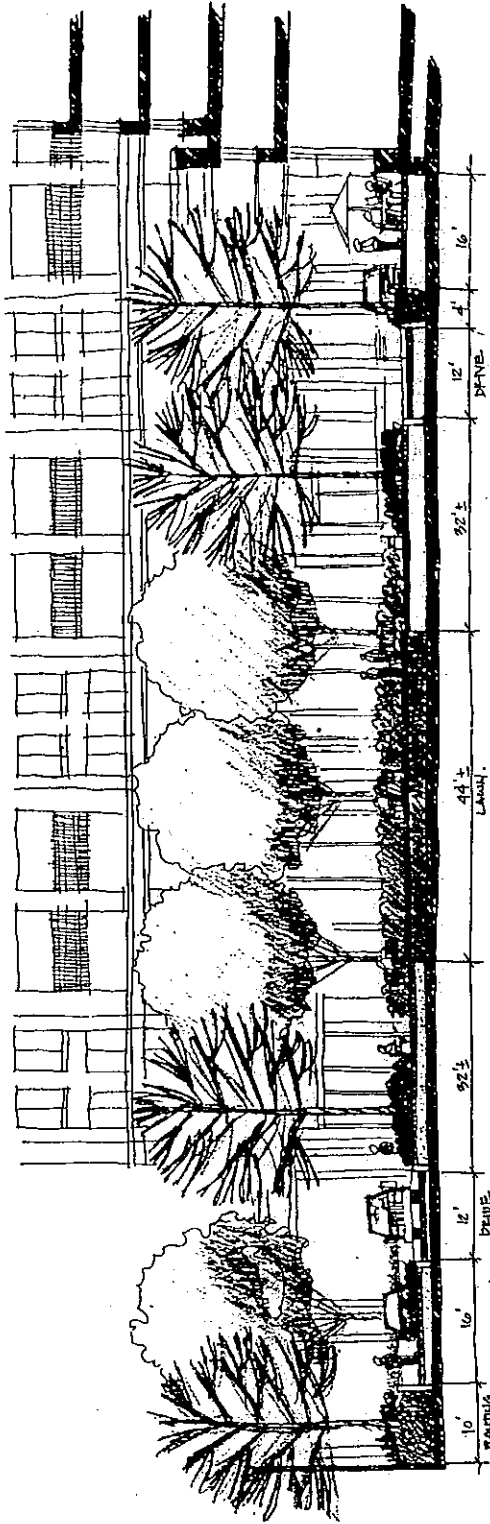
PUBLIC USE SPACE
 SCALE 1" = 30' - 0" DATE: 10. 25. 2000

ARCHITECTS COLLABORATIVE INC.
 E. D. A. W. F.
 SHEET NO. 1 - 3.02





A SECTION THROUGH PLAZA - VIEW NORTH



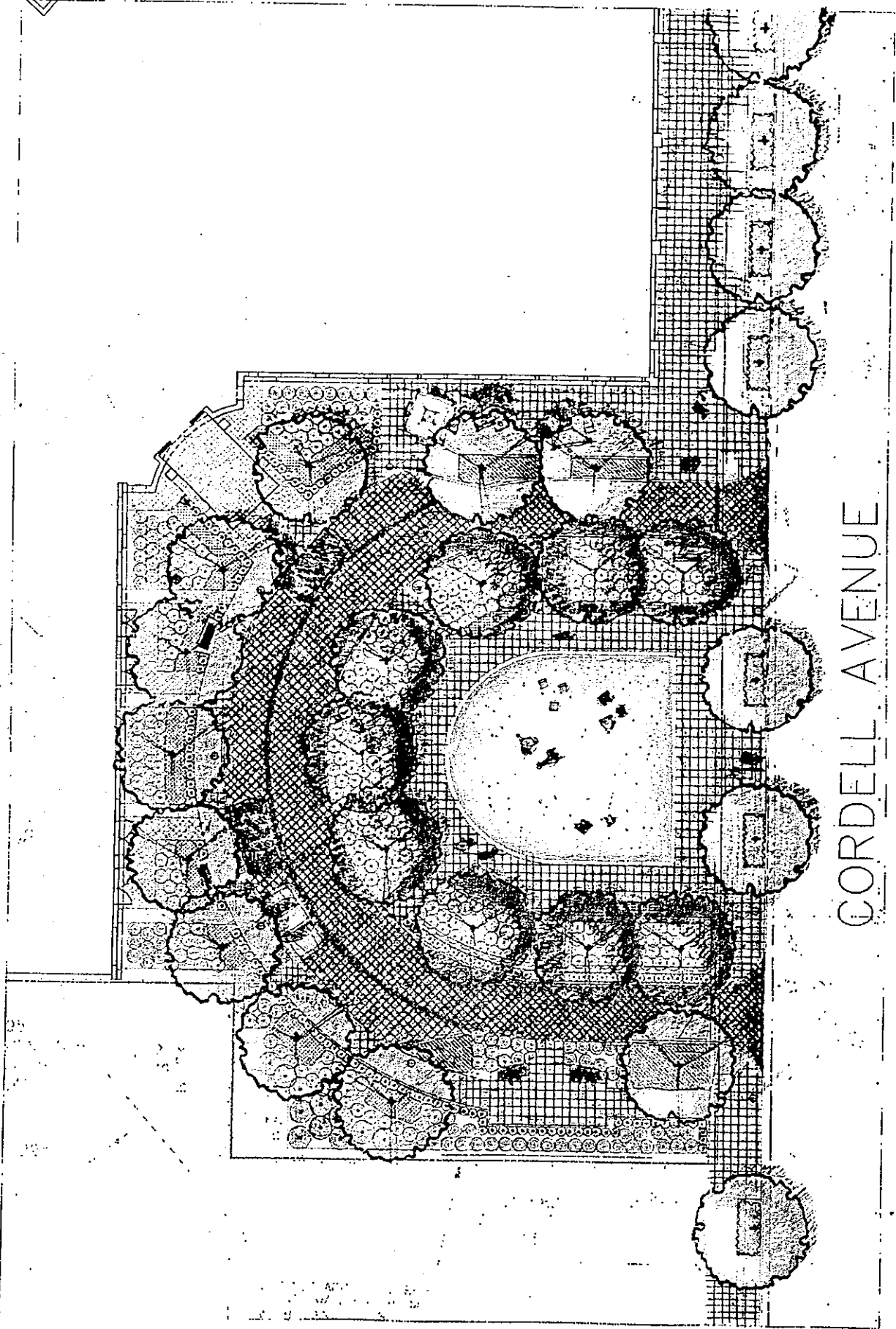
B SECTION THROUGH PLAZA - VIEW WEST

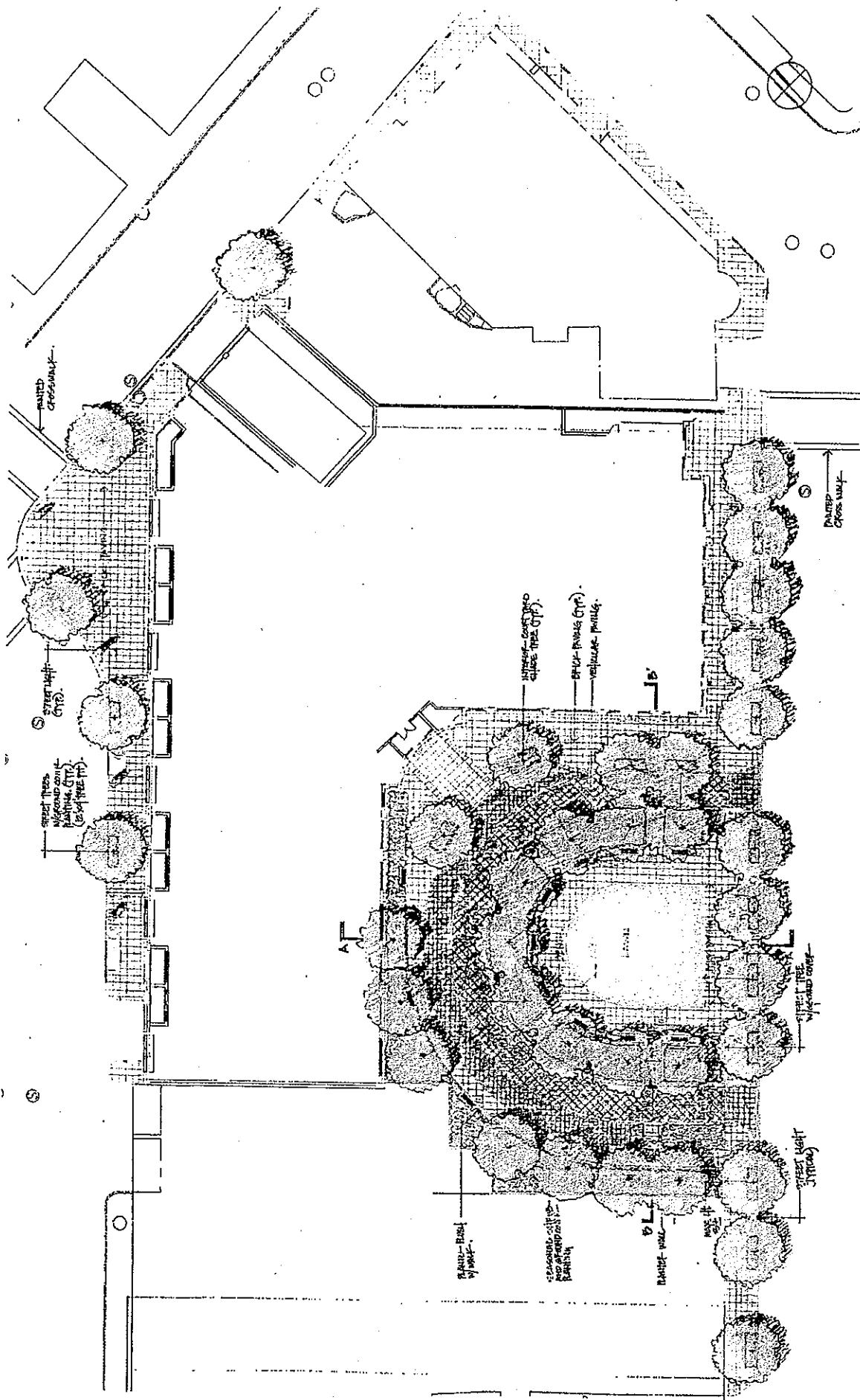
BETHESDA TRIANGLE LLC

ACI

PLAZA DETAILS - SITE SECTIONS
 SCALE 1/8"=1'-0" DATE 10.25.2000

ARCHITECTS COLLABORATIVE INC
 E D A W
 SHEET NO. L - 2.02



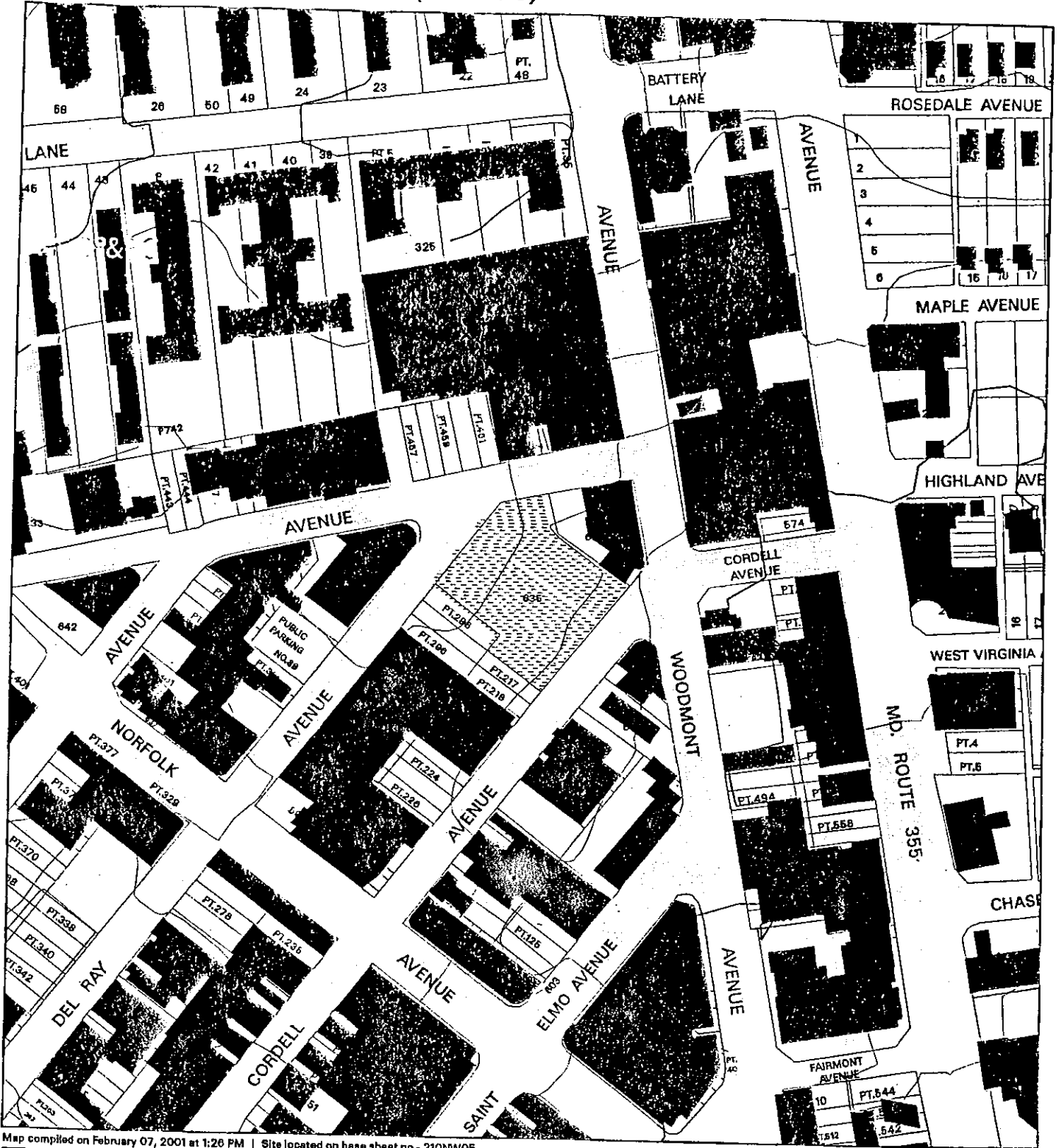


BETHESDA TRIANGLE LLC

ILLUSTRATIVE SITE PLAN
 SCALE 1/16"=1'-0" DATE: 10. 25. 2000

ARCHITECTS COLLABORATIVE INC
 E D A W
 SHEET NO. L - 1.01

VICINITY MAP FOR
BETHESDA TRIANGLE (8-01016)



Map compiled on February 07, 2001 at 1:26 PM | Site located on base sheet no - 210NW05

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N



Research & Technology Center



1 : 2400

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



ARCHITECTS COLLABORATIVE
 ARCHITECTS
 1000 PINE STREET
 SUITE 200
 PHILADELPHIA, PA 19107
 TEL: 215 562 1000
 FAX: 215 562 1001

ARCHITECT
 JOHN J. COUGHLIN
 1871 R 10TH ST
 PHILADELPHIA, PA 19103

CHIEF ARCHITECT
 JOHN J. COUGHLIN
 1871 R 10TH ST
 PHILADELPHIA, PA 19103

LANDSCAPE ARCHITECT
 JAMES J. COUGHLIN
 1871 R 10TH ST
 PHILADELPHIA, PA 19103

STRUCTURAL ENGINEER
 JAMES J. COUGHLIN
 1871 R 10TH ST
 PHILADELPHIA, PA 19103

MER ENGINEERS
 JAMES J. COUGHLIN
 1871 R 10TH ST
 PHILADELPHIA, PA 19103

MECHANICAL ENGINEER
 JAMES J. COUGHLIN
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 PHILADELPHIA, PA 19103

ELECTRICAL ENGINEER
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 1871 R 10TH ST
 PHILADELPHIA, PA 19103

PLUMBING ENGINEER
 JAMES J. COUGHLIN
 1871 R 10TH ST
 PHILADELPHIA, PA 19103

OWNER
 BETHESDA TRIANGLE
 1871 R 10TH ST
 PHILADELPHIA, PA 19103

DATE
 5/14

PROJECT NAME
 BETHESDA TRIANGLE

ETERNAL, INC.

SECTION
 SECTION

DATE
 5/14

SCALE
 1/4" = 1'-0"

DATE
 5/14

DATE
 5/14

DATE
 5/14

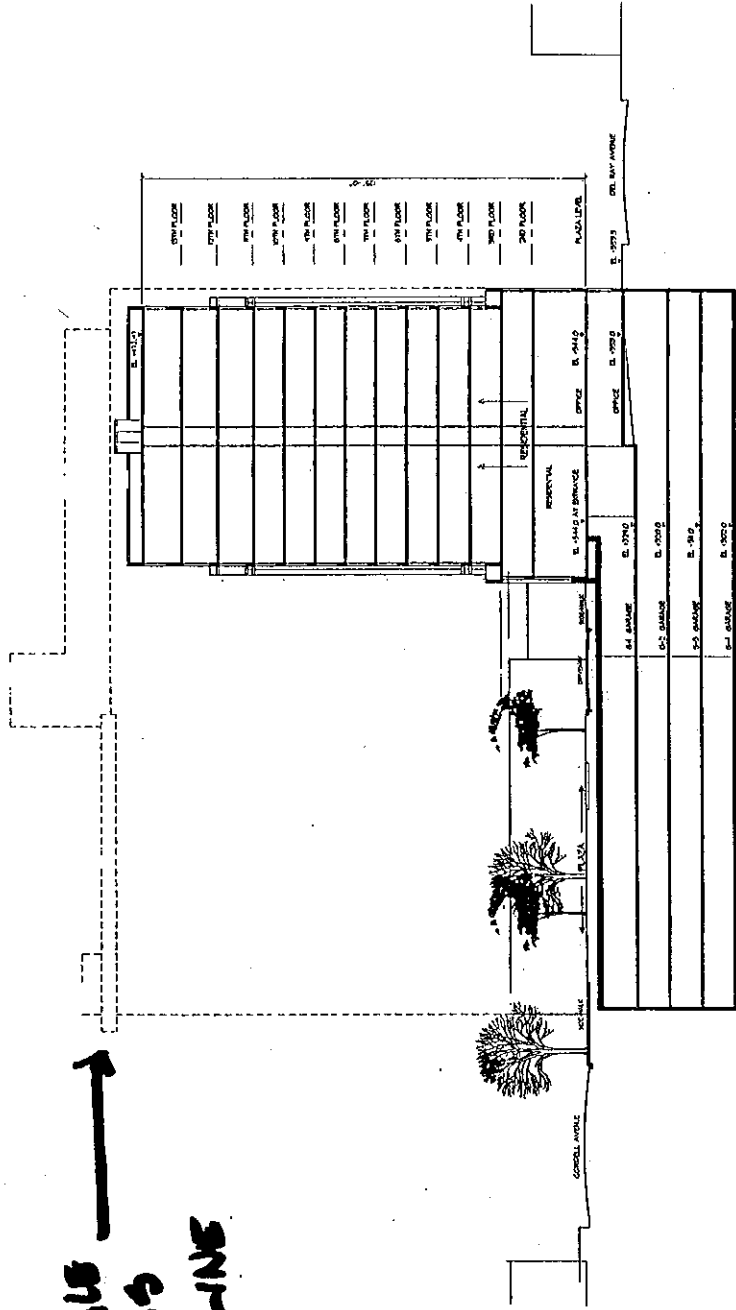
DATE
 5/14

DATE
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DATE
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DATE
 5/14

**TRIANGLE
 TOWERS
 ROOF LINE**



SECTION WITH 13 STORY BUILDING

DATE PLAN DESIGN 0-01016



IAN PETRICOLA COLLABORATIVE INCORPORATED
 ARCHITECTURE
 400 E. DIXIE AVENUE
 SUITE 200
 ANN ARBOR, MI 48106
 TEL: 313.963.8000
 FAX: 313.963.8001

ARCHITECT
 IAN PETRICOLA
 400 E. DIXIE AVENUE
 SUITE 200
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 IAN PETRICOLA
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 ANN ARBOR, MI 48106
 TEL: 313.963.8000
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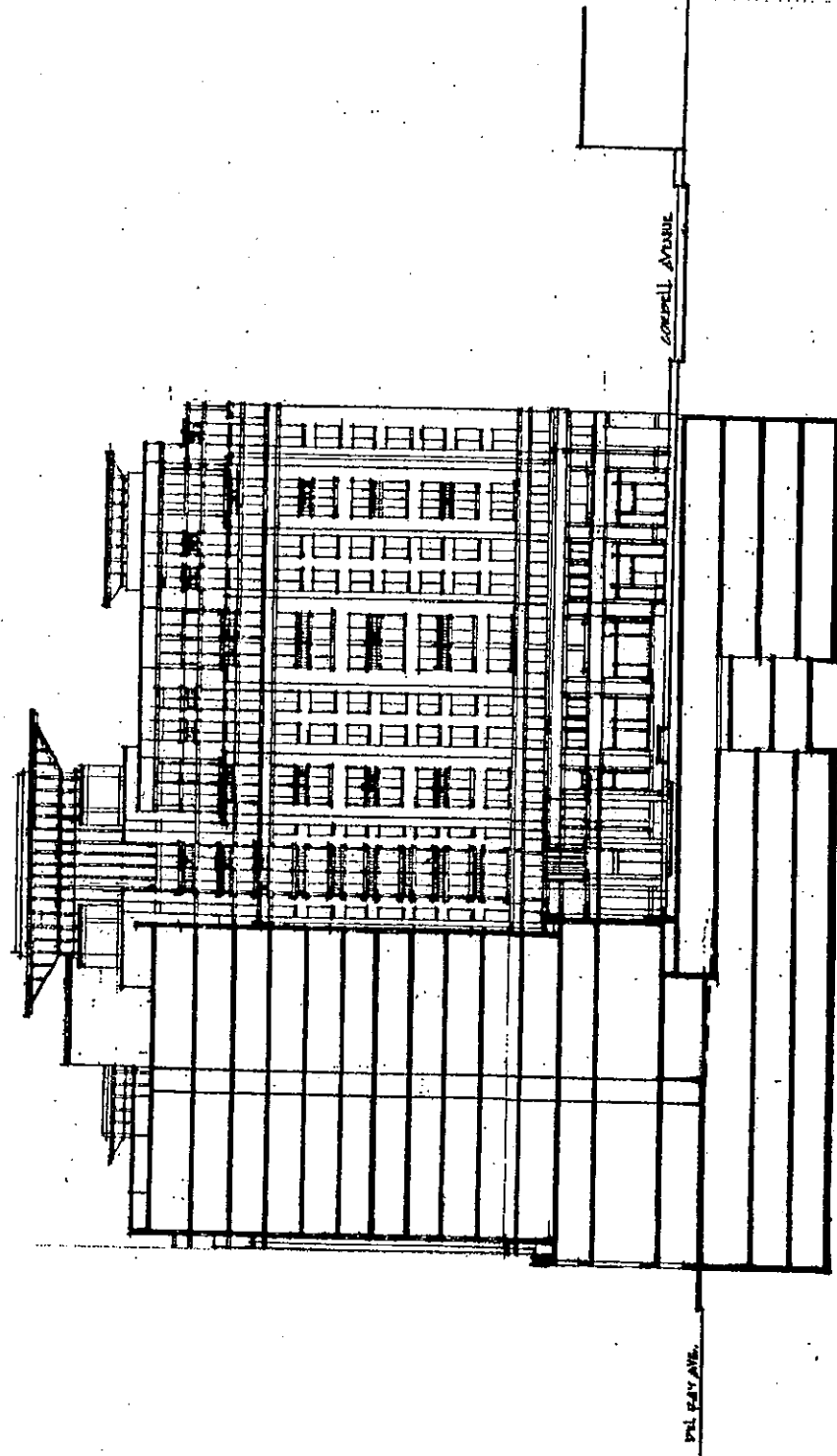
ARCHITECT
 IAN PETRICOLA
 400 E. DIXIE AVENUE
 SUITE 200
 ANN ARBOR, MI 48106
 TEL: 313.963.8000
 FAX: 313.963.8001

BY PLAN

PROJECT NAME

BETHESDA TRIANGLE

| | |
|-------------|---------------|
| DATE: 06/14 | |
| DATE | 06/14 |
| BY | IAN PETRICOLA |
| CHECKED BY | IAN PETRICOLA |
| SCALE | AS SHOWN |
| PROJECT NO. | 8-01016 |



ELEVATION WITH 15 STORY BUILDING

SITE PLAN DESIGN 8-01016



ARCHITECTS ASSOCIATES INC.
 1000 W. University Blvd.
 Suite 100
 Westborough, MA 01581
 Tel: 508-852-8000
 Fax: 508-852-8001

CON. ENGINEER
 700 W. Main St.
 Westborough, MA 01581
 Tel: 508-852-8000
 Fax: 508-852-8001

LANDSCAPE ARCHITECT
 1000 W. University Blvd.
 Suite 100
 Westborough, MA 01581
 Tel: 508-852-8000
 Fax: 508-852-8001

STRUCTURAL ENGINEER
 1000 W. University Blvd.
 Suite 100
 Westborough, MA 01581
 Tel: 508-852-8000
 Fax: 508-852-8001

MECHANICAL ENGINEER
 1000 W. University Blvd.
 Suite 100
 Westborough, MA 01581
 Tel: 508-852-8000
 Fax: 508-852-8001

ELECTRICAL ENGINEER
 1000 W. University Blvd.
 Suite 100
 Westborough, MA 01581
 Tel: 508-852-8000
 Fax: 508-852-8001

CIVIL ENGINEER
 1000 W. University Blvd.
 Suite 100
 Westborough, MA 01581
 Tel: 508-852-8000
 Fax: 508-852-8001

PROJECT NO. _____

DATE _____

BY _____

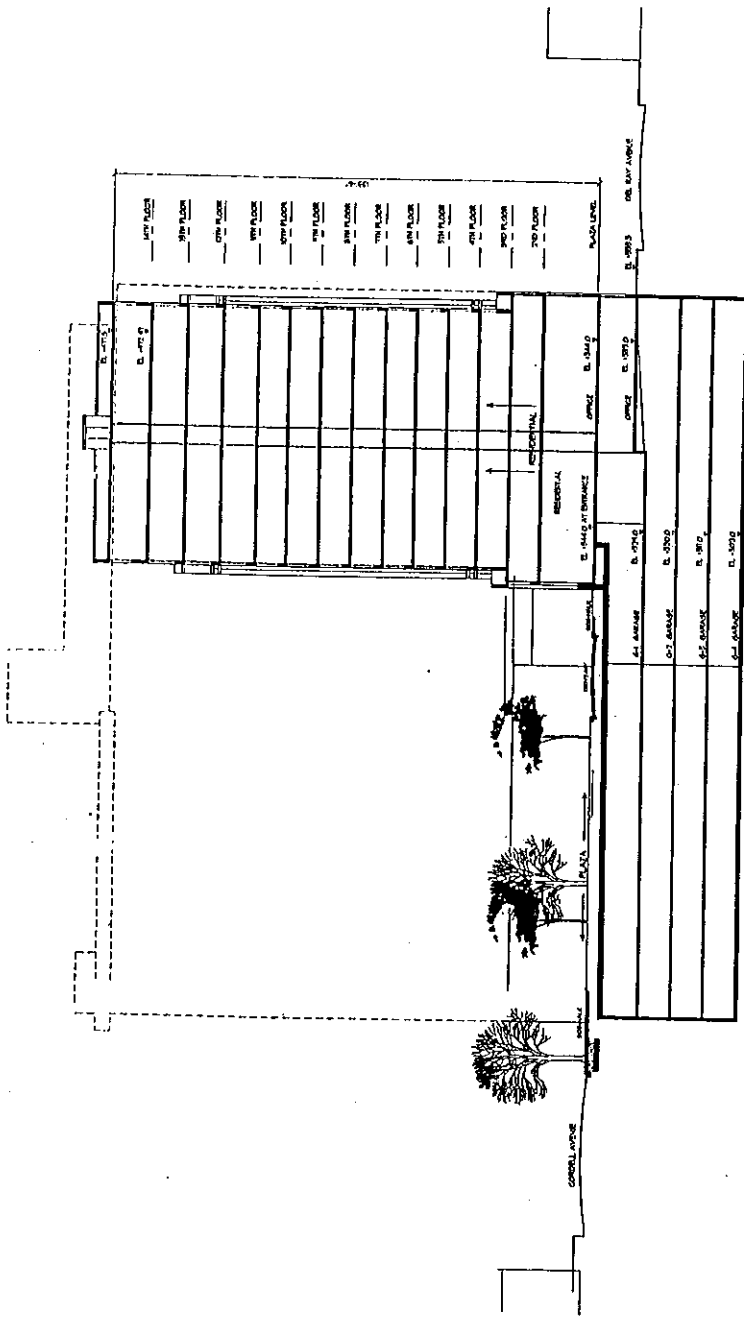
FOR _____

PROJECT NAME
BETHESDA TRIANGLE

BETHESDA, MD

OWNER
 BETHESDA TRIANGLE
 1000 W. University Blvd.
 Westborough, MA 01581
 Tel: 508-852-8000
 Fax: 508-852-8001

DATE
 10/14



SECTION WITH 14 STORY BUILDING

MANDATORY REFERRAL DESIGN 8+ IN HEIGHT



ARCHITECTS COLLABORATIVE INCORPORATED
 1400 14th Street, Suite 100
 Raleigh, NC 27601
 P.O. Box 2011, Raleigh, NC 27602

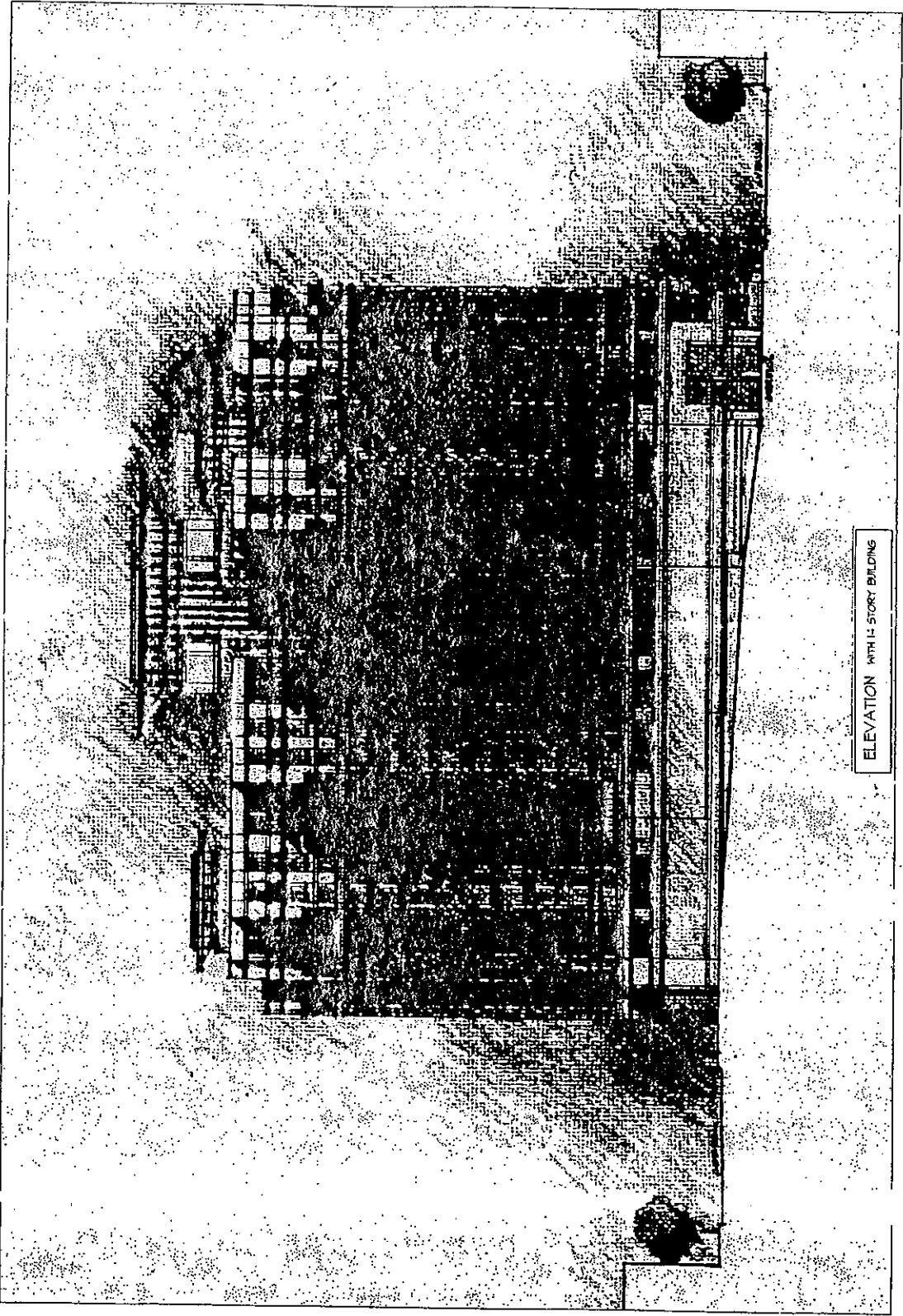
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 CLIENT: [Blank]
 DATE: [Blank]

1/2" = 1'-0"
 NORTH

PROJECT NAME: [Blank]

BETHEDA TRIANGLE
 SPENCER, NC

| | |
|------------|---------|
| DATE | 12/14 |
| BY | [Blank] |
| CHECKED BY | [Blank] |
| SCALE | [Blank] |



ELEVATION WITH 14 STORY BUILDING

MANDATORY REFERRAL DESIGN



ARCHITECTS COLLABORATIVE INCORPORATED
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200
 Fax: (301) 497-9223

ARCHITECT
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

CIVIL ENGINEER
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

LANDSCAPE ARCHITECT
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

STRUCTURAL ENGINEER
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

MECHANICAL ENGINEER
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

ELECTRICAL ENGINEER
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

PLUMBING ENGINEER
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

CONCRETE ENGINEER
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

FOUNDATION ENGINEER
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

ENVIRONMENTAL ENGINEER
 JOHN W. HARRIS
 1000 Old Georgetown Rd.
 Washington, D.C. 20037
 Tel: (301) 497-9200

SEIT PLAN

REVISION

DATE

PROJECT NAME

BETHESDA TRIANGLE

BETHESDA, MD

OWNER

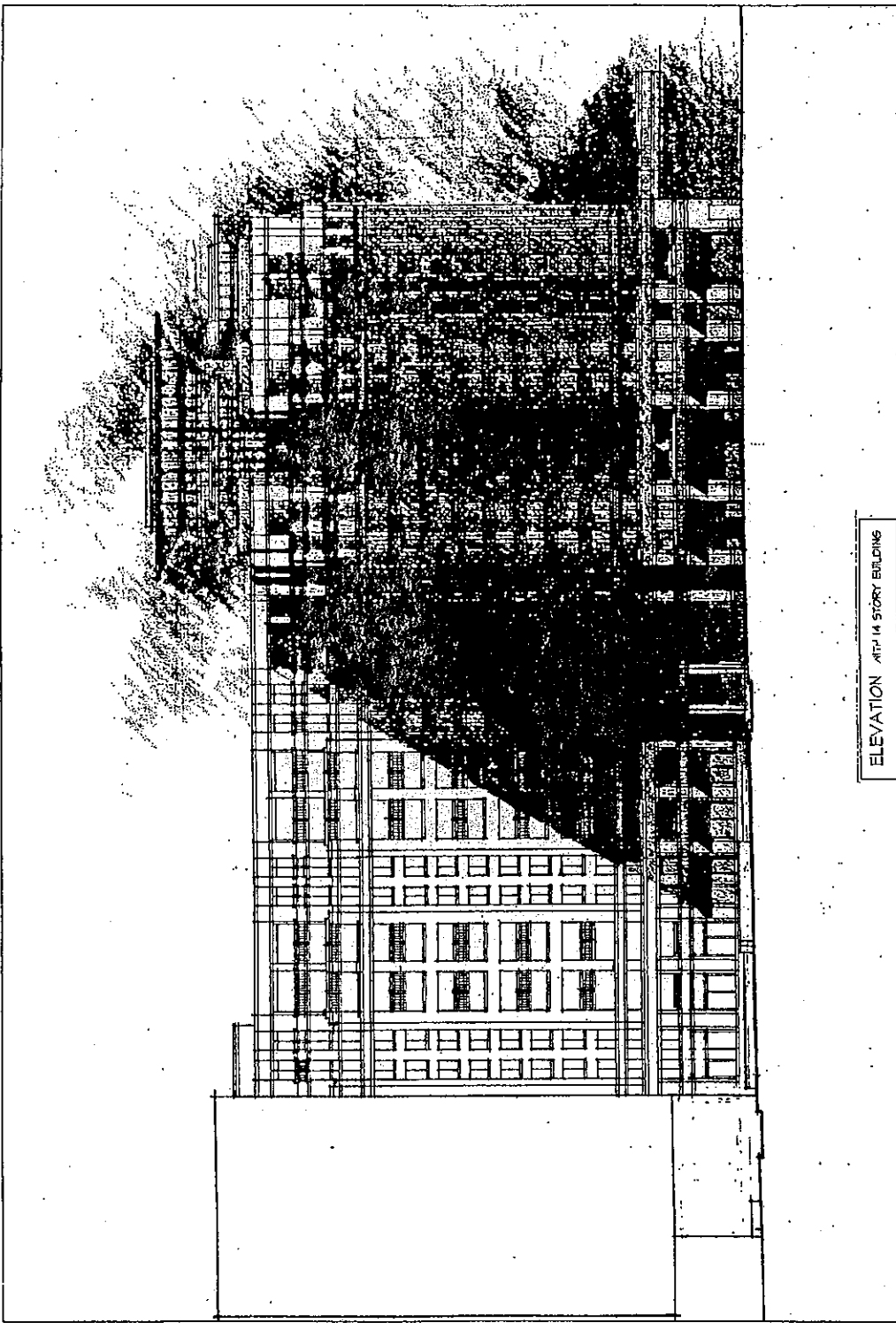
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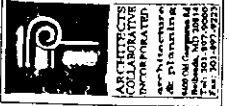
PROJECT NO.

DATE

1/3/14



ELEVATION - 14 STORY BUILDING



PERKINS+WILL
 ARCHITECTS
 600 North Dearborn Street
 Chicago, IL 60610
 Tel: 312.427.1000
 Fax: 312.427.1001
 www.perkinswill.com

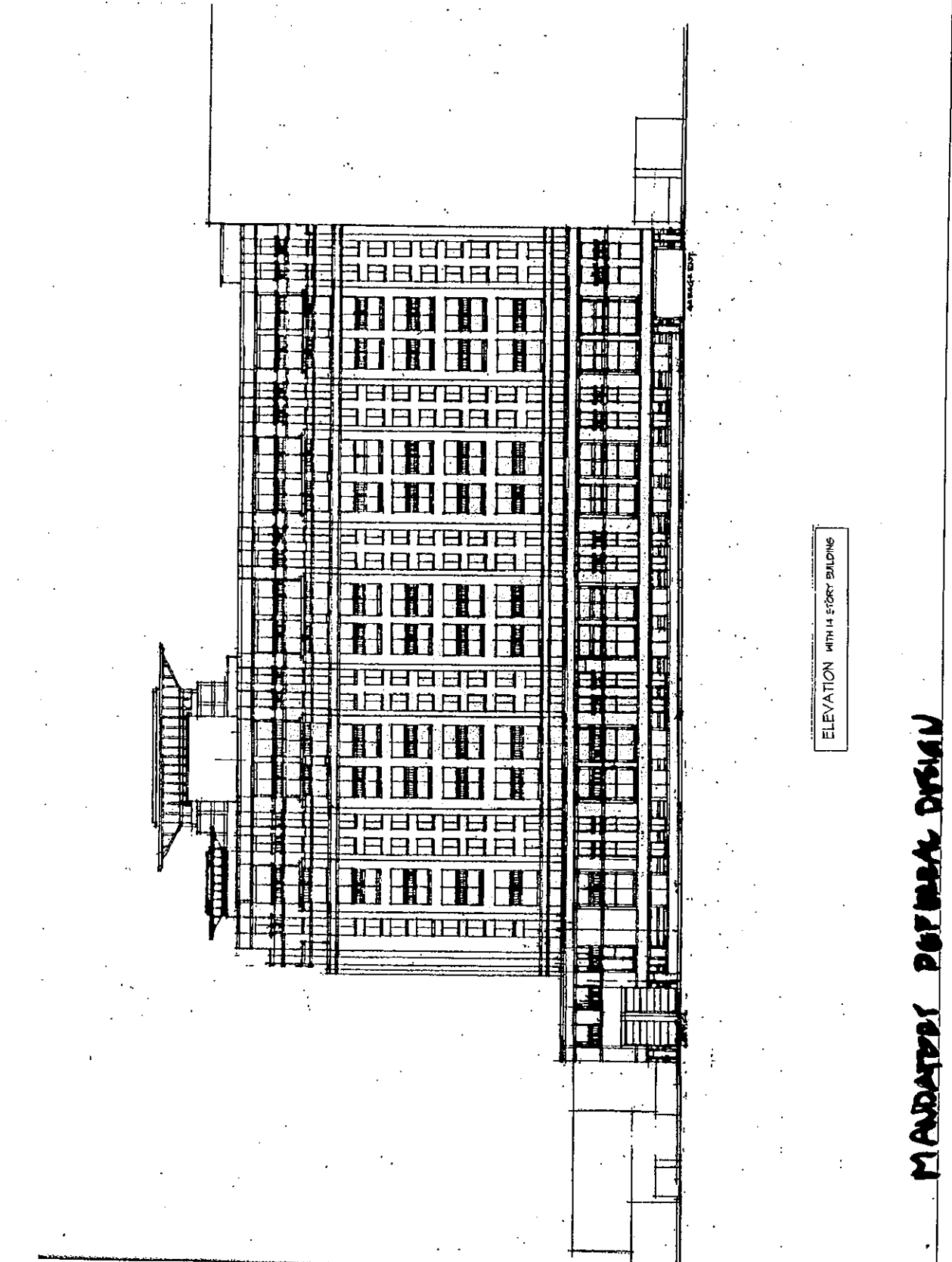
ARCHITECT
 PERKINS+WILL
 600 North Dearborn Street
 Chicago, IL 60610
 Tel: 312.427.1000
 Fax: 312.427.1001
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STRUCTURAL ENGINEER
 PERKINS+WILL
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MECHANICAL ENGINEER
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ELECTRICAL ENGINEER
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 PERKINS+WILL
 600 North Dearborn Street
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 www.perkinswill.com



ELEVATION WITH 14 STORY BUILDING

MANDATORY PUPPISAL DESIGN

SUMMARY OF ISSUES RESOLVED IN THE COURSE OF THE SITE PLAN REVIEW:

The site plan review has focused on refinement of the public plaza design and landscaping and the development and integration of the public art program with the public space. Additional issues addressed during the review include parking, residential unit mix, location of MPDUs, and participation in the Bethesda Urban Partnership.

RELATED ISSUES PERTINENT TO SITE PLAN REVIEW

Mandatory Referral affecting Gross Tract Area and Density [Sec 59-A-2.1]

As discussed in the concurrent Mandatory Referral submitted for the Board's consideration, the applicant is seeking to purchase 5,821 sf surrounding the sidewalk adjacent to Cordell, Del Ray, and Rugby Avenues from the County. This area was previously dedicated by deed to the County in the 1950s. The applicant's purchase of the 5,821 sf would allow the applicant to re-dedicate the area by plat to the County, and "recover" the square footage as part of the gross tract area for the purposes of density calculations. The recovery of the square footage would provide for: continuation of its use as a public sidewalk (upgraded, however, as an Optional Method public use space amenity), and capture additional, incremental density, provide additional MPDUs.

The applicant has proposed that 33% of the units supplied through the application of the additional density will be provided as MPDUs. This site plan review has considered design implications of the additional density as applied to the building, including additional height of eight feet, and the supplemental extension of streetscape improvements that may be provided as public use amenities for the Optional Method.

Staff supports the applicant's efforts to recover this density because the additional height and number of dwelling units are compatible with the desired CBD development. More significantly, the provision of this incremental density will accommodate additional residential units, of which the applicant proposes that 33% be offered as MPDUs. The applicant's commitment to provide substantial number of units of affordable housing in this CBD area is a unique opportunity to create a more balanced neighborhood with respect to income and activity.

Pending the completion of the purchase and the re-dedication of the 5,821 sf, approved Project Plan 9-01002 and approved Preliminary Plan 1-01012 will be require amendment applications and Planning Board approval, as will this site plan currently under review.

Project Plan Waiver for Required Retail Floor Area [Sec 59-C-6.23, footnote 3]

The Planning Board approved as part of the Project Plan, the applicant's request for a partial waiver for the requirements for retail space in the CBD-R2 Zone. The zone requires a minimum of 5% of the total gross floor area be used for commercial/personal service use. The proposal provides 3.8% of retail storefront space (13,000sf) on Cordell Avenue. An additional 20,000sf directly fronting Del Ray Avenue is suitable and desirable for personal service/office. The use of the additional space on Del Ray would meet and exceed the zone's

requirement. The waiver granted addresses 1.2% of the required square footage to allow time to determine the market demand for commercial/personal service/office space for the space. A condition was included at the time of Project Plan approval to provide a mechanism to encourage and evaluate the applicant's efforts to achieve the feasibility for retail activity for this street front—the condition requires the applicant to pursue retail tenants for a period of six months after occupancy of the building.

PROJECT DESCRIPTION

Surrounding Vicinity

The site for Bethesda Triangle lies within the Bethesda DBD and is zoned CBD-R2. The adjacent blocks on Cordell and Del Ray are zoned CBD-R2. The adjacent block to the south is zoned CBD-R1. The surrounding land uses are as follows:

Cordell Avenue offers an active street life with storefronts and busy sidewalks. There are a number of restaurants lining the street from Norfolk Avenue north to Woodmont Avenue that feature outdoor seating. The street supports a variety of businesses in one- to three-story buildings and a small public parking lot. Triangle Towers, adjacent to the subject site, features a small plaza and horseshoe vehicular drive.

Del Ray Avenue is lined with one- and two-story buildings predominantly for business use. Most of the block on the southwest side is fronted by the rear garage façade of Triangle Towers. A restaurant is located on the northeast portion of the street.

Rugby and Woodmont Avenues form the "tip" of the site, and feature a restaurant and the Chevy Chase Bank with drive-through service lane. Across Rugby is a 9-story office building (zoned CBD-R1) under restoration, and the Holiday Inn (CBD-1) lies on the north side of Woodmont Avenue.

Site Description

The project site is presently being used as a parking lot that straddles Cordell and Del Ray Avenues. The property is located on the northern portion of the 5-sided block, which is bounded by Woodmont, Cordell, Norfolk, Del Ray, and Rugby Avenues. The site topography drops 10 feet from the Cordell frontage to Del Ray Avenue on the northwest. There are concrete sidewalks on both Cordell and Del Ray, with sporadic planting of street trees. No significant trees or plant material exists on the site.

PROJECT DESCRIPTION

PROPOSAL

Bethesda Triangle is currently designed as a 13-story, "L" shaped multi-family residential high-rise, 125 feet in height, atop a two-story floor base with four levels of underground parking. The total above grade floor area will be 342,205 square feet, located on floors 1 through 13. The "plaza" or lobby level (on grade at Cordell Avenue) will contain support services for the building including the lobby, community room, exercise room, manager's office, service/loading facilities, tenant storage areas, in addition to 13,000sf of retail store front space. Additional storage and support space will be provided on the "flex unit" level (on grade at Del Ray Avenue). Elevators will provide service to all levels of the structure, including the garages and the service/loading dock area. Entry to the garage will be at the south property line from Del Ray Avenue and the service area will be located near the northern end of the building via the loading dock on Rugby Avenue.

The building is oriented to Cordell Avenue and is sited to provide grade-level entry and service from that street. A well-designed one-way street vehicular drop-off and entrance area is incorporated within the layout of the green public plaza at the entrance on Cordell. The entry walks are landscaped with benches sited to create outdoor waiting areas and a sense of welcome upon arrival.

The facade of the building is predominantly brick masonry with a buff brick color palette accented by lighter and darker brick patterns. A distinctive cornice caps the parapets at the roof line and the mechanical penthouse (above the roof). The window frames and balcony railings will be finished in accenting tones to coordinate with the buff brick color. There will be tiers of balconies, and terraces, rhythmically spaced through each facade, which extend on each floor of the building. The sconce lighting fixtures and the railings for the building exterior surrounding the public use space will be specified to integrate elements and materials of the public art sculptural objects.

MPDUs will be provided on site. The number of MPDUs will be provided as per the revised DHCA guidelines stipulating a 12.5% of units MPDUs within CBD zones.

Public Facilities and Amenities

The public amenities for the Crescent Park Apartments are proposed in accordance with the Project Plan Approval # 9-01002 as is required for the use of the optional method of development within the Central Business District zones.

The amenities proposed by this project will develop a central public plaza, "interior" street trees, special paving and an mounted sculpture for the west wall surrounding the plaza. The space and the art will be provided for the residents, public event participants and passersby. The plaza, with an open green lawn panel, will allow recessed and shaded seating at the lawn perimeter. The west wall will feature a mounted, mixed-metal sculpture with surrounding lighting and climbing landscaping. Generous seating areas and spaces are proposed for

residents and the public, two of which will be sculptural metal pieces that form the integrated public art.

On-Site Public Use Space

The Bethesda Triangle site plan proposes **on-site amenities** within the landscaped seating areas at the building's frontage, facing Cordell Avenue, which include:

- Bethesda Benches (Lister Company Warwick wooden bench)*
- Bethesda Lanterns*
- Brick Paving (to coordinate with the Bethesda Streetscape pavers)
- Site Furnishings, i.e., trash receptacles (Victor Stanley's "Bethesda" trash receptacles)*
- Night Lighting - within the park, and to highlight the sculpture
- Building Façade lighting coordinating with the sculpture elements
- Entry Canopy ting with the sculpture elements
- Bicycle racks
- Realignment, paving and landscaping of pedestrian crossings, Rugby Avenue
- Planted areas with shade trees, ornamentals, and ground covers
- Vertical climbing landscaping surrounding the mounted sculpture

Off-Site Public Use Space

Off-site streetscape improvements shall be completed using the Bethesda Streetscape Standards for the following areas:

- Cordell Avenue between Woodmont and Norfolk Avenues
- Rugby Avenue between Del Ray and Woodmont Avenues
- Woodmont Avenue between Rugby and Cordell Avenues
- Del Ray Avenue between Rugby Avenue extending along the building frontage

* All streetscape improvements will conform to the Bethesda Streetscape Plan Standards, Updated Plan, 1992.

PROJECT DESCRIPTION: Prior Approvals

Project Plan # 9-01002

On November 16, 2000, the Montgomery County Planning Board approved a Project Plan application for this site. A copy of the Project Plan staff report is within the staff file, available at the Development Review counter and a copy has been placed in the Planning Board offices. The conditions of approval are as follows:

The Montgomery County Planning Board APPROVES Project Plan Review # 9-01002 which consists of 342,205 square feet (314 Apartments, including 49 MPDUs, 13,000 sf retail, 20,000 sf office spaces) of residential uses subject to the following:

1. Development Ceiling

The proposed residential project is limited to 342,205 square feet of gross floor area (5 FAR); 314 dwelling units and 33,000 square feet of retail use. This density is based on the revised gross tract area of 68,441 square feet.

Prior to signature set approval of the Project Plan, the Plan shall be revised to show that the total gross floor area of the development is 342,205 square feet or less. Applicant shall re-certify updated application statistics to reflect change in proposal during review.

2. Building Height and Mass

The height of the proposed building shall not exceed 125 feet. Building mass articulation and setbacks shall be incorporated into the overall design scheme to provide visual interest at street level and from adjacent structures.

3. On-Site Public Use Space

The proposed public use space shall constitute at least 20 percent of the net lot area of the site. The proposed public use spaces are to be easily accessible and readily used for public enjoyment. The Public Use Space shall be reviewed in detail at the time of Site Plan, and shall address these features:

*Bethesda Benches
Washington Globe Street Lights
Brick Paving for pedestrian and vehicular spaces
Lawn Panel
Site Furnishings
Bicycle Racks
Night Lighting
Stone Retaining Walls and Seat Walls
Railings and Decorative Elements
Recreational Elements
Planted Areas
Seasonal Landscaping
Plaza Street Trees
Screen planting towards the adjoining streets and first level apartments
Public Art Program to include design for wall adjacent to public plaza on south side*

These features shall be used to enhance the quality of the public space, establish its identity, promote public use, complement adjacent retail and residential use, and facilitate pedestrian activity. Trees within the Public Plaza and over the underground parking shall be provided with adequate soil panel as verified by a certified arborist.

Public Art shall be incorporated into the overall design of the public use space, including the

architectural and decorative treatment of the southwest wall that faces the plaza. The design of all artwork shall be part of the Site Plan submittal and shall be reviewed and approved by the Planning Board and the Bethesda Public Art Panel for optional method property.

4. Off-Site Public Amenities and Streetscape

Off-site streetscape improvements shall be completed using selected elements of the Bethesda Streetscape Standards, for the following areas:

Cordell Avenue between Woodmont and Norfolk Avenues

Rugby Avenue between Del Ray and Woodmont Avenues

Woodmont Avenue between Rugby and Cordell Avenues

Del Ray Avenue between Rugby and Norfolk along building frontage

At the time of Site Plan Review, applicant shall provide arborist's report for existing trees on the above-mentioned streets; appropriate tree protection measures, provision for replacement and supplemental street trees.

5. Staging of the Public Amenity Features

All amenities on-site and off-site shall be constructed prior to occupancy.

6. Moderately-Priced Dwelling Units

Moderately Priced Dwelling Units (MPDUs), shall be provided on-site in accordance with Section 25A. Fifteen (15) percent of the total number of dwelling units of the proposed housing development shall be Moderately Priced Dwelling Units (MPDUs). (If the requirements of 25A applicable to this project plan are revised, the number of units may be reduced.)

7. Management Organization

The Site Plan Enforcement Agreement shall reference the appropriate provision for the ongoing maintenance of the public amenity areas on and off site.

8. Bethesda Urban Partnership

The applicant shall become a participant of the Bethesda Urban Partnership, the public space maintenance and event programming organization for the Bethesda CBD.

9. Signage

Signage shall be designed to be compatible with the architecture of the building, with surrounding and adjacent buildings, and with the public plaza. At the time of site plan review, applicant shall provide information on signage for public safety at the garage and loading dock areas on Del Ray and Rugby. Applicant shall coordinate signage location and placement with appropriate agencies.

10. Transportation Management

Participate in the Bethesda Transportation Management Organization through a formal Traffic Mitigation Agreement with the M-NCPPC and Montgomery County DPW&T, to achieve and maintain the 37% non-auto-driver mode split in the peak hours. The Traffic Mitigation Agreement shall be recorded in the land records, and be included in the Site Plan Enforcement Agreement for the proposed development.

11. Road Rights-of-Way

The proposed development shall provide required road rights-of-way for the following streets:

(a) 30 feet from the centerline of Cordell Avenue; (b) 30 feet from the centerline of Del Ray Avenue

12. Retail Use

The Board grants the requested waiver of 5% requirement of retail space use on the condition that, for a period not to exceed six months after occupancy, the applicant shall make "every best effort" to lease the space to entities of retail personal service and commercial service and shall report monthly to the staff on the progress of the leasing efforts for the unleased space. At the end of six months, unleased space may be leased to residential tenants.

The proposed site plan conforms to the conditions of approval of the Project Plan by conforming to the development ceiling, by providing the amenities as required by the Project Plan approval and by conforming to the requirements of the SPEA, Development Program and on going corrective map amendment.

Preliminary Plan 1-01012

On 08/18/00, BETHESDA TRIANGLE, L.L.C. submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-R2 zone. The application proposed to create 1 lot on 1.2 acres of land. The application was designated Preliminary Plan 1-01012. On 11/16/00, Preliminary Plan 1-01012 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-01012 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01012.

Approval, subject to the following conditions:

- 1. Approval of this preliminary plan is limited to a maximum of 33,000 square feet of retail use and 322 multi-family (high rise) dwelling units. The applicant shall participate in the Bethesda Transportation Management Organization through a formal Traffic Mitigation Agreement with the M-NCPPC and the Montgomery County Department of Public Works and Transportation to achieve and maintain the thirty-seven (37) percent non-auto driver mode share for the retail employees in the peak period. The trip reduction program is to be negotiated and finalized by the technical staff*
- 2. Dedication of Rugby Avenue, Cordell Avenue and Del Ray Avenue shall be 30' from center line of right of way*
- 3. All road rights of way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Bethesda-Chevy Chase Sector Plan, unless otherwise designated on the preliminary plan*
- 4. Applicant to submit a landscape and streetscape plan with site plan application for review and approval*
- 5. Access and improvements, as required, to be approved by MCDPW&T prior to recording of plat*
- 6. Conditions of MCDPS stormwater management approval*
- 7. Compliance with the provisions of Chapter 25A, as applicable at the time of plat recordation*
- 8. No clearing, grading or recording of plat prior to site plan approval*
- 9. The validity of the preliminary plan is dependent upon the applicant proceeding with and abiding by the terms and conditions of approval for Project Plan No. 9-01002*
- 10. This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed*
- 11. The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion*
- 12. Other necessary easements*

ANALYSIS: Conformance to Master Plan

The subject site is covered by the Bethesda Central Business District Sector Plan, approved and adopted in July 1994. The proposed residential development implements general Sector Plan goals and objectives and the specific land use, zoning and design recommendations for this portion of the Woodmont Triangle district.

1. Housing and Neighborhoods

A major goal of the Sector Plan is to encourage housing in the Bethesda CBD by increasing the variety and amount, including an adequate supply of affordable units, to reinforce Bethesda as a place to live as well as work. In a three-block area in the Woodmont Triangle, including the subject property, the Plan recommends the CBD R-2 Zone. The Sectional Map Amendment applied the CBD R-2 zone to this area.

The project under review, Bethesda Triangle, conforms to the objectives and recommendations of the Sector Plan by providing 288 residential units on a site where the Plan specifically sought housing. It will achieve the Plan objective of increasing the supply of affordable housing by providing all the MPDUs on site.

Developers of high-rise residential projects in Bethesda during the recent business cycle have uniformly found the requirement to include 15% MPDU's in their projects financially infeasible. The guidelines have been recently revised to stipulate 12.5% MPDUs within CBD zones. Many developers have opted for alternative arrangements, including paying into the Housing Initiative Fund in lieu of building the MPDU's on site. The Planning Board clearly wants the MPDU's in the projects themselves. Park and Planning staff have worked extensively with Ms. Davison and her staff to explore ways to address this issue, including holding a forum with members of the development community to hear their concerns first hand and investigating a combination of solutions.

In the case of the project under review, the developers propose the ability to locate the MPDUs in the building if the cost can be spread over a larger building than is recommended in the Sector Plan Guidelines. The height guideline for this site is 110 feet (see text p.97). Urban Design Guideline 1, page 102, states: "Figure 3.2, Building Heights Limits, provides recommended maximum heights for areas with potential for new housing. These heights were determined after careful evaluation of each area. Optional method housing development must respect the height limits."

The project under review proposes a height of 125 feet, fifteen feet over the height limit. In Bethesda residential projects reviewed during the last few years, staff recommended strict adherence to the Sector Plan guidelines because of the potential negative impact of higher heights on adjacent single-family neighborhoods. Staff recommends a waiver of this guideline because there are no adjacent low-rise residential communities that will be negatively affected, and there is the offsetting ability to achieve the public purpose of providing all the MPDUs in the building. Elizabeth Davison supports the waiver as a way to resolve a difficult situation while we continue to explore alternative solutions. (See memo of August 10, 2000).

2. Retail

A key Sector Plan objective is to encourage retail. The objectives for the Woodmont Triangle call for support of "a diverse specialty retail, community-serving retail, and restaurant environment, including sidewalk cafes...." The Plan emphasizes street-front retail where it would extend the

existing retail environment.

The project under review provides retail along Cordell Avenue and the possibility of retail or office along Del Ray (the "flex units"). In keeping with Sector Plan objectives, these areas of the predominantly residential project will extend the retail environment along Cordell Avenue and help enliven the otherwise bleak section of Del Ray Avenue. Extending streetscape around the entire block is important to improving the pedestrian environment for both residents and customers of the shops and restaurants.

3. Urban Design

General urban design objectives for the Sector Plan are intended to guide future projects to enhance the visual character and enjoyment of the Central Business District. In addition to recommending street-activating uses and streetscape enhancements, the general urban design objectives call for reinforcing Bethesda's sense of community through the unique themes of Bethesda as a "garden" and a "cultural district."

The project under review creates an open space, a public plaza, on the south side of the building facing Cordell Avenue. The space is defined by the strong building edge. It will be perceived as public because it is at the same level as the sidewalk to which it presents a welcoming entrance, and the visibility into the sight will make it feel safe. Because the design of the park includes large trees planted at grade and other plantings, it will help carry out the Sector Plan's "garden" theme. The proposed art features will reinforce the "cultural district" theme.

The project acknowledges the importance of the pedestrian environment. The western section of the building that adjoins the sidewalk is relieved by a colonnade and front entrances into retail space.

The project's off-site amenities include upgrading the streetscape along Cordell and Del Ray Avenues. Service and loading are hidden, with a service entrance on Rugby Avenue. Parking is underground, entered from Del Ray Avenue.

The project conforms to the Sector Plan Streetscape guidelines for the area, providing the Washington Globe and the specified Sophora and Honey Locust trees. It goes beyond the Sector Plan's minimal expectations, as is appropriate for an optional method project, with brick paving along Cordell Avenue, Rugby Avenue, and part of Del Ray Avenue as part of the off-site amenity package.

The proposed building achieves compatibility with Triangle Towers to the west by a consistent building setback and a continuation of storefront retail or restaurant space at the east end of the site. The architectural facade treatment improves upon the adjacent architectural facade treatment.

As per Sector Plan guidelines, the project will avoid a canyon effect on Cordell Avenue by orienting the bulk of the building perpendicular to Cordell Avenue. The impact of the northern wall is partly minimized by its orientation toward the wide intersection of Del Ray and Rugby Avenues. In addition, the building orientation provides adequate sunlight because of the midblock courtyard.

ANALYSIS: Conformance to Development Standards - CBD-R2 Zone

| Development Standard | Permitted/Reqd CBD-R2/Sector Plan | 9-01002 Project Plan | 8-01016 Proposed Site Plan |
|------------------------------------|--|---------------------------------|---------------------------------------|
| Gross Lot Area | 22,000 min. | 68,441 sf | 68,441 sf |
| Net Lot Area | NA | 56,573 sf | 56,573 sf |
| Floor Area Ratio** | 5.0 per Sector Plan | 5.0 | 5.0 |
| Gross Floor Area | | | |
| Retail (non-residential) | 56,573 (1.0 FAR) | 13,000 sf (.18 FAR) | 13,000 sf |
| Office (non-residential) | Combined non-residential | 20,000 sf (.29 FAR) | 20,000 sf |
| Housing | | 309,205 sf (4.5 FAR) | 309,205 sf |
| Total FAR sf | 342,205 sf | 342,205 sf 5.0 FAR) | 342,205 sf |
| Density (dwellings/ac) | | | |
| | 200 units/ac | 314 units | |
| Dwelling Units: | | | |
| | | 314 units | 288 units |
| Studio | - | - | 29 units |
| 1-Bedroom | - | - | 149 units |
| 2-Bedroom | - | - | 94 units |
| 3-Bedroom | - | - | 16 units |
| MPDUs | 12.5% | 49 units | 36 units |
| MPDU Studio | - | - | 10 units |
| MPDU 1-Bedroom | - | - | 16 units |
| MPDU 2-Bedroom | - | - | 10 units |
| Green Space (pervious) | | | |
| Public Use Space (%net lot) | 20% (11,315 sf) | 49.0% (27,914 sf) | 13.8% (7,800 sf) |
| On-Site | | 26.8% (15,171 sf) | 51.0% (28,866 sf) |
| Off-Site | | 22.5% (12,744 sf) | 30.7% (17,400 sf) |
| | | | 20.2% (11,467 sf) |
| Building Height * | | | |
| | 143 feet (per Zone) | | |
| | 110 feet (per Sector Plan)' | 125 feet | 125 feet |
| Setbacks | | | |
| Adjoining lots | 0' | 0' | 0' |
| Cordell Avenue | 0' | 12.5' | 12.5' |
| Del Ray | 0' | 0' | 0' |

* See also Issues of Site Plan Review, page , and Mandatory Referral Case No.

ANALYSIS: Conformance to Development Standards – Parking

BETHESDA TRIANGLE PARKING

| Use | Base Requirement | Reduction | Mixed Use Formula * |
|---|------------------|----------------|---------------------|
| Office (2.4 spaces/1,000 sf) | 48.00 | 90% | 4.80 |
| Retail (5 spaces/1,000 sf) | 30.00 | 10% | 27.00 |
| Restaurant (25/1000 sf 4,200 sf patron area) | 105.00 | 0% | 105.00 |
| Housing ** | 388.25 | 10% CBD Credit | 349.43 |
| Total parking provided | 532.43 | | 486.23 |
| * Per Section 59-E-3.1 of the Zoning Ordinance for Mixed Uses | | | |
| ** Includes 10% reduction for residential per 59-E-3.3 | | | |
| Parking Type | Required | | Provided |
| Standard | 476.00 | | 476.00 |
| H/C | 11.00 | | 11.00 |
| Loading (MCDOT req) | 4.00 | | 4.00 |
| Bike surface spaces | | | 10.00 |
| Bike underground spaces | | | 10.00 |
| Motorcycle | 10.00 | | 10.00 |

ANALYSIS: Conformance to Recreation Guidelines

BETHESDA TRIANGLE RECREATION

| DEMAND POINTS | Tots | Children | Teens | Adults | Seniors | TOTALS |
|------------------------------|--------------|--------------|--------------|---------------|---------------|---------------|
| HI-Rise Dwelling Units | 4 | 4 | 4 | 77 | 46 | 135 |
| PROJECT DEMAND | | | | | | |
| <i>Hi-Rise # units = 275</i> | 2.88 | 11.52 | 11.52 | 221.76 | 132.48 | 388.8 |
| SUPPLY POINTS | Tots | Children | Teens | Adults | Seniors | |
| On Site | | | | | | |
| Picnic/Sitting (3) | 3 | 3 | 4.5 | 15 | 6 | 31.50 |
| Open Play Area I | 6 | 9 | 12 | 30 | 2 | 59.00 |
| Indoor Fitness Room | 0 | 0.7 | 0.7 | 28.2 | 12.6 | 42.20 |
| Community Room | 0.7 | 1.1 | 2.2 | 42.3 | 33.6 | 79.90 |
| Pedestrian System | 1.15 | 2.30 | 2.30 | 99.79 | 59.62 | 165.17 |
| On Site Total | 10.85 | 16.10 | 21.70 | 215.29 | 113.82 | 377.77 |
| Off Site | | | | | | |
| Tennis Court | 1.5 | 1.5 | 10.5 | 24 | 1 | 38.5 |
| Multi-age Play Area | 9 | 11 | 3 | 7 | 1 | |
| MP Court | 2 | 5 | 7 | 8 | 1 | |
| Off Site Total | 1.50 | 1.50 | 10.50 | 24.00 | 1.00 | 38.50 |
| SUPPLY/DEMAND RATIOS | Tots | Children | Teens | Adults | Seniors | |
| On Site Ratio | 0.94 | 1.40 | 1.88 | 0.97 | 0.86 | |
| Off Site Ratio | 0.13 | 0.13 | 0.91 | 0.11 | 0.01 | |
| TOTAL SUPPLY RATIO | 1.56 | 2.11 | 3.05 | 1.51 | 1.9 | 1.57 |

FINDINGS for Site Plan Review:

1. The site plan is consistent with approved Project Plan # 9-01002 for the optional method of development. The site plan is consistent with the approved Preliminary Plan 9-01012.
2. The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.
3. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

a. Location of Buildings

The location and form of the building provides optimal efficiency and safety for the intended uses and functions.

The building is optimally sited and will-designed to provide an attractive, safe, and stimulating environment for residents and the public who live and work in the neighborhood. The L-shaped footprint form a special space that will create one of the most effective and useful public plazas in the CBD area while at the same time provides an engaging view from the residential units that overlook the green. The building facades surrounding the central plaza will provide activating and interesting public (café/restaurant) and semi-public (residents party room and fitness facility, leasing office) activities that enliven this space. The form and building line along Del-Ray will like increase the activity and promote safe and efficient use on that street.

MPDUs for the site are provided in accordance with a pending agreement between the applicant and the Department of Housing and Community Affairs. The applicant will provide MPDUs in accordance with the newly revised guidelines for CBD zones: 12.5% of units, or 36 units within the building proposed in this application.

b. Open Spaces

The open space exceeds the requirements of the zone, is safe and efficient in its design.

The public plaza along Cordell Avenue provides an accessible and inviting open space that will provide a unique identity for this long-awaited residential building in the Woodmont Triangle. The public plaza will serve the building's residents, visitors, participants of Bethesda Urban Partnership events, and passersby. The plaza is particular well sited for use, solar orientation, access, and for public events. It is designed to feature a semi-

circular form marked by a central green panel that will promote public use in its ease of entry and orientation to the Cordell Avenue. The focal art piece, will feature an abstract mixed-metal sculpture mounted on the west wall that frames the plaza. The open space provides five seating areas; the lawn panel seating will be the Bethesda bench, the benches near the building façade will be designed as sculptural mixed-metal art pieces that will help integrate the art throughout the site. The on-site open space provides 17,400 sf of usable amenity area (30.7% net lot area). A small open space amenity is located at the new pedestrian crossing at Rugby Avenue near the building's north façade. The small, yet useful, amenity will provide landscaping and seating at the intersection of Rugby and Del Ray Avenues.

The applicant has communicated with the Bethesda Urban Partnership to establish participation in the programming and maintenance of the organization.

The stormwater management concept for the proposed development was approved with conditions by the Montgomery County Department of Permitting Services (DPS) on October 31, 2000, memo attached. The stormwater management concept consists of (1) on-site water quality control and (2) a waiver of water quantity.

c. Landscaping and Lighting

Landscaping on the site consists of street trees defining the property frontages and the semi-circular form of the public plaza. The interior "street trees" planting will be balanced with an interesting perennials and planted beds with generous ground cover and accent species. The landscaping integrated the public sculpture throughout will create a unique and attractive areas for sitting and viewing adjoining streets; create shade; create seasonal interest, and will invite the public to use the plaza.

Lighting for the project will include using the Bethesda Lantern for the streetscape improvements and the open space. The light levels will be consistent with the soft even light developed with the Bethesda streetscape standards. Scones will be designed or selected for the building exterior to relate to the materials of the sculpture and to provide lighting for the public spaces. Special lighting will provide a highlight to the west art wall.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above.

e. Vehicular and Pedestrian Circulation

The vehicular and pedestrian circulation is adequate, safe, and efficient.

Vehicular

The street connections to the site are in accordance with the approved Preliminary Plan; the layout provides an efficient vehicular drop-off pick-up that is integrated within the public plaza facing Cordell Avenue. This area is intended to function as a pedestrian-predominate public space; special paving and landscaping are intended to minimize the intrusion of automobiles.

The vehicular entrance to the garage is provided via Del Ray Avenue: this arrangement allows the most efficient vehicular circulation inside the garage, places the garage entrance compatibly on the most appropriate street, and allows the public space on Cordell Avenue to be designed as an on-grade plaza, with no breaks in the pedestrian path, seating areas and landscaping.

Pedestrian

The pedestrian circulation system is attractive, functional and efficient. The pedestrian paths into the site are formed by the semi-circular public plaza that opens onto Cordell Avenue—the outside perimeter is defined by the sidewalk that passes by the west sculpture wall, continues around the façade landscaping to the building entry canopy and completes the semi-circle at the retail frontage that faces the plaza. The interior pedestrian paths of the plaza define the seating areas and offer attractive, shaded places for recreation while providing a functional “short cut” through the plaza for building residents.

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

The proposed Bethesda Triangle Apartments are located within the Bethesda CBD and are compatible with other adjoining properties that have utilized the full potential of development available with the CBD zones. The location of the building within the entire block created by Cordell Avenue and Del Ray Avenues allows the building to adjoin the party wall of the Triangle Towers, consistent with development within the CBD. The orientation of the bulk of the building along Del Ray and the L-shape plan allows for a greater number of terraces facing Cordell Avenue and the public plaza, thus providing green space at street level and the opportunity for roof-landscaping to enhance the visibility of the building from adjoining areas. The nearest homes on Leland and Strathmore Streets (two- and three-story) are 850 feet away from the proposed apartment building (13-stories with a mechanical penthouse) on Glenmont Avenue, with small one and two story buildings intervening as transitional structures. The amenities are also consistent with amenity packages proposed by other residential CBD projects that utilize the optional method of development.

The operational characteristics of the service areas on Del Ray Avenue are consistent with other service areas located there and the pedestrian drop off to the front of the

building along Cordell Avenue is buffered by the green public plaza with shade trees, and its one way operation.

A shadow study was completed for the project to determine the impact of the building on the public open space. The south-facing public plaza receives substantially sunlight throughout the year.

The proposed lighting, street trees and paving are consistent with the Bethesda Streetscape standards, and thus further extend the high standards of that design treatment into the southern portion of Bethesda. The provision of the on- and off-site amenities will provide places for recreation and circulation for the public and enhance use of the Bethesda CBD.

The activity associated with the proposed residential use will not cause any negative effect on adjoining commercial or confronting residential uses.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The proposal qualifies for exemption of the forest conservation requirements: Small Property Exemption provision # 4-00272E.

APPENDIX

- A. Standard conditions dated October 10, 1995
- B. Correspondence referenced in report
- C. A copy of the Project Plan Staff Report and Opinion are located within the Planning Board's Office.
- D. The transcript from previous Project Plan # 9-01002 November 16, 2001 hearing and are within the public files of the Development Review Division.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

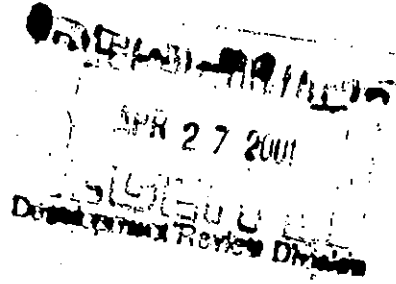
1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the building.
 - 2) Community-wide pedestrian pathways, recreation facilities and any other amenities must be completed prior to occupancy.
 - 3) Landscaping associated with the building shall be completed prior to occupancy..
 - 4) Pedestrian pathways and seating areas associated with the building shall be completed prior to occupancy.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 6) Coordination of construction traffic to correspond to County requirements;
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Conditions of DPS Stormwater Management Concept approval and waiver letter dated October 31, 2000;
 - b. The development program inspection schedule.
 - c. Street trees per Bethesda Streetscape guidelines along all public streets;
3. Forest Conservation Plan, as required, shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

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Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

April 24, 2001



C. Robert Dalrymple
301.650.7008
crd@linowes-law.com

Mr. David Dabney
Executive Director
Bethesda Urban Partnership, Inc.
7906 Woodmont Avenue
Bethesda, Maryland 20814

Re: Bethesda Triangle

Dear Dave:

As you are aware, I represent the developer of the Bethesda Triangle project, a mixed-use residential/retail/office project comprised of 342,000± square feet and located adjacent to Cordell Avenue, Del Ray Avenue and Rugby Avenue, east of Norfolk Avenue and west of Woodmont Avenue. This project received project plan approval by the Montgomery County Planning Board in November, 2000. As you will also recall, we made a presentation to the BUP Executive Committee prior to the Planning Board's consideration of the project plan.

I am enclosing herewith the latest version of the site plan which will be considered by the Planning Board on May 10, 2001. As we have discussed, the public amenity space being created will provide opportunities for the public to gather, either informally as visitors, workers or residents of the area or formally through some structured programs sponsored by BUP or others. The large grass panel in the center of the public amenity area will have anchors which will permit temporary tenting of the area in the event of events being hampered by inclement weather, and the seating along the perimeter of the public amenity areas is intended to allow people to enjoy the public art which will be incorporated into the architectural art wall along the western edge of the property. The public art program for this project was presented to and favorably received by the Public Art Committee on April 13, 2001.

Concurrent with processing this site plan, we are also negotiating with Montgomery County to temporarily re-acquire adjoining right-of-way for the sole purpose of capturing additional density and providing more residential MPDUs. The right-of-way would be immediately returned to public use by plat dedication upon obtaining the density. I have enclosed a letter to the County which further explains this effort. This will also be reviewed by the Planning Board on May 10.

Faik Tugberk, the architect, and Mark Pelusi, the landscape architect, have previously been in contact with Jeff Burton of your office to discuss the public spaces and the role of BUP in

Mr. David Dabney
April 24, 2001
Page 2

using and maintaining the public spaces. I believe that Jeff was also present when the project plan was presented to the Planning Board. We hope that BUP will keep this project in mind when considering future activity programs for the downtown area.

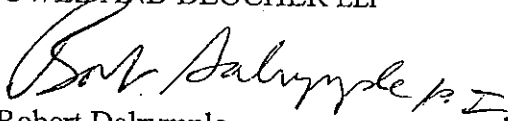
Mary Beth O'Quinn of the M-NCPPC Planning Staff has asked that you indicate your awareness of this project prior to such time as it is presented to the Planning Board in May. For your convenience, I would suggest that this acknowledgement could simply be through countersigning this letter and forwarding same to Ms. O'Quinn. I have enclosed an addressed envelope to Ms. O'Quinn to help facilitate this process (please provide me with a copy as well).

We would also be happy to meet further with BUP prior to such time as it is presented to the Planning Board if you think this would be helpful. The plan has not changed in any significant degree since we last presented it to BUP, except for the details which are typical of a project evolving from project plan to site plan. Please advise me if you wish to have a presentation made to you, your staff, the Executive Committee or the entire BUP Board.

Thank you for your cooperation.

Very truly yours,

LINOWES AND BLOCHER LLP



C. Robert Dalrymple

CRD:pi

Enclosure

cc: ✓ Ms. Mary Beth O'Quinn
Gary A. Kirstein
Faik Tugberk, AIA
Mr. Mark Pelusi
Anne C. Martin, Esquire

Mr. David Dabney
April 24, 2001
Page 3

READ AND ACKNOWLEDGED:

BETHESDA URBAN PARTNERSHIP, INC.

By: _____
David Dabney
Executive Director

Date: _____

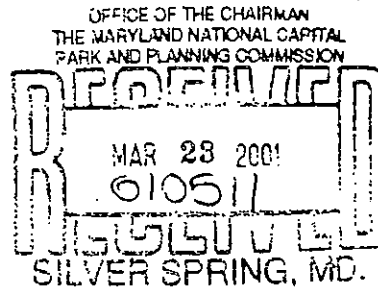


DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Albert J. Genetti, Jr., P.E.
Director

March 20, 2001



Mr. William Hussmann, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Ref: Proposed Sale – 10ft. portion of right-of-way
(5,821 sq. feet) abutted by Cordell Avenue,
Del Ray Avenue, and Rugby Avenue, west of
Woodmont Avenue in the CBD-R2 Zone,
Bethesda Central Business District

Dear Mr. Hussmann,

The proposed sale of 5,821 square feet adjacent to Del Ray, Cordell, and Rugby Avenues in Bethesda is hereby submitted for review by the Maryland-National Capital Park and Planning commission under Article 28, Section 7-112 Annotated Code of Maryland and referred to as Mandatory Referral.

Bethesda Triangle LLC (Property Owner) has pursued development approvals for Bethesda Triangle, for an optional method residential project which recently received project plan and preliminary plan of subdivision approval for 342,000 square feet of development on 56,000 square feet of land (the "Property") bordered by Cordell Avenue, Del Ray Avenue, and Rugby Avenue and located just west of Woodmont Avenue in the Bethesda Central Business District. The property is classified in the CBD-R2 Zone and is approved for 314 dwelling units, 15% of which will be MPDUs provided on site. The right-of-way adjacent to the Property for Del Ray, Cordell, and Rugby Avenues was previously partially dedicated by plat (20 feet by plat recorded in Plat No. 4, Plat book 1 in the 1890's) and partially by deed (10 feet by deeds in the late 1950s). The Property Owner is seeking to purchase the surrounding 10 feet (approximately 5,821 square feet) deeded to the County, which is presently being used by the public as a sidewalk which will allow appropriate density to be captured for the project. ~~The Property Owner will purchase the 10-foot buffer for the values the previous owners sold the property to the County in the 1950s.~~ The 5,821 square feet will immediately be dedicated back to the public and at no cost to the County, by the record plat to be finalized and recorded as part of the subdivision process for this Property and project. I have attached a site map and a tax map identifying the property for your review. I have also attached photographs of the property (the sidewalk area) adjacent to Cordell Avenue, Del Ray Avenue and Rugby Avenue.

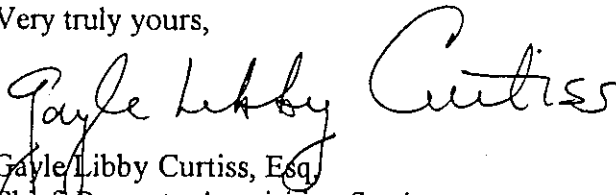
March 20, 2001

Page 2

The County Executive has stated his support for this project. Please submit any comments Maryland National Capital Park and Planning commission may have to the Property Acquisition Section at the address stated below.

If you have any questions please feel free to telephone me at (240) 777-7253.
Thank you for your attention to this matter.

Very truly yours,



Gayle Libby Curtiss, Esq.
Chief, Property Acquisition Section



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Albert J. Genetti, Jr., P.E.
Director

MEMORANDUM

March 20, 2001

TO: Addressees

VIA: W. Scott Wainwright, Chief, Division of Engineering Services
Department of Public Works and Transportation

FROM: Gayle Libby Curtiss, Esq., Chief Property Acquisition
Property Acquisition Section, Division of Engineering Services
Department of Public Works and Transportation

SUBJECT: Secondary Review – 10 ft. portion of right-of-way (5,821 sq. feet) abutted
by Cordell Avenue, Del Ray Avenue, and Rugby Avenue, west of
Woodmont Avenue in the CBD-R2 Zone, Bethesda Central Business
District

Under the provision of Section 11B-45 of the Montgomery County Code and the pertinent provisions of Executive Regulation 31-97 (Disposition of Real Property), approximately 5,821 square feet of fee simple real property owned by Montgomery County are submitted for Secondary Review.

Under Section 9.0 A of the Executive Regulation OCE-PIS, responded that the above referred to property was not specifically designated in an approved Master Plan for a particular public use. Likewise, OMB responded that the property was not desirable for a future public use as a fire station, police station or other project as contained in an approved Capital Improvements Program.

Background of the Property

Bethesda Triangle LLC (Property Owner) has pursued development approvals for Bethesda Triangle, for an optional method residential project which recently received project plan and preliminary plan of subdivision approval for 342,000 square feet of development on 56,000 square feet of land (the "Property") bordered by Cordell Avenue, Del Ray Avenue, and Rugby Avenue and located just west of Woodmont Avenue in the Bethesda Central Business District. The property is classified in the CBD-R2 Zone and is approved for 314 dwelling units, 15% of which will be

March 20, 2001

Page 2

MPDUs provided on site. The right-of-way adjacent to the Property for Del Ray, Cordell, and Rugby Avenues was previously partially dedicated by plat (20 feet by plat recorded in Plat No. 4, Plat book 1 in the 1890's) and partially by deed (10 feet by deeds in the late 1950s).

The Property Owner is seeking to purchase the surrounding 10 feet (approximately 5,821 square feet) deeded to the County, which is presently being used by the public as a sidewalk which will allow appropriate density to be captured for the project. The Property Owner will purchase the 10-foot "buffer" for the values the previous owners sold the property to the County in the 1950s. The 5,821 square feet will immediately be dedicated back to the public and at no cost to the County, by the record plat to be finalized and recorded as part of the subdivision process for this Property and project. I have attached a site map and a tax map identifying the property for your review. I have also attached photographs of the property (the sidewalk area) adjacent to Cordell Avenue, Del Ray Avenue, and Rugby Avenue.

The County Executive has stated his support for this project in a memorandum to me, dated February 2, 2001, through George F. Griffin, Assistant Chief Administrative Officer and thereafter by electronic mail. This project has also been discussed with Ms. Gail Nachman, Director, Bethesda-Chevy Chase Regional Services Center.

Please review the attachments and respond to me as to whether or not you have a public purpose need for this property or an otherwise County re-use need for the property. If you have any questions please feel free to telephone me at (240) 777-7253.

GLC:ksd:PAS/Dis-acq/Bethesda Triangle.1

Attachments

DEPARTMENTS AND OFFICES TO RECEIVE
SECONDARY REVIEW REQUEST

Robert C. Hubbard, Director
Department of Permitting Services
250 Rockville Pike - 2nd Floor

Elizabeth B. Davison, Director -
Department of Housing and Community Development
COB - 4th Floor

Scott Wainwright, Acting Chief
Division of Engineering Services
EOB 9th Floor

Thomas V. Orr, Acting Chief
Division of Highway Services
COB - Room 114

John W. Thompson, Acting Chief -
Division of Traffic and Parking Services
EOB 11th Floor

Arthur G. Balmer, Chief -
Division of Solid Waste Services
EOB 6th Floor

Carolyn Biggins, Chief
Division of Transit Services
EOB 5th Floor

Gail Nachman, Director
Bethesda-Chevy Chase Government Center
7815 Woodmont Avenue
Bethesda, MD 20814

William H. Hussmann, Chairman -
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

John R. Griffin, General Manager -
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, MD 20707

Laura Swisher, Esq.
Business Development
WSSC



NORTHWEST

PARK

SUSSEX HOUSE CANTON
PLATS 1032 - 1040
(17-1511)

(T/C 500)

(T/C 78170)

PUBLIC PARKING
NO. 35

(1-1931)
WAGONER PARK
COOP.
PLATS 3112 -
3124

WAGONER COMMONS
WAGONER COOP.
PLATS 3353 - 3361

WEST

37)

P. 860

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DEL RAY AVENUE
60' R/W

RUGBY AVENUE
80' R/W

WOODMONT AVENUE
70' R/W

CORDELL AVENUE
60' R/W

PREVIOUS DEDICATION AREA = 6,189 SQ.FT.

10' STRIP OF ADDITIONAL RIGHT-OF-WAY
CONVEYED TO MONT. CO. (NOT INCLUDED)

LOT 835
WOODMONT
P.14837
(SEE NOTE 3)

SITE

10' STRIP OF ADDITIONAL RIGHT-OF-WAY
CONVEYED TO MONT. CO. (NOT INCLUDED)

PREVIOUS DEDICATION AREA = 5,679 SQ.FT.

ONEY HOUSE BLK F.S.B
L. 14339 P. 497

LOT 834
WOODMONT
P. 14837

LOT 298

CLARENCE C. KEISER, JR. TRS.
L.15694 F.301

LOT 297

LOT 217

LOT 296

LOT 218

DAB SQUARES
L.11741 F.766

LOT 295

TRIANGLE TOWERS
JOINT VENTURE
L.3789 F.401

LOT 285
WOODMONT
P.8.50 P.3895

LOT 294

LOT 286
WOODMONT
P.4256

LOT 293

| | |
|---|---------------|
| EXISTING SITE NET LOT AREA | 56,573 SQ.FT. |
| PREVIOUS STREET DEDICATION (PB.1 P.4) | 11,868 SQ.FT. |
| TOTAL GROSS TRACT AREA | 68,441 SQ.FT. |

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

January 9, 2001

C. Robert Dalrymple
301.650.7008
crd@linowes-law.com

The Honorable Douglas M. Duncan
County Executive
Montgomery County, Maryland
101 Monroe Street, Second Floor
Rockville, Maryland 20850

Hand Delivered

Re: Bethesda Triangle - Acquisition of Public Right-of-Way to Recapture Residential Density

Dear Mr. Duncan:

I have been working with David Hillman and Gary Kirstein, representatives of Bethesda Triangle LLC (the "Property Owner"), in pursuing the development approvals for Bethesda Triangle, an optional method residential project which recently received project plan and preliminary plan of subdivision approval for 342,000 ± square feet of development on 56,000 ± square feet of land bordered by Cordell Avenue, Del Ray Avenue and Rugby Avenue, just west of Woodmont Avenue in the Bethesda Central Business District (the "Property"). The Property is classified in the CBD-R2 Zone and is approved for 314 dwelling units, 15% of which will be MPDUs provided on-site (making it a rarity in this regard in the CBDs). Pursuant to the optional method of development in the CBD zone, density can be captured off of dedicated public right-of-way, whether the right-of-way is dedicated as part of that optional method process or whether it was previously dedicated. The right-of-way confronting the Property for Del Ray, Cordell and Rugby Avenues was previously partially dedicated by plat (20 feet by plat recorded in Plat No. 4, Plat Book 1 in the 1890's) and partially by deed (10 feet by deeds in the late 1950s). Through the optional method of development process, density was recaptured from the 20 feet previously dedicated by plat, but as the code is currently constituted the Property owner was unable to recapture the density for the 10-foot portion of the right-of-way previously deed conveyed. The purpose of this letter, for all of the reasons discussed below, is to request that the County reconvey to the Property Owner the 10-foot portion of the right-of-way previously deed conveyed (a total of 5,821 square feet) to allow the density to be captured, with the proviso that the right-of-way will be immediately dedicated back to the public by the record plat being recorded to finalize the subdivision process for this Property and project.

We contend that the public benefits for permitting this public right-of-way to be reconveyed to private interests solely for the purpose of capturing additional residential density prior to being reconveyed to the public by plat are abundant. First of all, smart growth (and the Bethesda Central Business District Sector Plan) encourage maximum density yields for projects in the Metro policy areas of the County, especially when the project will produce multi-family residential uses which are in great demand. Second, the additional density will provide greater property tax revenues from this Property. Third, as indicated above, this is a rare residential

The Honorable Douglas M. Duncan
January 9, 2001
Page 2

high-rise project in Montgomery County that will be producing MPDUs on site, with most multi-family projects in the central business districts having instead bought out MPDU requirements or shifted the MPDUs to other properties. As further described below, in allowing the density to be recaptured off of the public right-of-way, additional MPDUs will be provided on-site, even above the percentages otherwise described under the MPDU laws. Fourth, the concept of reacquiring this public right-of-way for purposes of recapturing density was presented to the Montgomery County Planning Board and its staff during the project plan and preliminary plan of subdivision approval process. The planning staff recommended to the Planning Board that this process be pursued and supports the acquisition of the right-of-way for purposes of increasing the residential density of this site. The Planning Board was similarly supportive of this concept in its review and approval of the project plan and preliminary plan of subdivision. Fifth, there will be no negative ramifications to the County or the public in general in entering into this process. A deed to the property owner to allow the density to be recaptured could be recorded in the Land Records immediately prior to the plat for the property being recorded which will reconvey the right-of-way to the public. There currently is no roadway located within this subject right-of-way, it instead being a sidewalk which will be redeveloped in any event as part of this project in accordance with the Bethesda streetscape requirements (including wider sidewalks with brick pavers, street trees, etc.). In other words, the ultimate use of this public right-of-way will be the same whether the right-of-way is temporary returned to private ownership or not. On balance, there are only public benefits to proceeding as we are proposing, and absolutely no negatives.

We propose that the business terms for this process be as follows: 1) the Property Owner will pay to Montgomery County the original amounts paid by Montgomery County for its acquisition of this subject right-of-way, a sum total of \$19,000 (the justification of which is attached hereto), contingent upon the Property Owner receiving Montgomery County Planning Board approval of the 5 FAR density permitted in the CBD-R2 zone for the right-of-way; 2) under the current MPDU regulations, fifteen percent (15%) of any additional dwelling units realized from this increased density would be MPDUs; to further the public benefit of entering into this process we would propose that thirty-three percent (33%) of any additional dwelling units obtained from this density increase be MPDUs pursuant to the County's MPDU laws and regulations; 3) the developer will prepare all of the necessary documentation to effectuate this transaction, subject to review by the County Attorney's Office.

We have reviewed Section 11B-45 of the Montgomery County Code, the portion of the Code which pertains to the County's disposition of real property. We have also reviewed the executive regulations (Executive Regulation No. 31-97, effective March 3, 1998) promulgated pursuant to Section 11B-45 for the disposition of real property by the County. It is our judgment that the transaction contemplated herein can be completed pursuant to a simple contract of sale without necessitating any open bid process or other public processes otherwise mandated by Executive Regulation. Specifically, Executive Regulation No. 31-97 exempts from the process as set forth therein "...any site that is acquired for or disposed of for purposes

The Honorable Douglas M. Duncan
January 9, 2001
Page 3

related to roads, housing, matters of significant or strategic interest to the County's economic development...". We believe that this transaction, and the public benefits derived therefrom (especially given that the County will immediately reacquire the right-of-way through the record process), would be for purposes related to both "roads" and "housing" and is one "of significant or strategic interest to the County's economic development".

As such, we would propose that this letter serve as a letter of intent for the acquisition of this right-of-way by the Property Owners and that the County's counter-signature of this letter serve as the County's acceptance of this letter of intent, subject to the terms specified herein. With this letter of intent, we will prepare a purchase contract and the other transactional documents necessary to effectuate this transaction, including the record plat for reconveying the right-of-way to the public immediately after its acquisition through deed. Concurrent with the submission to the County of the executed contract to purchase, we will also submit a check in the amount of the purchase price. Recordation of the deed conveying the right-of-way from the County to Bethesda Triangle, LLC would be deferred until such time as the Planning Board has approved the optional method density "capture" from the right-of-way for Bethesda Triangle and the record plat for Bethesda Triangle is ready to be recorded among the Montgomery County Land Records. In the meantime, as contract purchaser of the land, Bethesda Triangle, LLC would amend its project plan and preliminary plan approvals to capture the density from this land prior to such time as it would be reconveyed to the County through the record plat process.

While on its face this may appear to be a somewhat complicated process, in fact it is a rather simple process whereby significant public benefit can be achieved at no cost to Montgomery County. We are hopeful of receiving a favorable reaction to this from the County very quickly, and we hope that thereafter we can move expeditiously to complete the purchase contract and the other processes necessary to accomplish the purposes and objectives of this transaction. We would be happy to provide you with any additional information and/or to meet with you and/or other representatives of the County to discuss this in greater detail. Thank you for your attention to this, and we appreciate your cooperation.

Very truly yours,

LINOWES AND BLOCHER LLP


C. Robert Dalrymple

The Honorable Douglas M. Duncan
January 9, 2001
Page 4

Letter of Intent Accepted:

MONTGOMERY COUNTY, MARYLAND

By: _____

Title: _____

Date: _____

cc: The Honorable Howard A. Denis
Mr. Bruce Romer
Mr. George Griffin
Gayle Libby Curtiss, Esquire
Charles W. Thompson, Jr., Esquire
Mr. William H. Hussmann
Mr. Larry Ponsford
Ms. Carolyn R. Hufbauer
Ms. Mary Beth O'Quinn
Mr. Gary Kirstein
Mr. David Hillman
Mr. Charles Irish
Faik Tugberk, AIA
Anne C. Martin, Esquire

| ORIGINAL LOT | CURRENT LOT | DEED TO MONT. CO. | DATE OF DEED | ACREAGE | PURCHASE PRICE BASED ON DEED STAMPPS |
|---------------------------|-------------|-------------------|--------------|-----------|--------------------------------------|
| <u>FACING ORDELL AVE.</u> | | | | | |
| 209 | 635 | 2183-221 | 3-19-56 | 2000 SF | \$ 4500 ⁰⁰ |
| 210 | | | | | |
| 211 | | | | | |
| 212 | | | | | |
| 213 | | | | | |
| 214 | 217 | 2103-66 | 8-18-55 | 500 SF | \$ 2500 ⁰⁰ |
| 215 | | | | | |
| 216 | 585 | 2108-305 | 8-19-55 | 375 SF | \$ 1000 ⁰⁰ |
| 217 | | | | | |
| 218 | | | | | |
| 219 | 635 | 2626-311 | 7-22-59 | 1500 SF | \$ 5000 ⁰⁰ |
| 220 | | | | | |
| <u>FACING DEL RAY AVE</u> | | | | | |
| 296 | 296 | 2566-277 | 6-19-58 | 250 SF | \$ 1000 ⁰⁰ |
| 297 | 297 | 2460-380 | 5-13-58 | 500 SF | \$ 3500 ⁰⁰ |
| 298 | 298 | 2462-234 | 5-21-58 | 250 SF | \$ 1500 ⁰⁰ |
| 299 | 635 | | | | |
| 300 | | | | | |
| 301 | | | | | |
| 302 | | | | | |
| 303 | | | | 476 SF | |
| 304 | | | | 247.7 SF | |
| 305 | | | | | |
| 306 | | | | | |
| 307 | | | | | |
| | | | | * TOTAL = | 2223.7 SF |

Prepared by WIM HOFFMAN 12/7/00

MONTGOMERY COUNTY PLANNING BOARD

REVISED OPINION

DATE MAILED: December 17, 2001

SITE PLAN REVIEW: #8-01016

PROJECT: Bethesda Triangle

Action: Approval subject to conditions. Motion was made by Commissioner Holmes, seconded by Commissioner Perdue with a vote of 4-0, Commissioners Holmes, Hussmann and Perdue voting for. Commissioner Bryant was necessarily absent

The date of this written opinion is December 17, 2001, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before January 15, 2001, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid for as long as Preliminary Plan #1-01012 is valid, or until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On May 17, 2001, Site Plan Review #8-01016 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved project plan for the optional method of development, as required;
2. The Site Plan meets all of the requirements of the zone in which it is located;
3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. Each structure and use is compatible with other uses and other site plans and with

existing and proposed adjacent development;

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-01016 20,000 sf office space, 13,000 sf retail, 309,250 sf residential, 288 total apartments: 252 market rate and 36 MPDUs, subject to the following conditions:

1. Conditions of MCDPS stormwater management concept approval October 31, 2000.
2. Conditions of Transportation Planning memo dated May 11, 2001.
3. Site Plan
 - a. Site Plan Signature Set shall show all easement lines, LODs, PUEs, ROWs, setbacks, slopes of sidewalks, riser numbers, and all grading;
 - b. Site Plan Signature Set shall include wall height and materials of the roof top mechanical space. A note shall be added to the plans which states that all roof-mounted mechanical equipment shall be screened from view by nearby buildings and that noise associated with such equipment shall be mitigated to within the limits set forth in the noise ordinance;
 - c. Provide information on exterior building materials for Signature Set;
 - d. Provide design for building entry canopy with materials and specifications;
 - e. Provide drawings showing the exact placement of all art pieces, including dimensions and materials;
 - f. Show materials and specifications for loading dock door;
 - g. Show garage fresh air intakes; Provide dimensions and area for indoor residents recreation amenities (community room and fitness center).
4. Landscape Plan
 - a. Landscape Plan shall include the Bethesda structural soil panel for all street trees.
 - b. Provide street trees at 4"-4.5" caliper at the time of planting;
5. Lighting Plan
 - a. Provide lighting details and specifications for all fixtures, including lamp type, wattage, house shields, and mounted height; include as part of landscape drawing;
 - b. Provide performance specifications for restaurant/retail store front lighting;
 - c. Provide performance specifications for all exterior building lighting at garage entrance and for garage stairwells;
 - d. Provide garage lighting photometric plan;
 - e. Revise light distribution plan to include building mounted fixtures and provide lighting calculations summary including average/maximum and average/minimum ratios.
 - f. Demonstrate that exterior lighting levels follow the IESNA Guidelines.



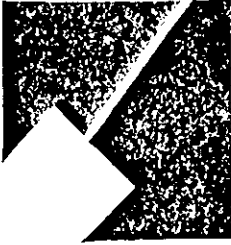
6. MPDUs
 - a. Provide all MPDUs on site and show final location of all MPDU units within the building.

7. Standard Conditions of Approval dated October 10, 1995:
 - A. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:
 1. Development Program to include a phasing schedule as follows:
 - a. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - b. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - c. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - d. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - e. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - f. Coordination of each section of the development and roads;
 - g. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - B. Site Plan Enforcement Agreement to delineate transportation management program, park maintenance agreement and all other requirements of conditions of approval or staff correspondence.
 2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance.
 - b. Conditions of DPS Stormwater Management Concept approval letter dated October 31, 2000..
 - c. The development program inspection schedule.
 - d. Streets trees 35-40 feet on center along all public streets.
 - e. Certification from a professional acoustical engineer that the building shell will attenuate current noise levels to an interior level not to exceed 45 dBA Ldn.
 3. No building permit prior to M-NCPPC approval of signature set of plans.



APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the building.
 - 2) Community-wide pedestrian pathways, recreation facilities and any other amenities must be completed prior to occupancy.
 - 3) Landscaping associated with the building shall be completed prior to occupancy..
 - 4) Pedestrian pathways and seating areas associated with the building shall be completed prior to occupancy.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 6) Coordination of construction traffic to correspond to County requirements;
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Conditions of DPS Stormwater Management Concept approval and waiver letter dated January 20, 1999;
 - b. The development program inspection schedule;
 - c. Street trees per Bethesda Streetscape guidelines along all public streets;
3. Forest Conservation Plan, as required, shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Perdue with a vote of 4-1;
Comms. Bryant, Holmes, Hussmann,
and Perdue voting in favor
Comm. Wellington opposed

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01012

NAME OF PLAN: BETHESDA TRIANGLE

On 08/18/00, BETHESDA TRIANGLE, L.L.C. submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-R2 zone. The application proposed to create 1 lot on 1.2 acres of land. The application was designated Preliminary Plan 1-01012. On 11/16/00, Preliminary Plan 1-01012 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-01012 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01012.

Approval, subject to the following conditions:

- 1) Approval of this preliminary plan is limited to a maximum of 33,000 square feet of retail use and 322 multi-family (high rise) dwelling units. The applicant shall participate in the Bethesda Transportation Management Organization through a formal Traffic Mitigation Agreement with the M-NCPPC and the Montgomery County Department of Public Works and Transportation to achieve and maintain the thirty-seven (37) percent non-auto driver mode share for the retail employees in the peak period. The trip reduction program is to be negotiated and finalized by the technical staff
- 2) Dedication of Rugby Avenue, Cordell Avenue and Del Ray Avenue shall be 30' from center line of right of way
- 3) All road rights of way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Bethesda-Chevy Chase Sector Plan, unless otherwise designated on the preliminary plan
- 4) Applicant to submit a landscape and streetscape plan with site plan application for review and approval
- 5) Access and improvements, as required, to be approved by MCDPW&T prior to recording of plat



- 6) Conditions of MCDPS stormwater management approval
- 7) Compliance with the provisions of Chapter 25A, as applicable at the time of plat recordation
- 8) No clearing, grading or recording of plat prior to site plan approval
- 9) The validity of the preliminary plan is dependent upon the applicant proceeding with and abiding by the terms and conditions of approval for Project Plan No. 9-01002
- 10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- 11) The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 12) Other necessary easements

BETHESDA TRIANGLE DEVELOPMENT



BETHESDA, MARYLAND

STAFF REPORT

**Project Plan 9-01002
Utilizing the Optional Method of Development**

Bethesda Triangle, LLC, Applicant
Architects Collaborative, Architect
Edaw, Inc., Landscape Architect
VIKA, Inc., Engineer
Linowes and Blocher LLP

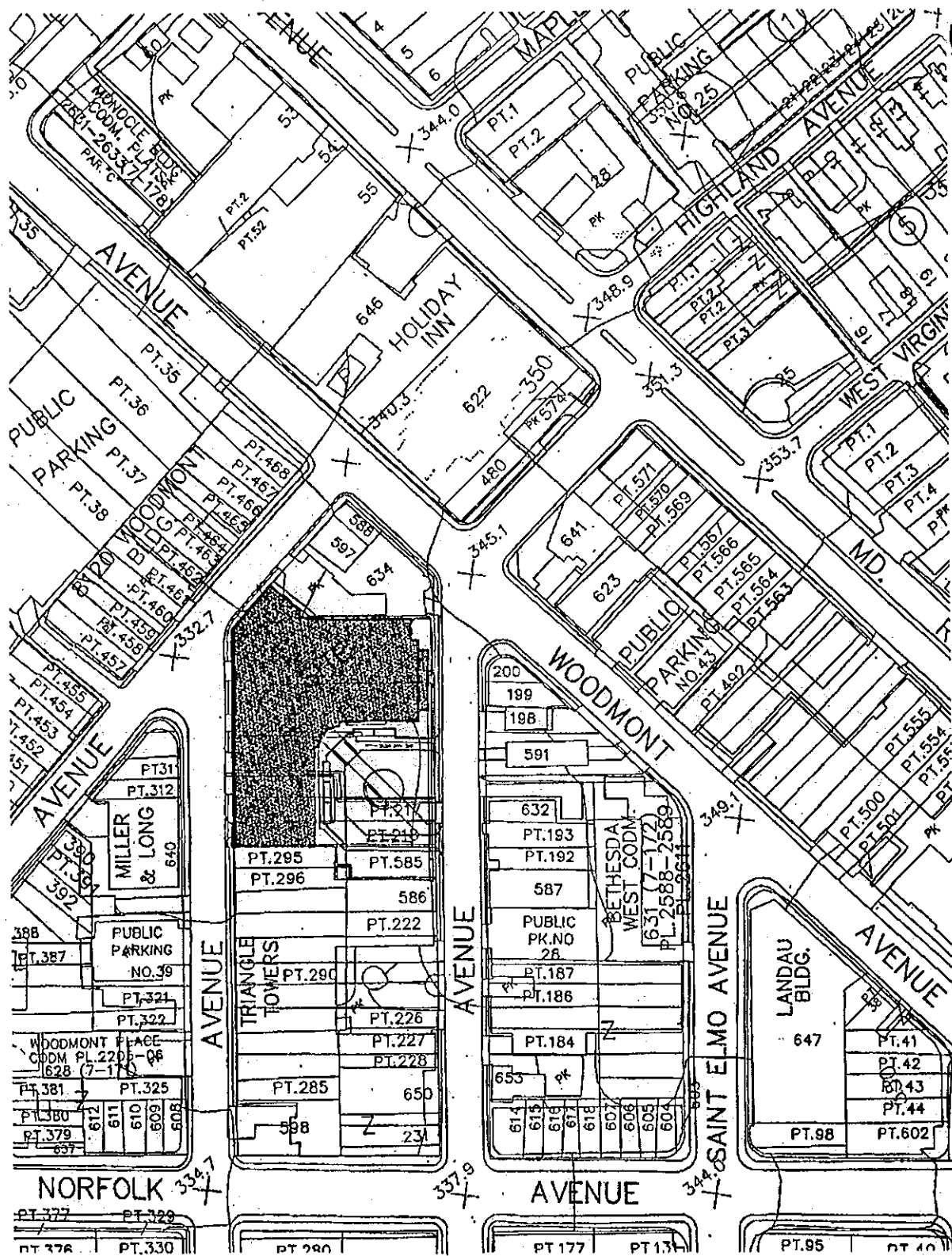
**Prepared for The Montgomery County Planning Board
November 16, 2001**

APPENDIX

- Attachment A: Applicant's Correspondence, October 26, 2000 regarding gross tract area revision
- Attachment B: Applicant's Correspondence, October 26, 2000 requesting Waiver for required retail gross floor area: 59-C-6.23, footnote 3
- Attachment C: Memo, November 1, 2000, M-NCPPC Division of Transportation
- Attachment D: Letter, August 10, 2000, Montgomery County Department of Housing and Community Affairs, Elizabeth Davison, regarding MPDUs
- Attachment E: Memo, September 5, 2000, M-NCPPC, Division of Environmental Planning.
- Attachment F: Memo, November 1, 2000, Research and Technology Center, M-NCPPC, Sally Roman, regarding MPDU Policy

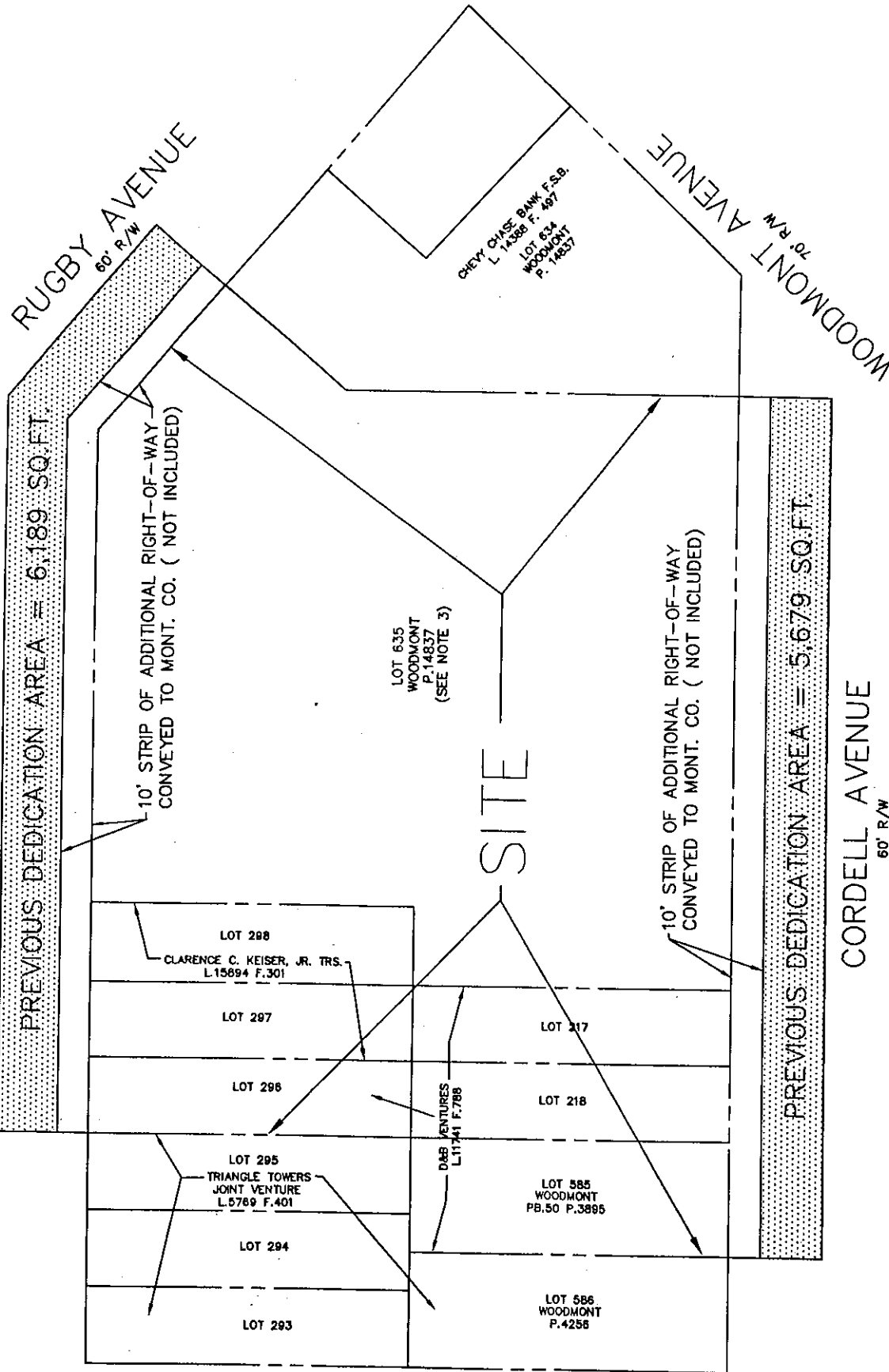
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| | <input type="checkbox"/> Waiver for Required Retail Floor Area, Section 59-C-6.23, footnote 3 | |
| | <input type="checkbox"/> Moderately Priced Dwelling Units, Sec. 25A | |
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| | <input type="checkbox"/> Provision of moderately priced dwelling units (MPDU)'s | |
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| | <input type="checkbox"/> Requirements for forest conservation | |
| | <input type="checkbox"/> Requirements for water quality resource protection | |

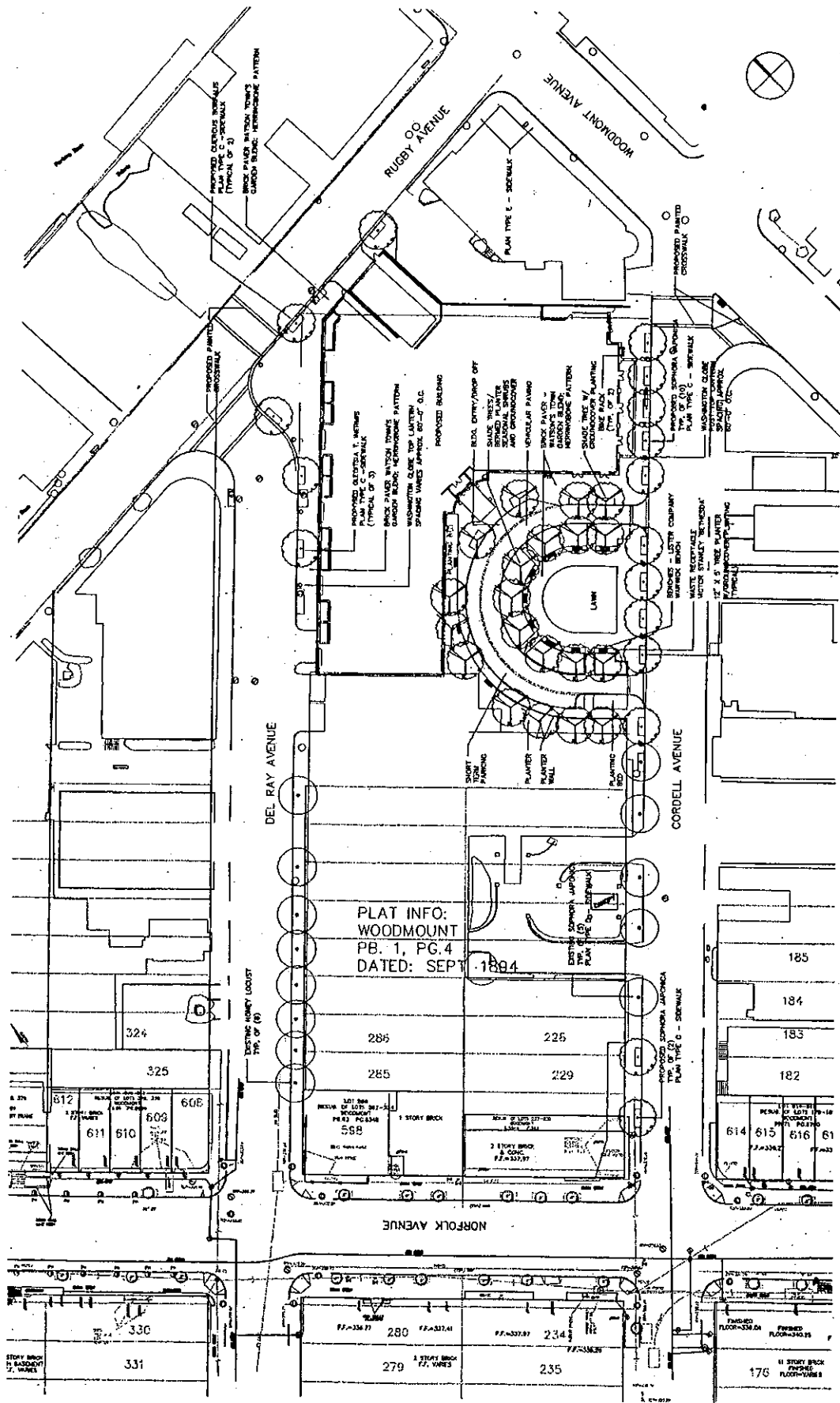


BETHESDA TRIANGLE
AREA PLAN

DEL RAY AVENUE
60' R/W



| | |
|---|----------------------|
| EXISTING SITE NET LOT AREA | 56,573 SQ.FT. |
| PREVIOUS STREET DEDICATION (PB.1 P.4) | 11,868 SQ.FT. |
| TOTAL GROSS TRACT AREA | 68,441 SQ.FT. |



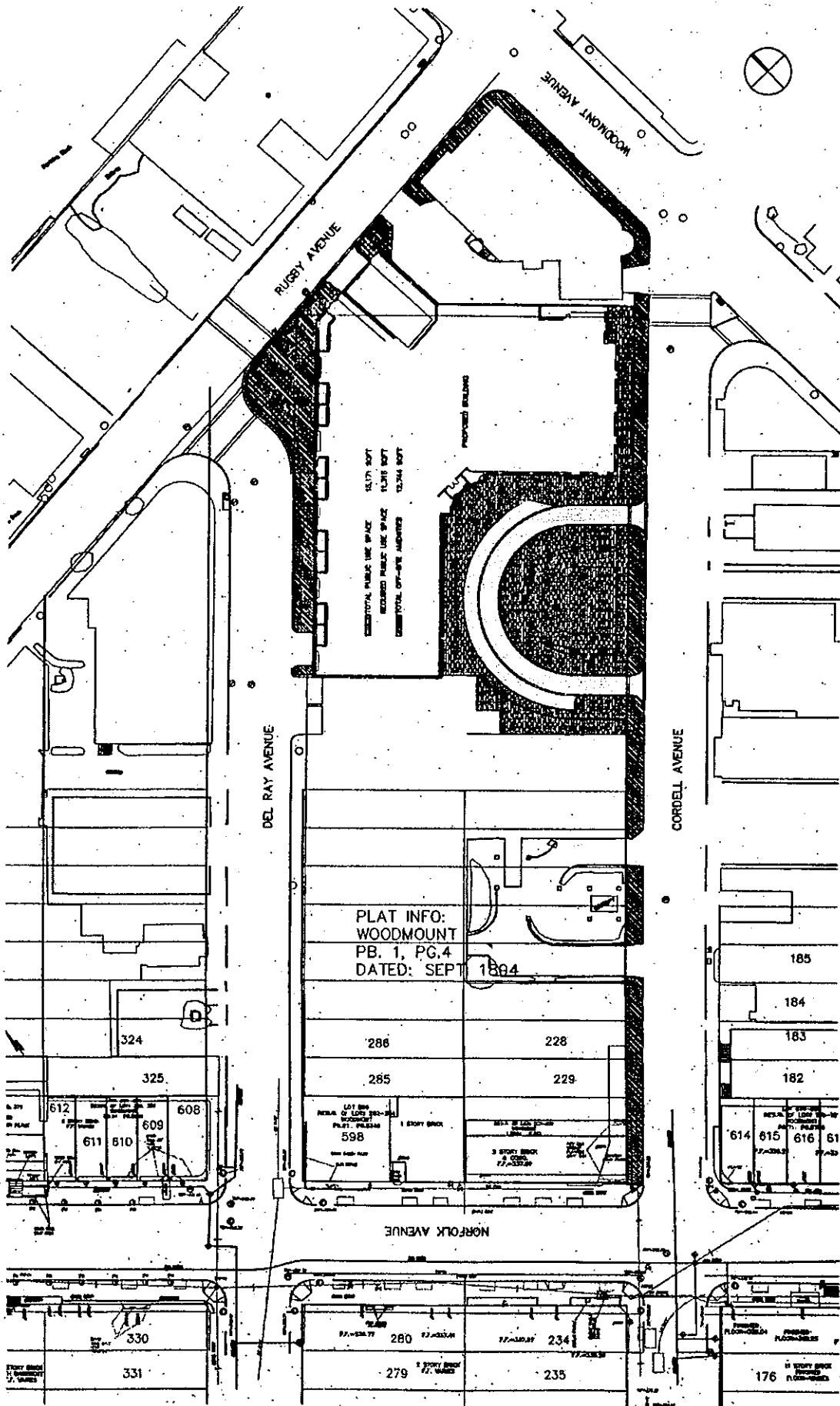
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 WOODMOUNT
 PB. 1, PG. 4
 DATED: SEP 18 1984

BETHESDA TRIANGLE LLC A CI

SITE AMENITIES PLAN

SCALE: 1" = 30'-0" DATE: 10.02.2000

ARCHITECTS COLLABORATIVE INC.

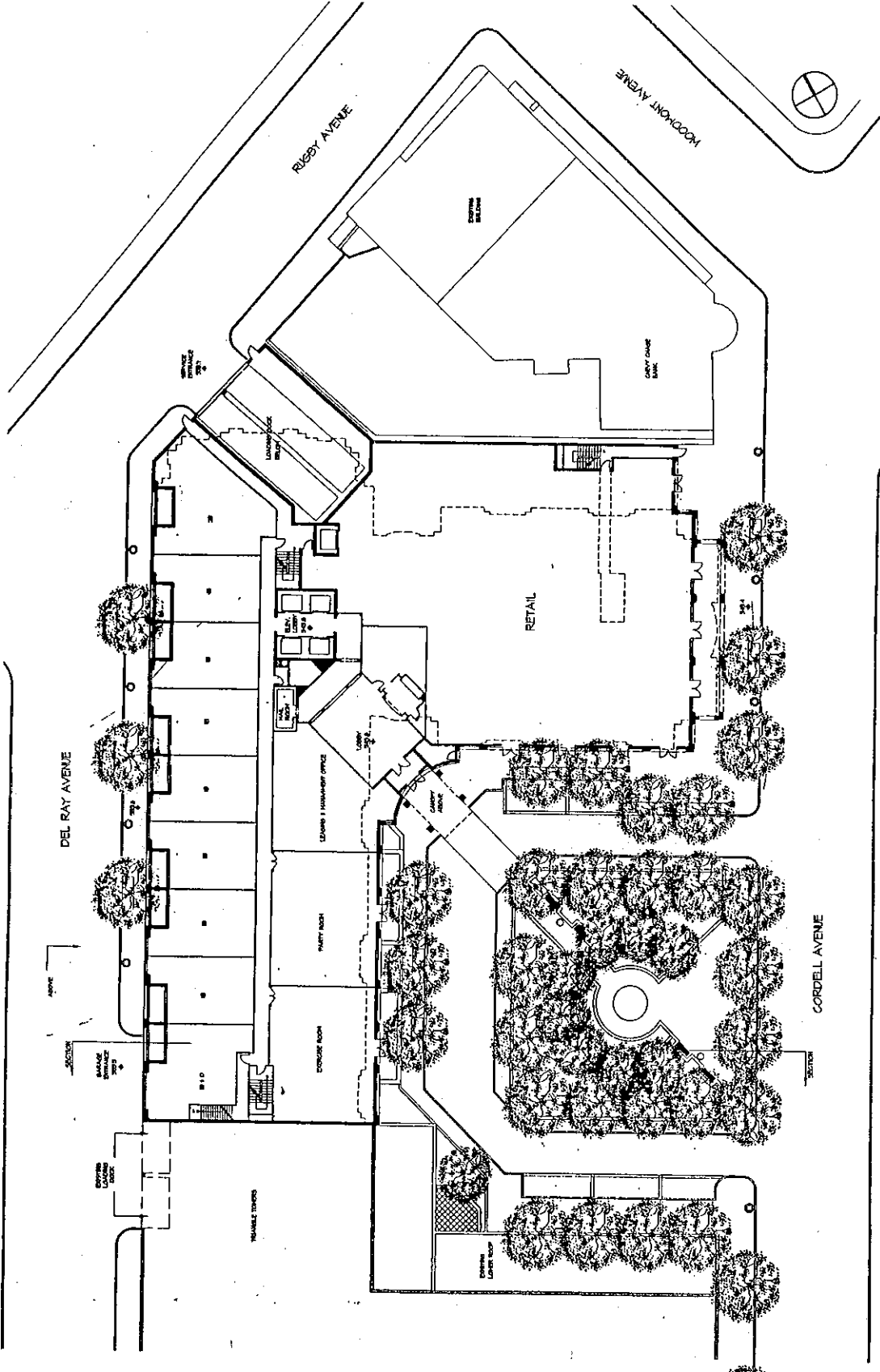


PLAT INFO:
 WOODMOUNT
 PB. 1, PG. 4
 DATED: SEPT 18 2004

BETHESDA TRIANGLE LLC A CI

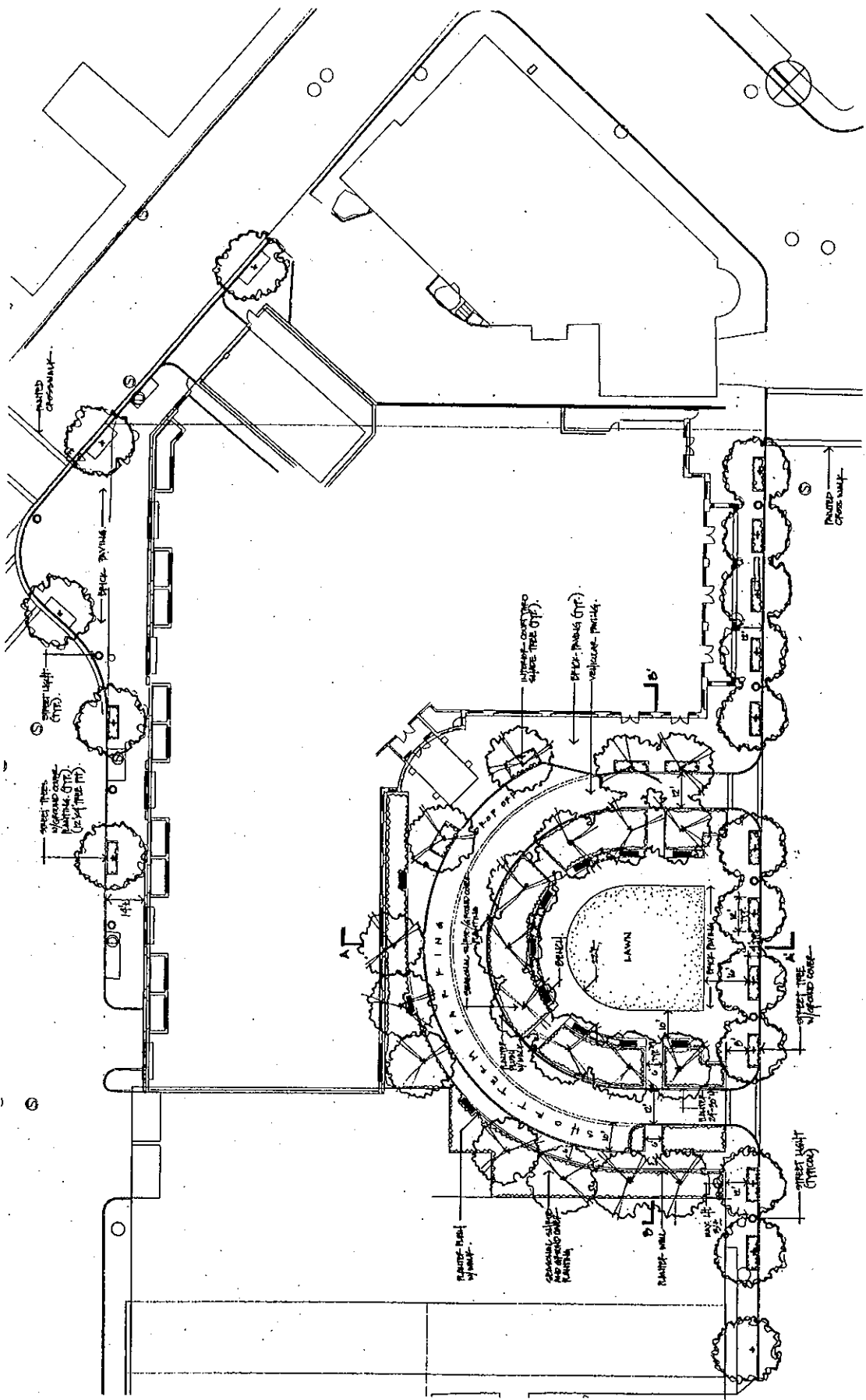
SITE AMENITIES PLAN
 SCALE 1"=30'-0" DATE: 10. 25. 2000

ARCHITECTS COLLABORATIVE INC.
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BETHESDA TRIANGLE LLC

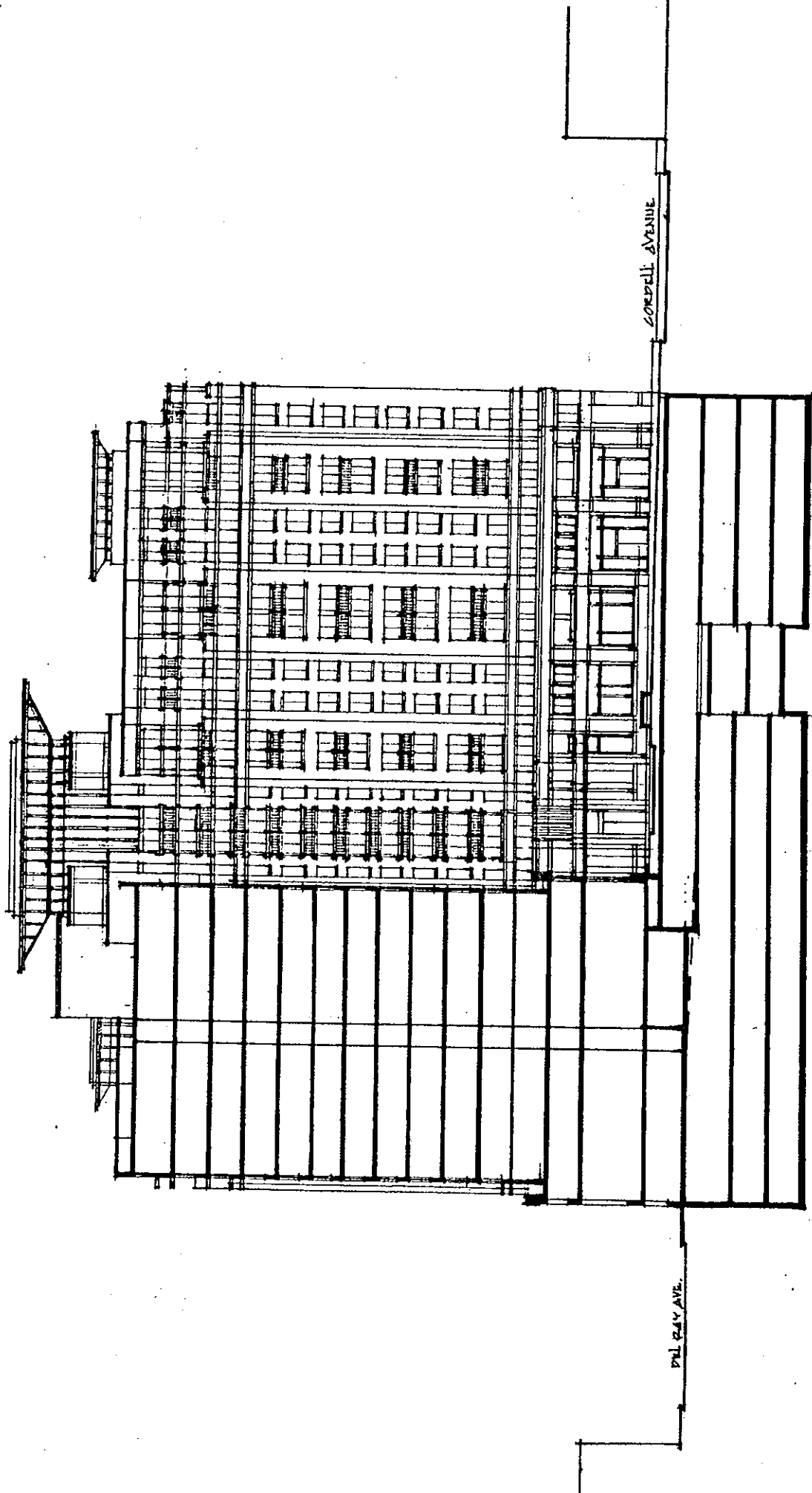


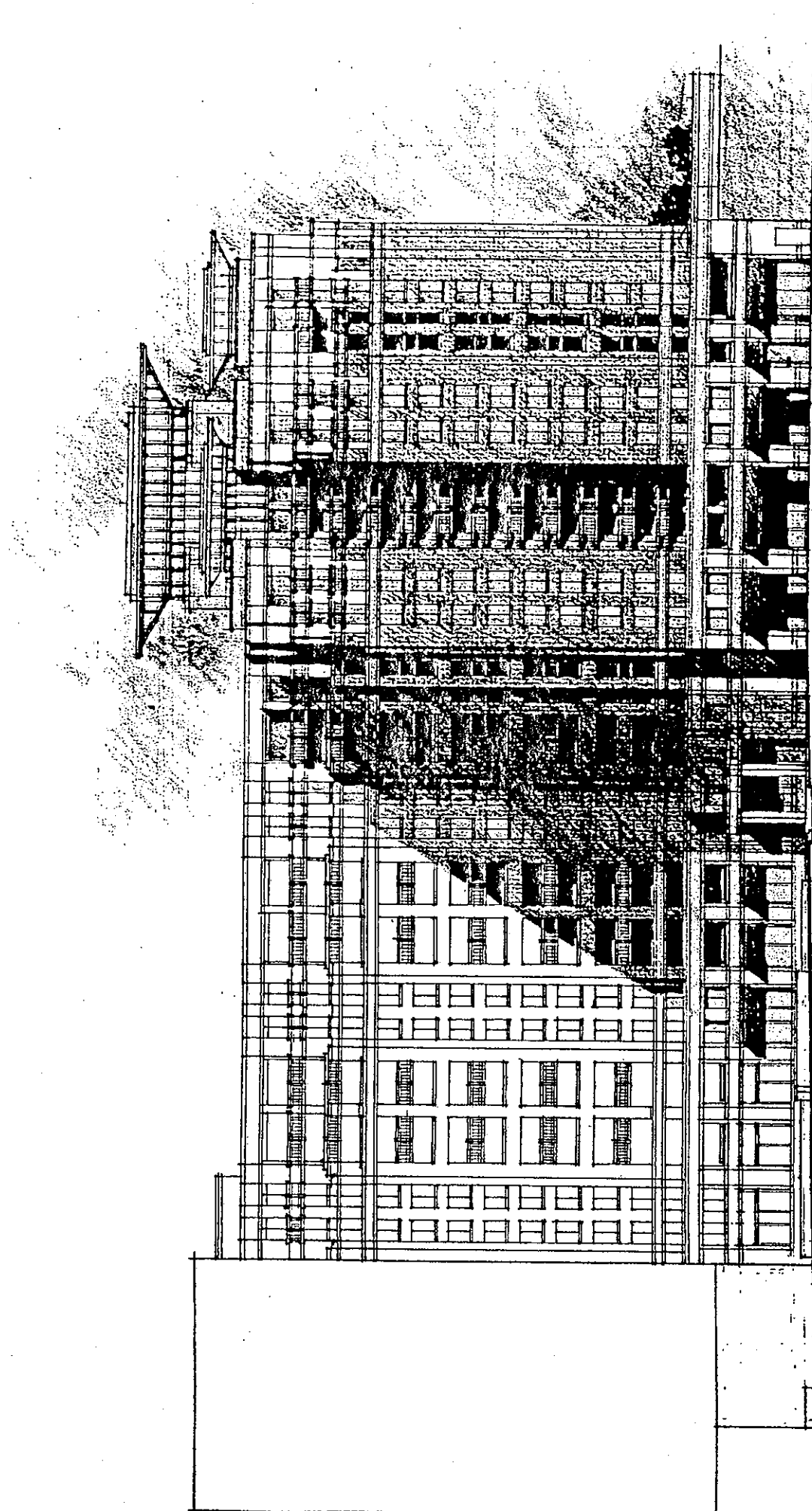
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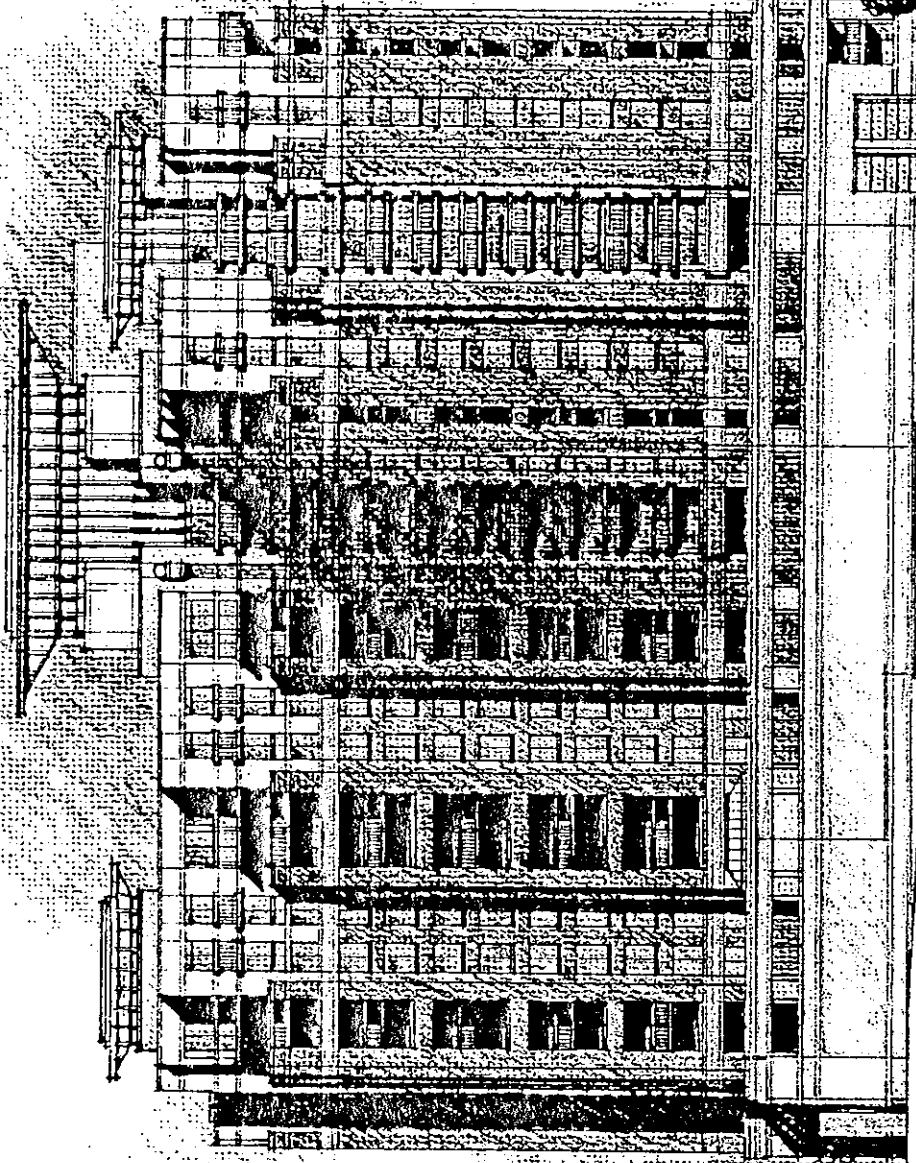
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ILLUSTRATIVE SITE PLAN
 SCALE 1/16"=1'-0" DATE: 10. 25. 2000

ARCHITECTS COLLABORATIVE INC.
 E D A W
 SHEET NO. L - 1.01



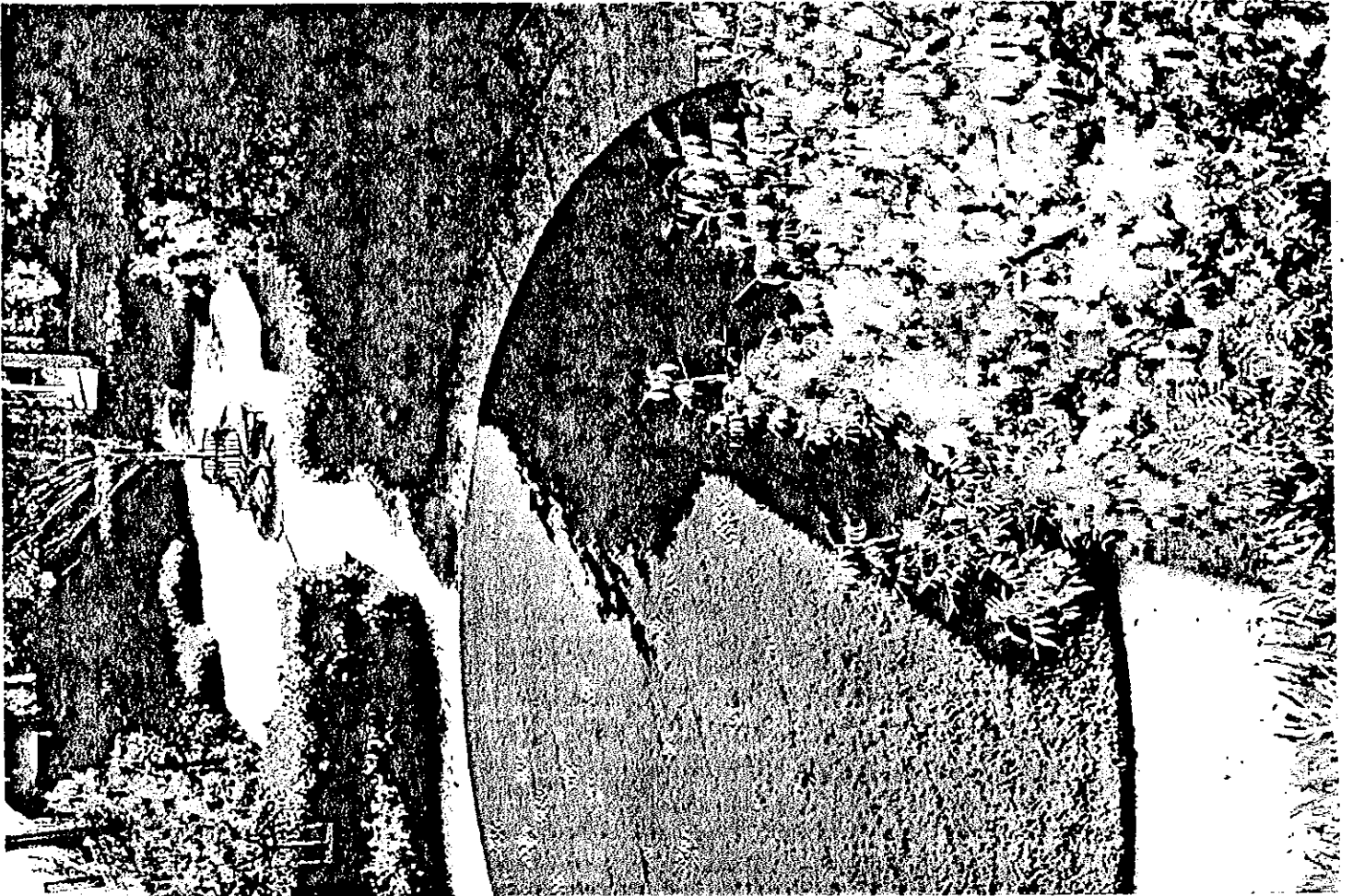


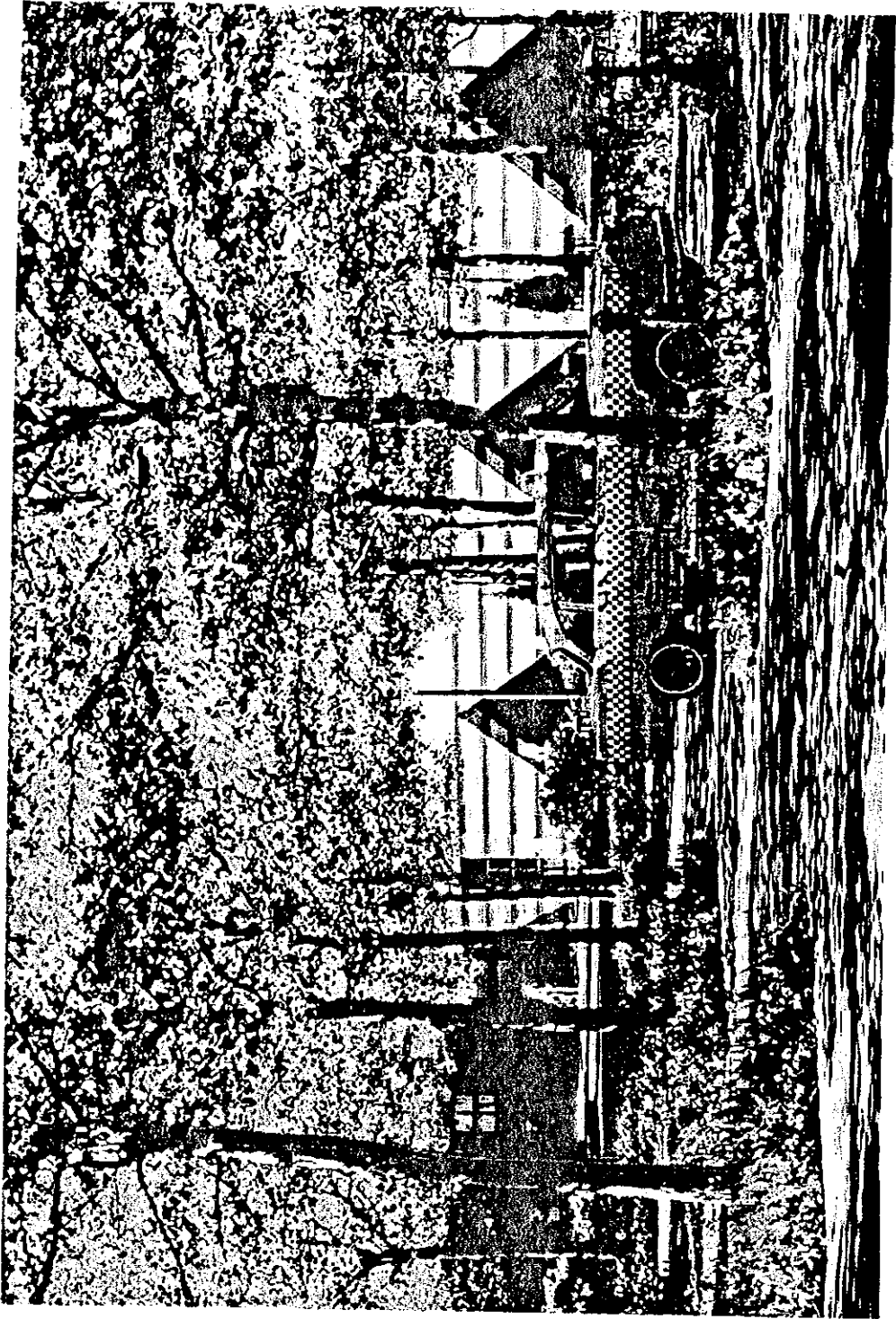


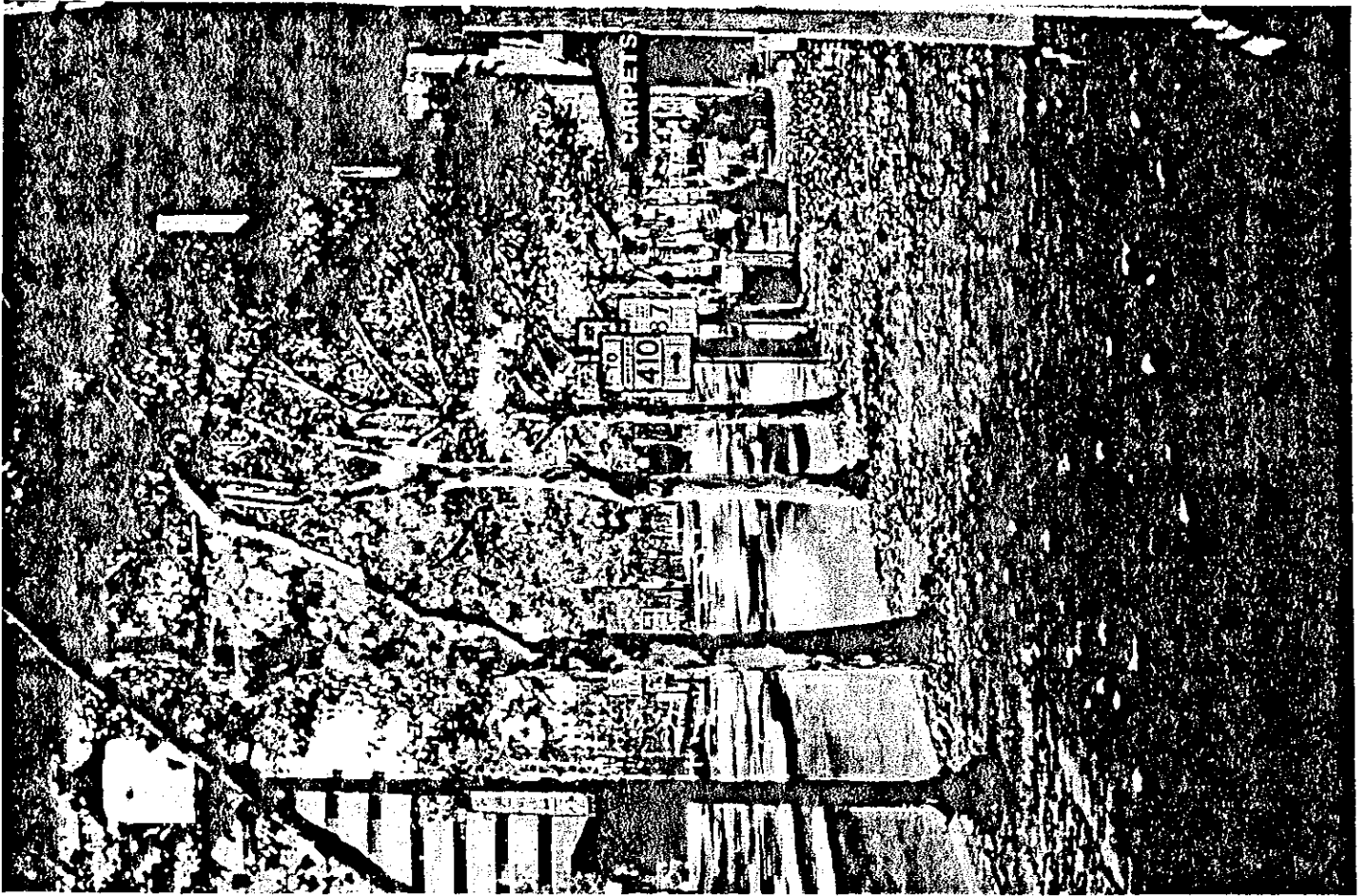
PLAN OF THE AVENUE

2000









II. SUMMARY

The subject Project Plan application, submitted by Bethesda Triangle, LLC, proposes a 13-story residential tower using the Optional Method of Development. The property consists of 68,441 square feet of land in the CBD2-R2 Zone. The applicant has filed a Preliminary Plan, #1-01012, to be heard concurrently by the Planning Board. Staff recommends approval of the Project Plan with the conditions listed in the Recommendations Section below.

The Proposal

The new building will be constructed on the parcel known as the Wohlfarth Property, consisting of 56,573 net tract area. The site is located between Del Ray and Cordell Avenues, west of Woodmont Avenue within the Woodmont Triangle section of the Bethesda CBD. The proposed development consists of the 125-foot tall tower, with 342,205 square feet, 314 residential dwelling units, 13,000 square feet of retail space, and an additional 20,000 square feet of "flexible" retail-residential space. The flexible space is comprised of sixteen units facing Del Ray Avenue that may be accessed directly from the public street. Amenities and facilities proposed include a landscaped public plaza for sitting and recreation and streetscape improvements to contiguous public streets.

III. DEVELOPMENT ISSUES

- Revision to Gross Tract Area and Density, Section 59-A-2.1
- Waiver for Required Retail Floor Area, Section 59-C-6.23, footnote 3
- Moderately Priced Dwelling Units, Sec. 25A

1. **Revision to Gross Tract Area and Density [Sec 59-A-2.1]** During the review process, the applicant reduced the gross tract area and density of the proposed plan. A portion of the dedication area used for calculation of gross tract area and Floor Area Ratio was discovered to have been conveyed to the County by Deed for Consideration, not by dedication by plat; thus the amount of area in question (17,689 sf) has been deducted from the *original gross tract area* stated in the application (74,262 sf), resulting in a new *gross tract area* of 68,441 sf. The corresponding density is affected by this adjustment as well, resulting in a reduction of *gross floor area* from 371,310 sf to 342,205 sf and a reduction in dwelling units from 340 to 314 based on the FAR and dwelling units per acre. The applicant has stated his intention of filing a Project Plan Amendment to recover the originally proposed density upon favorable resolution of the dedication issue. Staff supports the applicant's efforts to recover this density because the additional height and number of dwelling units are compatible with the desired CBD development. See discussion of this issue in *Findings (a)* and *Attachment A*. See also *Density Revision Chart*, page 21.

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2. **Waiver for Required Retail Floor Area [Sec. 59-C-6.23, footnote 3]** The applicant has requested a partial waiver of the requirements for retail space in the CBD-R2 Zone. The zone requires that a minimum of 5% of the total gross floor area be used for commercial/personal service use. The proposal provides 3.8% of retail storefront space (13,000sf) on Cordell Avenue. An additional 20,000sf that fronts on Del Ray Avenue is suitable and desirable for personal service/office. The use of the additional space on Del Ray would meet and exceed the zone's requirement. However, applicant requests a waiver for 1.2% of the required square footage to allow time to determine the market demand for commercial/personal service/office space for the space. Staff supports the request for the partial waiver, but with a condition to encourage and evaluate efforts to achieve retail activity for this particular street front. See *Staff Recommendations (12), Sector Plan Conformance (VI-2), Attachment B*.

3. **Moderately Priced Dwelling Units [Sec. 25A]** The developer has agreed to provide all of the MPDUs on site, achieving a major goal of the Sector Plan and Chapter 25A. The provision of MPDUs in the building is dependent on achieving a minimum number of market rate units, hence increasing floor levels above heights recommended in Sector Plan guidelines. It should be noted that the number of MPDUs would be affected by the possible change in residential density discussed above in (1) and (2). Additionally, the number of MPDUs provided may change upon passage of a pending Zoning Text Amendment reducing required MPDU percentages in high-rise residential zones. See *Sector Plan Conformance (VII-1), Findings (b)*.

IV. STAFF RECOMMENDATIONS

The staff recommends approval of Project Plan #9-01002, Bethesda Triangle, with the following conditions:

1. Development Ceiling

The proposed residential project is limited to 342,205 square feet of gross floor area (5 FAR); 314 dwelling units and 33,000 square feet of retail use. This density is based on the revised gross tract area of 68,441 square feet.

Prior to signature set approval of the Project Plan, the Plan shall be revised to show that the total gross floor area of the development is 342,205 square feet or less.

Applicant shall re-certify updated application statistics to reflect change in proposal during review.

2. Building Height and Mass

The height of the proposed building shall not exceed 125 feet. Building mass articulation and setbacks shall be incorporated into the overall design scheme to provide visual interest at street level and from adjacent structures.

3. On-Site Public Use Space

The proposed public use space shall constitute at least 20 percent of the net lot area of the site. The proposed public use spaces are to be easily accessible and readily used for public enjoyment. The Public Use Space shall be reviewed in detail at the time of Site Plan, and shall address the following features:

Bethesda Benches

Washington Globe Street Lights

Brick Paving for pedestrian and vehicular spaces

Lawn Panel

Site Furnishings

Bicycle Racks

Night Lighting

Stone Retaining Walls and Seat Walls

Railings and Decorative Elements

Recreational Elements

Planted Areas

Seasonal Landscaping

Plaza Street Trees

Screen planting towards the adjoining streets and first level apartments

Roof Landscaping as visual amenity

Public Art Program, including design for wall on public plaza on south side

These features shall be used to enhance the quality of the public space, establish its identity, promote public use, complement adjacent retail and residential use, and facilitate pedestrian activity. Trees within the Public Plaza and over the underground parking shall be provided with adequate soil panel as verified by a certified arborist.

Public Art shall be incorporated into the overall design of the public use space, including the architectural and decorative treatment of the southwest wall that faces the plaza. The design of all artwork shall be part of the Site Plan submittal and shall be reviewed and approved by the Planning Board and the Bethesda Public Art Panel for optional method property.

4. Off-Site Public Amenities and Streetscape

Off-site streetscape improvements shall be completed using selected elements of the Bethesda Streetscape Standards, for the following areas:

Cordell Avenue between Woodmont and Norfolk

Rugby Avenue between Del Ray and Woodmont

Woodmont Avenue between Rugby and Cordell

Del Ray Avenue between Rugby and Norfolk

At the time of Site Plan Review, applicant shall provide arborist's report for existing trees on the above-mentioned streets; appropriate tree protection measures, and provision for replacement and supplemental street trees.

5. Staging of the Public Amenity Features

All amenities on-site and off-site shall be constructed prior to occupancy.

6. Moderately-Priced Dwelling Units

Moderately Priced Dwelling Units (MPDUs), shall be provided on-site in accordance with Section 25A. Fifteen (15) percent of the total number of dwelling units of the proposed housing development shall be Moderately Priced Dwelling Units (MPDUs). (If the requirements of 25A applicable to this project plan are revised, the number of units may be reduced.)

7. Management Organization

The Site Plan Enforcement Agreement shall reference the appropriate provision for the ongoing maintenance of the public amenity areas on and off site.

8. Bethesda Urban Partnership

The applicant shall become a participant of the Bethesda Urban Partnership, the public space maintenance and event programming organization for the Bethesda CBD.

9. Signage
Signage shall be designed to be compatible with the architecture of the building, with surrounding and adjacent buildings, and with the public plaza. At the time of site plan review, applicant shall provide information on signage for public safety at the garage and loading dock areas on Del Ray and Rugby. Applicant shall coordinate signage location and placement with appropriate agencies.

10. Transportation Management
Applicant shall participate in the Bethesda Transportation Management Organization through a formal Traffic Mitigation Agreement with the M-NCPPC and Montgomery County DPW&T, to achieve and maintain the 37% non-auto-driver mode split in the peak hours. The Traffic Mitigation Agreement shall be recorded in the land records, and be included in the Site Plan Enforcement Agreement for the proposed development.

11. Road Rights-of-Way
The proposed development shall provide required road rights-of-way a required in the Sector Plan for the following streets:
 - a. 30 feet from the centerline of Cordell Avenue
 - b. 30 feet from the centerline of Del Ray Avenue
 - c. 30 feet from the centerline of Rugby Avenue

12. Retail Use
The Board grants the requested waiver of 1.2% of the 5% requirement of retail space use on the condition that, for a period not to exceed six months after occupancy, the applicant shall make "every best effort" to lease the space to entities of retail personal service and commercial service and shall report monthly to the staff on the progress of the leasing efforts for the unleased space. At the end of six months, unleased space may be leased to residential tenants.

V. PROJECT DESCRIPTION

Surrounding Vicinity

The site for Bethesda Triangle lies within the Bethesda DBD and is zoned CBD-R2. The adjacent blocks on Cordell and Del Ray are zoned CBD-R2. The adjacent block to the south is zoned CBD-R1. The surrounding land uses are as follows:

Cordell Avenue offers an active street life with storefronts and busy sidewalks. There are a number of restaurants lining the street from Norfolk Avenue north to Woodmont that feature outdoor seating. The street supports a variety of businesses in one- to three-story buildings and a small public parking lot. Triangle Towers, adjacent to the subject site, features a small plaza and horseshoe vehicular drive.

Del Ray Avenue is lined with one- and two-story buildings predominantly for business use. Most of the block on the southwest side is fronted by the rear garage façade of Triangle Towers. A restaurant is located on the northeast portion of the street.

Rugby and Woodmont Avenues form the “tip” of the site, and feature a restaurant and the Chevy Chase Bank with drive-through service lane. Across Rugby is a 9-story office building (zoned CBD-R1) under restoration, and the Holiday Inn (CBD-1) lies on the north side of Woodmont.

Site Description

The project site is presently being used as a parking lot that straddles Cordell and Del Ray Avenues. The property is located on the northern portion of the 5-sided block, which is bounded by Woodmont, Cordell, Norfolk, Del Ray, and Rugby Avenue. The site topography drops 10 feet from the Cordell frontage to Del Ray Avenue on the northwest. There are concrete sidewalks on both Cordell and Del Ray, with sporadic planting of street trees. No significant trees or plant material exists on the site.

PROJECT DESCRIPTION:

PROPOSAL

Bethesda Triangle is to be a 13-story, "L" shaped multi-family residential high-rise, 125 feet in height, atop a two-story floor base with four levels of underground parking. The total above grade floor area will be 342,205 square feet, located on floors 1 through 13. The lobby level will contain all of the support services for the building including the lobby, community room, exercise room, manager's office, service/loading facilities, tenant storage areas, in addition to 13,000sf of retail store front space. Elevators will provide service to all levels of the structure, including the garages and the service/loading dock area. Entry to the garage will be at the south property line from Del Ray Avenue and the service area will be located near the northern end of the building with the loading dock on Rugby Avenue.

The building is oriented to Cordell Avenue and is sited to provide grade-level entry and service from that street. A well-designed one-way street vehicular drop-off and entrance area is incorporated within the layout of the green public plaza at the entrance on Cordell. The entry walks are landscaped with benches sited to create outdoor waiting areas and a sense of welcome upon arrival.

The facade of the building is predominantly brick masonry with a buff brick color palette accented by lighter and darker brick patterns. A distinctive cornice caps the parapets at the roof line and the mechanical penthouse (above the roof). The window frames and balcony railings will be finished in accenting tones to coordinate with the buff brick color. There will be tiers of balconies, and terraces, rhythmically spaced through each facade, which extend on each floor of the building. The balcony enclosure panels will be finished in exposed aggregate to provide additional interest, color and texture to the facade.

MPDUs will be provided on site. The exact number of MPDUs will be determined at site plan; however, several contingency factors will also affect the provided number of units. [See (III) Development Issues 1-3.]

PUBLIC FACILITIES AND AMENITIES

The public amenities for Bethesda Triangle are required for the use of the optional method of development within the Central Business District zones. The amenities proposed by this project will create a notable garden setting for the residents of this project and others who live or work in the Woodmont Triangle. The project draws upon the garden spaces created as entries to historical residential examples such as the Palazzo Ricordi, and the pre-war apartment houses such as The Belnord and The Apthorp in New

York. The garden space will create a park, with a grass lawn panel, and perimeter shade trees. Seating, landscaping, lighting will be provided to allow for evening use and programmed events. An "art wall" for architectural and decorative treatment of the south façade facing the plaza will be designed by a local artist and integrated with motifs and elements used throughout the public space.

ON-SITE PUBLIC USE SPACE

Bethesda Triangle proposes the following **on-site amenities** within the landscaped seating areas at the building's frontage and within the public plaza, which includes:

Bethesda Benches

Washington Globe or coordinated lighting for the plaza

Brick Paving (to coordinate with the Bethesda Streetscape pavers)

Site Furnishings, e.g., trash receptacles, bicycle racks

Night Lighting - within the park

Stone Retaining Walls for sitting and planting

Railings and Decorative Elements

Recreational elements - as required to meet the recreational guidelines

Planted areas at the plaza perimeter and at the building edges

Seasonal Landscaping

Roof Landscaping as visual amenity on terraces

Screen planting for the party room and exercise room facing the plaza

Art Program: architectural treatment of south plaza facade

OFF-SITE PUBLIC USE SPACE

Surrounding the proposed apartment building, the following improvements are proposed:

- Cordell Avenue from Norfolk Avenue to Woodmont Avenue:
Bethesda Streetscape: 12-foot sidewalk, tree pits, Washington Globe lighting, Bethesda pavers and street trees along property frontage;
- Del Ray from the south property line to Rugby
Bethesda Streetscape: 9-10-foot sidewalk width with Bethesda pavers, street trees, Washington Globe lighting along property frontage on south side;
Bethesda Streetscape: as above, to complete streetscape gaps along frontage
- Rugby from Del Ray to Woodmont
Bethesda Streetscape: Bethesda pavers, street trees as needed, Washington Globes
- Woodmont from Rugby to Cordell
Bethesda Streetscape: Bethesda pavers, street trees as needed, Washington Globes

* All streetscape improvements will conform to Bethesda Streetscape Plan from 1992.

Other road improvements by the applicant, in conjunction with this proposal, include the relocation of the curb and pedestrian crossing at Del Ray near Rugby.

VI. BASIS FOR CONSIDERATION OF ISSUES

Section 59-D-2.43. of the Zoning Ordinance provides that in reaching its determination on an application for the optional method of development and in making the required findings, the Planning Board must consider the following:

(a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures.

The proposed site, inclusive of its open spaces, streetscape improvements, and its access and service points are consistent with the nature of their surroundings and other development within the CBD. The proposed building's orientation to Cordell Avenues; its L-shaped footprint that forms strong, yet compatible massing; the size and scale of the façade on Del Ray which form an attractive street front, its height which steps down from the adjacent taller Triangle Towers; and the building's creation of open spaces oriented to public sidewalks are consistent with the nature of development within the edges of the Bethesda CBD.

(b) Whether the open spaces, including developed open space, are of such size and location as to serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are so planned, designed and situated as to function as necessary physical and aesthetic open areas among and between individual structures and groups of structures, and whether the setbacks, yards and related walkways are so located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.

The proposed open space shaped by building form is designed to provide a visible, accessible, and generous public plaza that invites a variety of public activities such as reading, sitting, eating, and child play. This green, well-appointed space is intended to function as a shared outdoor living room, with furnishings, plantings, and art. The applicant has extended particular effort to provide a plaza that maintains the same ground plane as the sidewalk, creating an inviting, accessible entry. While accommodating the vehicular drive and drop-off area, the paving, landscaping, planting, and seating reaches to the building edges to extend the visual and physical dimensions of the space. The green lawn panel at the center, oriented for maximum sunlight, offers flexibility and accessibility to many public users.

(c) Whether the vehicular circulation system, including access and off-street parking and loading, is so designed as to provide an efficient, safe and convenient transportation system.

The vehicular circulation system is developed as an efficient safe and convenient system. All underground parking access and loading dock dependent service will use Del Ray

Avenue. Additionally, there will be short-term spaces at the building entrance for temporary use by delivery vehicles and drop-off. The design of the drop-off maintains the high quality streetscape pavement detailing and maintains the separation of the pedestrians and vehicles for safety.

(d) Whether the pedestrian circulation system is so located, designed and of sufficient size as to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.

The pedestrian system continues and enhances the present pedestrian system around the site. The "front door", visible and accessible from the public plaza on Cordell, is sized to allow a variety of functions: service; resident or visitor access; and sitting/waiting with nearby drop-off spaces. As mentioned above, the design and width of the pavement allows for pedestrian movements to continue as the vehicular service lane crosses its path. The public plaza allows for multiple access points into the open space from Cordell; the internal walks and paved surfaces are well sized to allow for sitting and walking concurrently on both sides of the interior driveway. The linkages to the open spaces will occur from the public sidewalks. The sidewalk on Del Ray offers an improved, lighted streetscape with an alternative pedestrian residential entry to the building.

(e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, with relation to the type of use and neighborhood.

The design of the entire site ties into its development as a residential use and with the surrounding neighborhood. The neighborhood of properties closest to the site are characterized by low intensity commercial development (Chevy Chase Bank, etc.), one 8-story office building, and high intensity residential development (Triangle Towers and Holiday Inn). The landscaping and design of the public plaza with landscaping, trees, and furnishings, creates a central focal point that draws attention and activity to the space. The entry to the underground parking garage will be located opposite commercial uses, near the Triangle Tower garage entry, consistent with adjoining development patterns. Care has been taken with placing the loading dock on the short street, Rugby, not immediately visible from Del Ray. The enlargement of the sidewalk and pedestrian crossing at Del Ray offers the opportunity for enhancing the street trees and screening at the loading dock, in addition to providing an alternative entry for residents. The lighting proposed will be the recommended Washington Globe as part of the streetscape improvements. The continuation of the improved streetscape wrapping most of the block, with the preservation of existing street trees, addition of replacement trees, brick sidewalks, lighting used in other areas in Bethesda are consistent with residential

development along an arterial street.

(f) *The adequacy of the provisions for the construction of moderately priced dwelling units in accordance with chapter 25A of this Code if applicable.*

The project proposes to provide all required MPDUs on site. The number of MPDUs will be subject to three contingencies as stated above:

- (III-1, page 4) Revision of the gross floor area (restoration of the original gross floor area), pending applicant's filing for an Amendment to this Project Plan: If the applicant succeeds in his "recovery" (increase) of 17,689sf towards *gross tract area*, then the *gross floor area* will increase by 29,105sf, and the number of dwelling units will increase from 314 to 340, yielding a corresponding increase in MPDUs.
- (III-2, page 4) Issuance of the requested waiver for retail space requirement: If, pursuant to granting of the waiver, and approval of Condition #12, the applicant fails to achieve retail leases for the space on Del Ray Avenue, the use of square footage for residential dwelling units will be increased (by 4,000-20,000sf), yielding a corresponding increase in MPDUs.
- (III-3, page 4) Change in the requirements for MPDUs within CBD Zones, pursuant to passage of a pending Text Amendment reducing the required percentage from 15% to 12.5 %.

The number, unit type, and location of MPDUs will be determined at Site Plan Review.

(g) *The staging program and schedule of development.*

The one phase construction of the project will allow for all amenity areas to be constructed prior to occupancy of the building, with the exception of landscaping, subject to the seasonal cycle.

(h) *The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*

The project conforms to the requirements of Chapter 22 A by qualifying for a small property exemption where development activity occurs on property less than 1.5 acres in size.

(i) *The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

The storm water management concept request was conditionally approved for a project plan by the Montgomery County Department of Permitting Services on Sept. 5, 2000.

VII. REQUIRED FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the staff recommends the following findings:

- (a) *It would comply with all of the intents and requirements of the zone.*

The intent of the CBD Zones (Section 59-C-6.212 of the Zoning Ordinance) are as follows:

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

The Bethesda Triangle application for Project Plan review is in conformance with the Approved and Adopted Sector Plan for the Bethesda Central Business District, July, 1994 as noted within section (b) below. The increase in density and height of buildings on this site is in conformance with the Sector Plan goals of 5 Floor Area Ratio (FAR) and locating housing within the Bethesda CBD. The proposal is in conformance with the zone for height and floor area ratio. However, the proposal's revision of density for 322 dwelling exceeds the permitted number (314) within the zone—staff has address this with Condition (1). Staff supports the applicant's efforts to recover the density stated in his original submission, finding that the height, bulk, massing, density, and floor area of the original submission is compatible with development in the CBD.

- (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 Bethesda CBD has been developed primarily as a commercial center with a limited residential projects. Consequently, the provision of a new residential project responds to the need for housing within the CBD. This project particularly responds to the need for Moderately Priced Dwelling Units. Provision of housing is a complement to the other CBD uses (shopping, working, service) and the amenities provided by this project - streetscape improvements, parks, etc. would benefit the residents of the proposed building and the public as a whole.

Use of the optional method of development for this project allows greater residential densities; flexibility in development thus makes the project more economically feasible, and provides the opportunity to achieve the required MPDUs on site. The optional method of development also provides the incentives to develop a high quality, architecturally distinct building and adjacent open spaces. The provision of housing in the Woodmont Triangle portion of Bethesda will encourage greater business activity within the CBD and will provide a greater population to further the desired street animation within the CBD.

- (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 subject property, located within the Woodmont Triangle of the CBD, provides a unique opportunity to develop a project that "completes" the massing of a long-standing unfinished urban block. The proposed residential project, through careful architectural design and site planning, will provide a use and appearance that is compatible with and complementary to the surrounding community in terms of height and bulk and will further enhance the neighborhood through its transitional attributes.

The amenity package and public spaces which accompany Bethesda Triangle will include extensive sidewalk improvements in an area that has not been upgraded to the standards of the Bethesda Streetscape characterizing the newly and re-developed areas of the Bethesda CBD. These improvements will contribute to a cohesive the pedestrian circulation system in Bethesda.

The site plan for the proposed project has provided for an appropriate separation of vehicular and pedestrian circulation systems, thereby ensuring the safety of motorists and pedestrians in the area. The orientation of the building's pedestrian entrance facilities to the newly created public plaza Cordell Avenue and the building's garage entry/service/loading dock orientation on Rugby and Del Ray Avenues maintains the separate functioning of the two circulation systems.

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

The Bethesda Triangle Housing site is situated 2,500 +/- feet from the Bethesda Metro Station and is 1-1/2 block from the bus lines on Wisconsin Avenue, thus promoting the effective use of transit facilities for the residents of this project. The streetscape improvements on Cordell, Rugby, and Woodmont, and the pedestrian crossing improvements on Del Ray will provide continuous pedestrian

connections to the major transit facilities (subway and bus) within Bethesda.

- (5) *To promote improved pedestrian and vehicular circulation.*

Bethesda Triangle enhances a substantial portion of the pedestrian circulation system within this area of the Bethesda CBD Woodmont Triangle. The plan provides for an appropriate separation of vehicular and pedestrian circulation systems. The orientation of the building's main pedestrian entrance on Cordell Avenue and the building's garage entry/service/loading dock orientation to Del Ray Avenue maintains desirable separate functioning of the two circulation systems. Locating service areas on Rugby near Del Ray Avenue ties into the current service function of the avenue. Locating the pedestrian/visitor/lobby entrance on Cordell Avenue is more appropriate on that street with its higher visibility and the new public plaza that will be provided. The width of the sidewalks, from 9 to 13 feet, also allow for safe pedestrian movements separate from the flow of traffic. Both entrances to the building (the main pedestrian entrance on Cordell and the alternate doorway on Rugby Avenue) are located so that the continuation of the pedestrian pavement where it crosses vehicular paths with clearly and safely identify the pedestrian zone for crossing traffic.

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

The strength of the Bethesda Triangle proposal is that it proposes to add a much desired and needed residential opportunity in the Bethesda CBD. The mix of units proposed, are to be based on market demands and consumer needs. Most importantly, the project, by providing MPDUs within the building, will achieve Sector Plan goals for dwelling that satisfy a range of income brackets and needs.

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

The Project Plan incorporates many elements of the Sector Plan Concept, including Metro-accessible housing, improved pedestrian and bicycle circulation, and store-front retail that activates the street. Additional design development at Site Plan, including the integration of art work within the public plaza, will ensure that Bethesda Triangle fully realizes the Sector Plan Concept.

Additional intent of the CBD-R2 Zone (Section 59-C-6.213 (c) of the Zoning Ordinance)

- (1) *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 Central Business Districts 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 potential residents of this project will add to the life and economic vitality of the Bethesda CBD as they patronize the many small businesses, services and retailers in the immediate area. The location of this project near the Wisconsin Avenue retail district will enhance that customer base as well. Furthermore, the provision of retail within the building itself will create new activity and vitality. Staff strongly recommends the use of the additional space on Del Ray for commercial and/or personal service retail to provide much needed activity for the street.

- (2) *“ to provide a density and intensity of development which will permit an appropriate transition from the core of central business districts to the less dense peripheral areas within and adjacent to the district.”*

This project proposes a density that will successfully “complete” the massing of a “ragged” block, providing a strong form that outlines the edge of an urban building. The building proposes a development intensity that is sorely needed in a block that features a bulky high-rise abutting an unsightly parking lot. The slightly lower building height offers a transition through its step-down from Triangle Towers, and finds its place compatibly with the massing of the Holiday Inn on Woodmont. The ensemble, together, forms a “nucleus” that gives an identity to the Woodmont Triangle, and provides, especially on Del Ray, a compatibly scaled street front.

- (3) *“ to provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.”*

The proposal’s use of the optional method of development allows the applicant to propose an economically viable housing project within the Bethesda CBD. This may make it possible to offer housing to employees within the Bethesda CBD. Additionally, it will place residents near local and regional transit facilities so that they are not required to rely solely on private vehicles and roadways.

Requirements of the CBD-R2 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the optional method of development.

PROJECT DATA TABLE for the CBD-R2 Zone
[See Staff Condition (1) and Development Issues (1)]

| <u>Development Standard</u> | <u>Permitted/ Required</u> | <u>Proposed</u> |
|--|---|-----------------------|
| Gross Tract Area (revised): | 22,000 sf minimum | 68,441 sf |
| Net Lot Area (sq. ft.): | n/a | 56,573 sf |
| Floor Area Ratio (FAR): | 5 per Sector Plan | 5 FAR |
| Gross Floor Area (sq. ft.) (revised): | 342,205 sf | 342,205 sf |
| Dwelling Units (revised): | 314 du | 322 du * |
| Building Height (ft) | 143 feet (per Zone) 110 feet (per Sector Plan) | 125 feet** |
| Minimum Public Use Space (percent of net lot area): | | |
| Public Use Space (sq. ft.) | 11,315 sf (20%) | 15,171 sf (26.8%) |
| Off-Site Improvement | n/a | 12,744 sf (18.6%) |
| Total | 11,315 sf | 27,914 sf (49%) |
| MPDU's required @ 15 % of total (Provided on-site per Required Findings Section of this report) | 49 | TBD per discussion |
| Parking: provided below grade Based on original application for 340 dwelling units | ---- | 589 spaces |

Recreation Amenities will be provided on site consistent with the Recreation Guidelines, Approved by the Montgomery County Planning Board, September 1992.

* See Density Revision Chart, page 21

** See the section regarding "Conformance to the Sector Plan."

**Bethesda Triangle
DENSITY REVISION CHART**

| <u>Project Element</u> | <u>Original Submission</u> | <u>Revised Submission</u> |
|--------------------------|----------------------------|---------------------------|
| Gross Tract Area | 74,262 sf | 68,441 sf |
| Gross Floor Area | 371,310 | 342,205 sf |
| Dwelling Units | 340 | 322*** |
| Building Height | 14 stories | 13 stories |
| Building Height | 130 feet | 125 feet |
| Net Lot Area (unchanged) | 56,573 | 56,573 |
| FAR (unchanged) | 5 | 5 |

***Note: The proposed number of 322 dwellings units exceeds the limits of the zone for the revised density. The zone's limit of 200 units/acre in the CBD-R2 Zone permits 314 units. This results from the revised gross tract area calculation based on street right-of-way from the site calculations.

(b) It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.

The Bethesda Triangle project conforms to the Bethesda Central Business District Sector Plan, approved and adopted in July 1994. The proposed residential development implements general Sector Plan goals and objectives and the specific land use, zoning, and design recommendations for this portion of the Woodmont Triangle District.

1. Housing and Neighborhoods

The project under review, Bethesda Triangle, conforms to the housing objectives and recommendations of the Sector Plan. A major goal of the Sector Plan is to encourage housing in the Bethesda CBD by increasing the variety and amount, including an adequate supply of affordable units, to reinforce Bethesda as a place to live as well as work. The Sector Plan uses a range of zoning incentives to encourage the provision of housing on sites scattered throughout Bethesda. In a three-block area in the Woodmont Triangle, including the subject property, the Plan recommends the CBD R-2 Zone. The Sectional Map Amendment applied the CBD R-2 zone to this area.

The Bethesda Triangle project proposes 322 residential units on a site where the Plan specifically sought housing. It will achieve the Plan objective of increasing the supply of affordable housing by providing all of the MPDUs on site.

Developers of high-rise residential projects in Bethesda during the recent business cycle have uniformly found the requirement to include 15% MPDUs in their projects financially infeasible. They have appealed to Department of Housing and Community Affairs Director Elizabeth Davison for alternative arrangements, including payment to the Housing Initiative Fund in lieu of building the MPDUs on site. The Planning Board clearly wants the MPDUs in the projects themselves. Park and Planning staff have worked extensively with Ms. Davison and her staff to explore ways to address this issue, including holding a forum with members of the development community to hear their concerns first hand and investigating a combination of solutions.

In the case of the project under review, the developers propose the ability to locate the MPDUs in the building if the cost can be spread over a taller building than is recommended in the Sector Plan Guidelines. The height guideline for this site is 110 feet (see text p.97).

The project under review proposes a height of 125 feet, fifteen feet over the height limit. Staff finds the project conforms to Sector Plan objectives because the proposed 13-story building is compatible with the adjacent 16-story Triangle Towers building, there are no adjacent low-rise residential communities, and there is the offsetting ability to achieve the public purpose of providing all the MPDUs in the building. (For additional information

on this issue see Elizabeth Davison memo of August 10, 2000 and Sally Roman memo of October 25, 2000.)

2. Retail

The project under review conforms to the Sector Plan by providing retail along Cordell Avenue and the possibility of retail or personal service commercial uses along Del Ray Avenue. A key Sector Plan objective is to encourage retail. The objectives for the Woodmont Triangle call for “support of diverse specialty retail, community-serving retail, and restaurant environment, including sidewalk cafes...” The Plan emphasizes street-front retail where it would extend the existing retail environment. It also emphasizes strategies to make Bethesda more pedestrian friendly, such as convenient pedestrian street crossings and expanded streetscape. Specific objectives for the Woodmont Triangle also include the objective to improve the pedestrian environment with up-graded streetscape, including street trees and green open spaces.

The project under review provides retail along Cordell Avenue and the possibility of retail or office along Del Ray. In keeping with Sector Plan objectives, these areas of the predominantly residential project will extend the retail environment along Cordell Avenue and help enliven the otherwise bleak section of Del Ray Avenue. Extending streetscape along sections of Cordell, Woodmont and Rugby Avenues is an important way to improve the pedestrian environment for both residents and customers of the shops and restaurants.

3. Urban Design

The project under review conforms to the urban design objectives of the Sector Plan. General urban design objectives in the Sector Plan are intended to guide future projects so that they enhance the visual character and enjoyment of the Central Business District. In addition to recommending street-activating uses and streetscape enhancements, the general urban design objectives call for reinforcing Bethesda’s sense of community through the unique themes of Bethesda as a garden and a cultural district.

Sector Plan open space objectives (p. 47) include

- *Arrange buildings, where appropriate, to form well defined, visible open spaces that relate well to the surrounding context. Open spaces in an urban context are defined by building edges...*
- *Locate open space in a manner that achieve easy access and good visibility from the street so that the open space is perceived as public...*

The Bethesda Triangle project creates a small public plaza on the south side of the

building facing Cordell Avenue. The space is well defined by the building edge. It will be perceived as public because it is at the same level as the sidewalk to which it presents a welcoming entrance, and the visibility into the sight will make it feel safe. Because the design of the plaza includes large trees planted at grade and other plantings, it will help carry out the Sector Plan's garden theme. The proposed art features will reinforce the cultural district theme.

Sector Plan pathway objectives (p. 49) include:

- *Emphasize the pedestrian environment along streets. Design buildings to provide visual interest and human scale at the street level, adjacent to sidewalks. Architectural facades should incorporate interesting details, storefront display windows, and front entrances to enliven and activate the sidewalks.*

The project acknowledges the importance of the pedestrian environment. The western section of the building that adjoins the sidewalk is relieved by a colonnade and front entrances into retail space.

- *Use upgraded streetscape elements such as special pavers, lighting, tightly spaced trees, and other features to enhance significant pedestrian pathways, visually define distinct districts, and improve the overall attractiveness of the CBD.*

The project's off-site amenities include upgrading the streetscape along sections of Cordell, Woodmont, Rugby and Del Ray Avenues.

- *Minimize pedestrian-vehicular conflicts by locating auto-related functions such as parking lots, service areas, and loading docks to the rear of properties and screened from view. In most CBD areas, parking should be located underground...*

Service and loading are skillfully placed, with a service entrance on Rugby Avenue. Parking is underground, entered from Del Ray Avenue.

Streetscape recommendations for the Woodmont Triangle (Streetscape Chapter, pp. 191 - 198) include:

- Lighting: Washington Globe
- Trees: Sophora on Cordell Avenue and Honey Locust on Del Ray Avenue
- Paving: Upgraded concrete

The project conforms to the Sector Plan Streetscape guidelines for the area, providing the

Washington Globe and the specified Sophora and Honey Locust trees. It goes beyond the Sector Plan's minimal expectations, as is appropriate for an optional method project, with brick paving along Cordell Avenue, Rugby Avenue, and Del Ray Avenue as part of the off-site amenity package.

Specific Urban Design Recommendations for this block of the Woodmont Triangle (pp. 98, 102) include:

- Setback

Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements...

Achieve compatibility with adjacent properties through the use of architectural facade treatments, consistent building setbacks, and a continuation of storefront retail or restaurant space.

The proposed building achieves compatibility with Triangle Towers to the west by a consistent building setback and a continuation of street-front retail or restaurant space at the east end of the site. The architectural facade treatment improves upon the adjacent facade treatment.

- *For all housing sites within the Woodmont Triangle, the following specific guidelines apply, in addition to the preceding list:*

Maintain a desirable street width to building height ratio in the range of 1:1 (height to width) and avoid a canyon effect along streets for buildings over six stories in height. This can be accomplished by such measures as locating the bulk of the building perpendicular to the street...

The project will avoid a canyon effect on Cordell Avenue by orienting the bulk of the building perpendicular to the street. The impact of the northern wall is partly minimized by its orientation toward the wide intersection of Del Ray and Rugby Avenues.

Provide adequate sunlight for mid-block courtyards and recreation areas by such measures as orienting taller buildings to the north side of such spaces or in a north-south alignment...

The building is located along the northern side of the plaza and in a northwest southeast alignment, just as shown in the thumbnail sketch of a possible project included in the Sector Plan's Technical Appendix (p. 12).

Achieve an adequate sense of privacy and light for residential units above 4 stories

by such measures as maintaining a minimum of 50 feet from adjacent tall buildings...

There are no windows on the section of the building adjacent to Triangle Towers, so there will be no problem for privacy with the upper units.

"Encourage mid-block pedestrian access, where feasible, to facilitate pedestrian circulation."

A crosswalk will be provided at the eastern end of Cordell Avenue

- c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The proposed Bethesda Triangle Apartments are located within the Bethesda CBD and are compatible with other adjoining properties that have used the full potential of development available with the CBD zones. The proposed apartment buildings is 13 stories, stepping down from the adjoining building, Triangle Towers, which 16 stories. The location of the building within the entire block created by Cordell Avenue and Del Ray Avenues allows the building to adjoin the party wall of the Triangle Towers, consistent with development within the CBD. The orientation of the bulk of the building along Del Ray and the L-shape plan allows for a greater number of terraces facing Cordell Avenue and the public plaza, thus providing green space at street level and the opportunity for roof-landscaping to enhance the visibility of the building from adjoining areas. The amenities are also consistent with amenity packages proposed by other residential CBD projects that utilize the optional method of development.

The operational characteristics of the service areas on Del Ray Avenue are consistent with other service areas located there and the pedestrian drop off to the front of the building along Cordell Avenue is buffered by the green public plaza with shade trees.

A shadow study was completed for the project to determine the impact of the building on the public open space. The plaza receives substantial sunlight throughout the year.

(d) It 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.

(1) Traffic Impact

Local Area Transportation Review

A traffic study was submitted for this development and staff agrees with the conclusion that the impact of the development will not be significant on the area transportation system.

As indicated in the traffic study, 322 residential units and 33,000 sf of retail space on this site are expected to generate 119 trips in the morning peak hour and 183 trips in the evening peak hour.

Access and Circulation

The applicants have worked with County officials and have agreed to the following improvements for access and circulation.

1. The curb and pedestrian crossing at Del Ray and Rugby will be re-configured for safer pedestrian passage.
2. The dedicated right turn lane at Cordell and Woodmont may possibly be reconfigured for greater pedestrian passage; however, this improvement will be reviewed in detail at site plan.
3. Access to the underground parking garage is located in the middle of the building along Del Ray. This location provides good circulation for traffic entering and exiting the garage, and separates garage traffic from the delivery vehicle access located on the east side of the building.
4. The location of the loading dock on Rugby provides safe and efficient access for trucks. The redesigned pedestrian crossing improves pedestrian/vehicular cross-circulation.

Staging Ceiling Analysis

The site is located in the Bethesda CBD policy area, with remaining capacity of 945 jobs and 1,119 housing units as of August 31, 2000.

(3) Schools

According to the FY 99 Annual Growth Policy, the County Council declares school capacity for the year 2002 to be adequate for growth anticipated during FY 99 in the Bethesda Chevy Chase cluster at all grade levels. The Planning Board, in its review of preliminary plans of subdivision in FY 99, must consider the schools to be adequate for APFO purposes in all clusters.

(4) Recreation Facility

This project plan will be required to conform to the recreational guidelines for the provision of recreational amenities as approved by the Planning Board in September 1992. The applicant has provided a preliminary analysis to be reviewed and approved by the Planning Board at site plan review.

(e) It would be more efficient and desirable than could be accomplished by the use of the standard method of development.

The features and benefits offered by this project as an optional method of development are significantly higher than if the project were developed as a standard method project. Significant residential opportunities within the Bethesda CBD are available only with the density incentives possible by the optional method of development. The ability to create sites with a superior architectural and landscape architectural treatments are possible with increased FAR, which provides the economic returns to make it feasible. The requirement to add the Bethesda Streetscape system to the public streets adjoining and beyond the boundaries of this site with paving, trees, benches and lighting are possible only with optional method of development projects. The use of the site as housing rather than for another commercial project allows people to reside where they work, or, given the closeness and efficiency of mass transit facilities, residents are able to use transit rather than single occupant vehicles for commuting to work. Finally, the optional method offer a valuable opportunity to provide MPDUs.

(f) It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.

The MPDU's required on this site will be provided in accordance with Chapter 25A of the Montgomery county code, 1984, as amended. In accordance with the provisions of Section 25A, the proposal provides the required number of MPDUs on site. See previous discussions: *(III-3) Development Issues*, *(IV-6) Staff Recommendations*, and *(VI-f) Basis for Consideration of Issues*, and *(VII-b-1) Sector Plan Conformance*.

NOT APPLICABLE TO THIS SUBMISSION

(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 one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the Planning Board based on the following findings:

- (1) The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

The subject Project Plan includes one lot, and the entire lot is under the CBD-2 Zone. Therefore, this finding is not applicable.

(h) Any applicable requirements for forest conservation under Chapter 22A.

The forest conservation requirements have been met by the applicant's ability to receive a small property exemption waiver; see Attachment E

(i) Any applicable requirements for water quality resource protection under Chapter 19.

On September 5, 2000, the Water Resources Section of the Division of Permitting Services approved conditionally the Storm Water Management Concept Plan as submitted for the Project Plan review stage. The Preliminary Plan and Site Plan reviews will include more detailed information. See Attachment E.

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October 26, 2000

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BY HAND DELIVERY

Ms. Mary Beth O'Quinn &
Mr. Malcolm Shaneman
Development Review Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Project Plan No. 9-01002 (the "Project Plan")
Preliminary Plan NO. 1-01012 (the "Preliminary Plan")
Bethesda Triangle LLC (the "Project")

Dear Ms. O'Quinn and Mr. Shaneman:

On behalf of Bethesda Triangle LLC (the "Applicant"), we are submitting a revision to the gross tract area and density of the Project. As explained in detail below, a portion of the prior dedication area that was included in the calculation of gross tract area to calculate the permitted Floor Area Ratio (FAR) in the original application was discovered to have been conveyed to Montgomery County by deed for consideration, not by dedication by plat as we previously thought, and therefore this portion has been deducted from the gross tract area figure and thus reduced the total FAR of the Project.

As initially proposed, the total square footage of the Project was based on the net lot area of 56,573 square feet plus the prior dedication area of 17,689 square feet for a gross tract area of 74,262 square feet (being 30 feet from center line of the adjacent public rights-of-way). The proposed 371,310 square feet of gross floor area for the Project was therefore within the 5.0 FAR maximum development standard for the CBD-R2 zone. Section 59-A-2.1 of the Montgomery County Code (the "Zoning Ordinance") defines FAR as "a figure which expresses the total gross floor area as a multiple of the gross tract area of a lot." The term "Gross Tract Area" is also defined in Section 59-A-2.1 and includes "any existing or proposed streets, highways, or other land required for public use that is attributable to the lot or parcel dedicated by the owner or a predecessor in title." We have subsequently determined that a portion of the 17,689 square foot area that we understood to have been a dedicated right-of-way was instead conveyed to the County by deed for fair consideration, and therefore we have revised the calculation of the gross tract area for the Project to delete this area.

The dedication area included in the revised calculation of gross tract area is 20 feet from center

Ms. Mary Beth O'Quinn &
Mr. Malcolm Shaneman
October 26, 2000
Page 2

line of the adjoining public rights-of-way, this being equal to half of the original right-of-way for Del Ray Avenue, Rugby Avenue and Cordell Avenue as depicted on the attached diagram and referenced in Plat No. 4, Plat Book 1, recorded among the Land Records. The final 10 feet of the right-of-way for these adjacent streets (bringing the right-of-way to 60 feet) includes the 10 feet conveyed by the previous property owners to Montgomery County when the rights-of-way were enlarged to 60 feet in the mid-1950s. Although the deeds reference a nominal \$10.00 consideration for the conveyance, we understand that the actual consideration paid was more substantial.

Therefore, the 11,868 square feet of the dedicated 20 foot right-of-way area, plus the 56,573 square feet of net lot area, equals a revised gross tract area of 68,441 square feet upon which to calculate the FAR of the Project. This decreases the density of the Project to 342,205 square feet of gross floor area, to maintain compliance with the 5 FAR maximum.

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple / ACM

C. Robert Dalrymple

Attachment

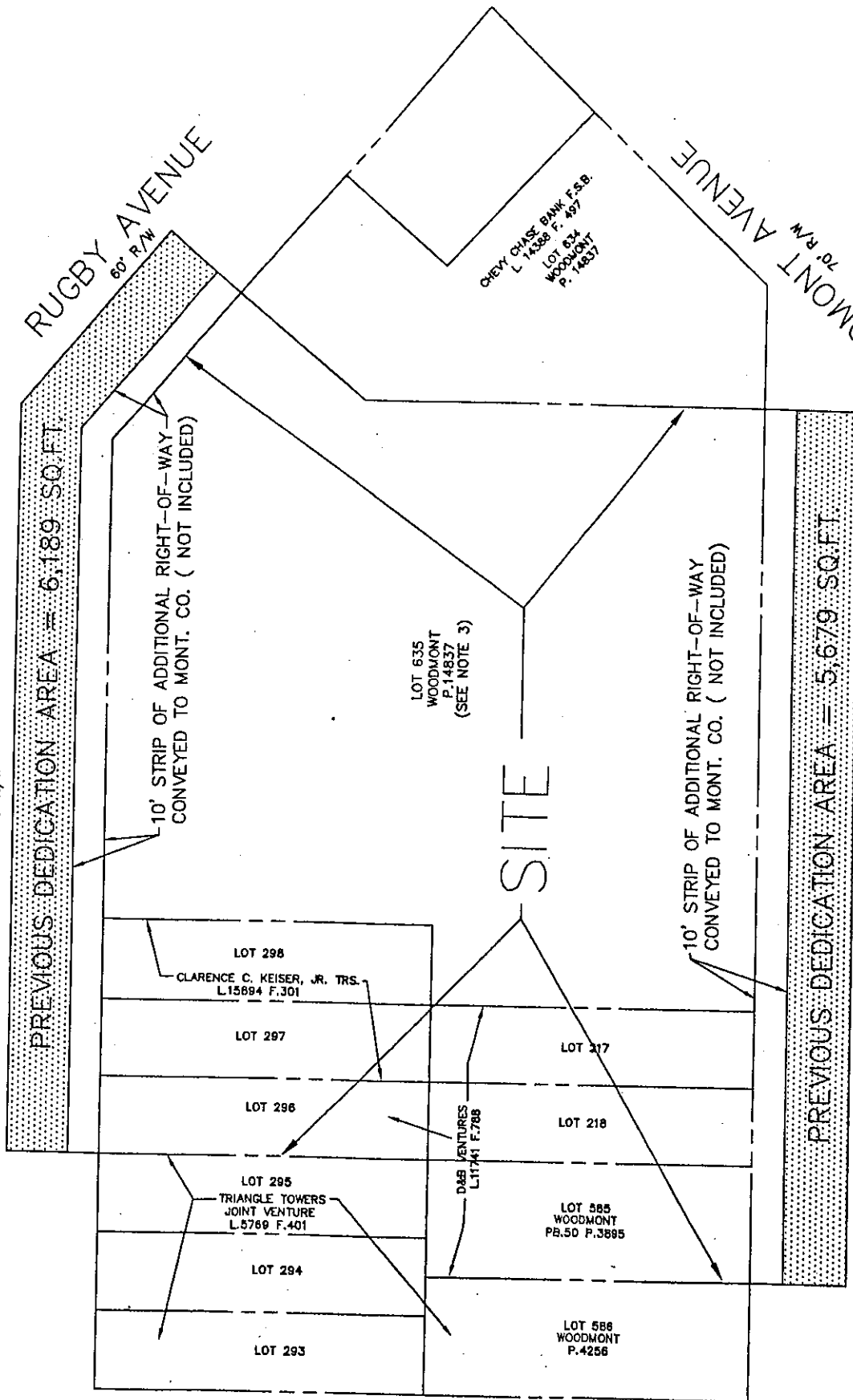
cc: Gary A. Kirstein
Carolyn Hufbauer
Ron Welke
Shahriar Etemadi
Faik Tugberk
Anne C. Martin, Esq.
Charles Irish
Craig Hedberg

DEL RAY AVENUE
60' R/W

RUGBY AVENUE
60' R/W

WOODMONT AVENUE
70' R/W

CORDELL AVENUE
60' R/W



| | |
|---|----------------------|
| EXISTING SITE NET LOT AREA | 56,573 SQ.FT. |
| PREVIOUS STREET DEDICATION (PB.1 P.4) | 11,868 SQ.FT. |
| TOTAL GROSS TRACT AREA | 68,441 SQ.FT. |

LINOWES F. BLOCHER

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

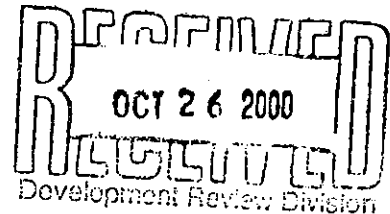
October 26, 2000

C. Robert Dalrymple
301.650.7008
crd@linowes-law.com

VIA HAND DELIVERY

Ms. Mary Beth O'Quinn &
Mr. Malcolm Shaneman
Development Review Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Project Plan No. 9-01002 (the "Project Plan")
Preliminary Plan No. 1-01012 (the "Preliminary Plan")
Bethesda Triangle LLC (the "Project")



Dear Ms. O'Quinn and Mr. Shaneman:

On behalf of Bethesda Triangle LLC (the "Applicant"), we are requesting flexibility in terms of the future use of the street level floor area of the Project along Del Ray Avenue. In the initial filing of the Project Plan, the Applicant proposed 358,310 square feet of residential (340 d.u.'s) and 13,000 square feet of non-residential uses (fronting on Cordell Avenue), with the use of the Del Ray Avenue street front square footage proposed as residential. As explained in a separate correspondence, the total square footage of the Project as initially proposed was based on a gross tract area of 74,262 square feet and a 5 FAR build out. We have subsequently determined that the total gross tract area of this application is 68,441 square feet, and thus the total project is 342,205 gross square feet of floor area. Since the initial filing, the Applicant has also considered an alternative plan along Del Ray Avenue whereby the street front would be comprised of 20,000 square feet of non-residential uses, being either office, retail, or personal service uses (the revised use allocation would also include a maximum of 322 high-rise residential dwelling units and 13,000 square feet of retail/restaurant/personal services uses fronting Cordell Avenue).

The Applicant is uncertain as to what the market will support in terms of the Del Ray Avenue frontage. While the Applicant appreciates the need to create street level activity along Del Ray Avenue, any future use of this frontage must be marketable or else the vitality of the Project and this area of the Bethesda CBD becomes jeopardized. If nonresidential uses in this location

Ms. Mary Beth O'Quinn
Mr. Malcolm Shaneman
October 26, 2000
Page 2

prove to be untenable, residential uses will more successfully activate this section of Del Ray Avenue. The Applicant thus requests the flexibility to determine whether this Del Ray frontage space will be residential or non-residential (office, personal service and/or retail) at the time of site plan review.

In the event the market proves that retail or personal service uses at this location are not feasible, we would request that the Planning Board partially waive the requirement of Section 59-C-6.23, footnote 3 of the Zoning Ordinance, which requires that five percent (5%) of gross floor area of an optional method project in the CBD-R2 zone be retail or personal service uses. The Planning Board is authorized in footnote 3 to waive the requirement if compliance is not practical or feasible. Due to the existing character of Del Ray Avenue, and with little other than their Project expected to happen on Del Ray in the foreseeable future, the Applicant requests that the Planning Board permit the flexibility to occupy the 20,000 square feet along Del Ray with either residential or non-residential uses. Either would be an improvement to this street, and either would produce some activation of the Del Ray Street frontage. As the 13,000 square feet of nonresidential uses fronting on Cordell Avenue is not part of the requested waiver and is intended to comply with footnote 3, the Project will at minimum provide 3.8% of the total floor area as retail or personal service uses. The waiver request is thus for the remaining 1.2% required by footnote 3.

In conjunction with the Preliminary Plan filed for the Project, a supplemental Traffic Analysis Addendum was submitted to Shahriar Etemadi in the Transportation Planning Division to address the local traffic impacts and staging ceiling jobs capacity if the 20,000 square feet of space is converted from residential to a commercial uses. For purposes of allocating staging ceiling, 20,000 square feet of office has been assumed as this is the highest generation of jobs of the uses for which flexibility is sought. For purposes of local area review, it is assumed that the 20,000 square feet will be retail as this is the highest trip generation use. In this manner, any combination of uses would be approved for this space at the time of site plan approval without necessitating an amendment to the Project Plan or Preliminary Plan.

■ LINOWES AND BLOCHER LLP

Ms. Mary Beth O'Quinn
Mr. Malcolm Shaneman
October 26, 2000
Page 3

Thank you for your consideration of this matter. Please do not hesitate to call if you have any questions.

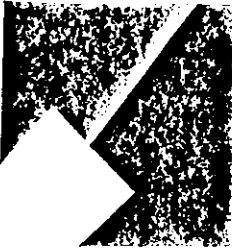
Very truly yours,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple / ACM

C. Robert Dalrymple

cc: Carolyn Hufbauer
Ron Welke
Shahriar Etemadi
Gary A. Kirstein
Anne C. Martin, Esq.
Faik Tugberk
Chuck Irish
Craig Hedberg

October 17, 2000
Revised: October 23, 2000
Revised: November 1, 2000**MEMORANDUM**

TO: Malcolm Shaneman, Coordinator
Mary Beth O'Quinn, Planner
Development Review Division

VIA: Ronald C. Welke, Coordinator
Transportation Planning

FROM: Thomas V. Robertson, Coordinator
Shahriar Etemadi, Coordinator
Transportation Planning

SUBJECT: Project Plan No. 9-01002 and Preliminary Plan No. 1-01012
Bethesda Triangle
Bethesda Central Business District

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject application.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this application.

1. Limit the development to 322 high-rise residential units, 20,000 square feet of office and 43,000 33,000 square feet of retail use.
2. Show all dedicated right-of-way as follows:
 - a. Provide 30 feet of right-of-way from the center line of Rugby Avenue.
 - b. Provide 30 feet of right-of-way from the center line of the Cordell Avenue.
 - c. Provide 30 feet of right-of-way from the center line of Del Ray Avenue.

3. Participate in the Bethesda Transportation Management Organization through a formal Traffic Mitigation Agreement with the Maryland-National Capital Park and Planning Commission and Montgomery County Department of Public Works and Transportation to achieve and maintain the 37 percent non-auto-driver mode split in the peak hours as established in the Bethesda CBD Sector Plan share for retail employees in the peak period. The trip reduction program is to be negotiated with staff.

Local Area Transportation Review

A traffic study and a subsequent supplement to the traffic study was prepared to evaluate the impact of this development on the local area transportation system. Transportation staff agree with the conclusion of the study both the study and the supplemental traffic analysis that all affected intersections will operate within the congestion standard of 1,800 Critical Lane Volume (CLV) for the Bethesda Central Business District (CBD) policy area and 1,650 CLV for the Bethesda/Chevy Chase policy area.

The original study (September 25, 2000) assumed 322 high-rise residential units, 20,000 square feet of office and 13,000 square feet of retail use at this site. The addendum to the original study assumes 322 high-rise residential units, no office space, and 33,000 square feet of retail use. All assumptions in the original study relating to the background traffic have been utilized except for the change in the land use on the subject site and directional distribution of traffic due to changes in use from office to retail.

The site's revised trips are added to the existing and background traffic to generate new critical lane volumes for all affected intersections. The new analysis indicates that the site's total trips are less during the peak-hour of the morning peak period and more during the peak hour of the evening peak period. However, the change in directional distribution of traffic for retail as compared to office use resulted in an insignificant change in the total future CLV at the affected intersections.

The proposed development includes 322 high-rise residential units, 20,000 square feet of office and 33,000 square feet of retail use. These uses are estimated to generate a total of 436 119 and 470 183 trips during the peak-hour of the morning and evening peak periods, respectively. Site trips are combined with the trips generated from other developments in the pipeline and the existing traffic on the road, and are assigned to the affected intersections to determine the impact on the total future traffic in the area. Seven intersections were analyzed and all intersections operate below the congestion standard established in the Annual Growth Policy (AGP).

The following table shows the result of intersection analysis.

| INTERSECTIONS | Existing | | Background | | Total Future | |
|--|----------|------|------------|------|--------------|--------------|
| | AM | PM | AM | PM | AM | PM |
| Wisconsin Ave./Woodmont Avenue | 811 | 1186 | 965 | 1386 | 990 | 4410 1412 |
| Wisconsin/East West/Old Georgetown Rd | 1309 | 1345 | 1519 | 1609 | 4626 1524 | 4623 1626 |
| Wisconsin Avenue/Montgomery Avenue | 1292 | 1522 | 1726 | 1712 | 4733 1732 | 4728 1729 |
| Old Georgetown Road/Woodmont Ave. | 817 | 1037 | 994 | 1289 | 4004 1001 | 4310 1313 |
| Old Georgetown Road/Battery Lane | 1113 | 1517 | 1269 | 1662 | 4276 1273 | 4673 1672 |
| Woodmont Ave/Battery Lane/Rosedale Ave | 1181 | 868 | 1254 | 934 | 4264 1259 | 949 948 |
| Woodmont Avenue/Cordell Avenue | 1224 | 1202 | 1297 | 1268 | 1297 | 1268 |

Transportation Management

The Sector Plan was developed with land-use recommendations that required a significant non-single-occupant automobile transportation component, taking advantage of the Metro station to support travel needs, achieve the planned development, and remain below the established congestion levels. It was also important to manage traffic congestion. Currently, the Bethesda Policy Area is at the end of its Stage I development and preparing to go to Stage II. This development should be conditioned to join the Bethesda TMO to help achieve the 37% mode split.

Policy Area Review/ Staging Ceiling Analysis

The subject area is located in the Bethesda CBD policy area which has a remaining capacity of 945 jobs and 1,119 housing units as of August 31, 2000.

SE:kcw

cc: Dan Hardy



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan
County Executive

Elizabeth B. Davison
Director

August 10, 2000

Ms. Sally Roman, Research Supervisor
Research and Technology Center
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Ms. Roman:

Thank you for your memorandum of July 24, 2000, concerning a multifamily development in the Woodmont Triangle area of the Bethesda CBD. The issue is allowing an increase in the height of the building above the Sector Plan limit for the site.

The Department supports a waiver of the Bethesda CBD Sector Plan to increase the permitted height so that moderately priced dwelling units can be provided in the building. This solution contributes to the County's housing goal of encouraging mixed income communities. The additional density is necessary to offset the increased construction and operating costs of highrise residential buildings.

It is my understanding that the Sector Plan height limit waiver will be made a condition of the site plan approval and that an alternative MPDU agreement will not be requested by the developer.

Sincerely,

Elizabeth B. Davison for EBD

Elizabeth B. Davison
Director

EBD:EL: lg

EPD Recommendation to Dev Rev Div: _____ Approve w/conditions as noted below _____ Hold
for revision/additional information _____ Disapproval _____

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Malcolm Shaneman
Development Review Division

SUBJECT: Plan # 1-01012 / 9-01002 BETHESDA TRIANGLE
DRC date: 9/11/00

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

SUBMITTAL ADEQUACY

- Plan is complete. (see recommendations below)
- Plan is incomplete. The following items must be submitted:
 - Forest Conservation Plan *#4-00272 approved 5-26-00*
 - NRI/FSD (Approved)
 - SWM Concept or Waiver Application
 - 100-YR Floodplain Study
 - Drainage Area Map
 - Other _____

EPD RECOMMENDATIONS:

- Approval.
- Approval with conditions as specified below. (see comments)
- Disapproval of plan. (see comments)
- Hold for the following Revisions/Additional Information before scheduling for Planning Board:

- Revise forest conservation plan (see FCP recommendation sheet)
- Water and/or Sewer category change approval necessary (see comments)
- DPS floodplain study approval necessary
- DPS SWM concept approval necessary *pending: more information needed; on waived; QL on site*
- Other (see comments)

* Comments: applicant should file formal forest conservation exemption request if desired (see FCP note)
standard concerns about noise impacts & air intakes.

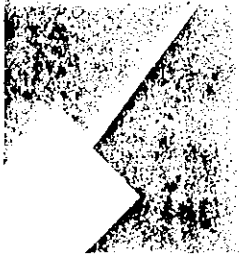
SIGNATURE: Stephen D. Sedulne
Environmental Planning Division

DATE: 9/05/00

cc: engineer/applicant

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.
Put the Plan numbers on your cover/transmittal sheets.

environmental
This plan meets all applicable requirements necessary for approval of project plan (i.e., forest conservation and SWM concept).



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

November 1, 2000

MEMORANDUM

TO: Mary Beth O'Quinn, Zoning Analyst, Development Review

FROM: Sally Roman, ^{SR} Research Supervisor, Research and Technology Center

Subject: PHED Committee Discussion of MPDU Issues on October 19

On October 19, the PHED Committee discussed a number of possible revisions to the MPDU program, including changes designed to achieve MPDUs in high-rise housing. The Committee concurred with Planning Board and staff recommendations for amending the program to reduce the disincentives to providing MPDUs in high-rise housing. They directed Council staff to draft the required legislation to offer the same base requirement and bonus density potential in the optional method CBD, TSR, and PD Zones that is available in almost all other zones.

Essentially, this change will mean that the base MPDU requirement will be 12.5 percent in these high-rise zones. Projects will then be allowed a density bonus on a sliding scale up to 22 percent if they provide up to 15 percent MPDUs. The proposed changes would effectively reduce the base requirement from 15 percent to 12.5 percent in optional method CBD Zone development and would permit a density bonus including bonus market rate units in all of these zones. Currently, there is no separate MPDU density bonus in the CBD Zones, and the total bonus in the TSR and PD Zones must be MPDUs. These zones do not now provide for bonus market rate units.

The Committee also supported the use of tax abatement through the PILOT program for MPDUs in high-rise housing and asked DHCA to explore a separate, higher rent structure for high-rise apartments.

Some of these changes may appear to reduce the MPDU yield in high-rise projects. However, since most developers have opted to make a payment in lieu of providing many, if not all, of the required MPDUs, we believe that achieving 12.5 percent MPDUs would be a real improvement.

MONTGOMERY COUNTY PLANNING BOARD

OPINION Corrected February 12, 2001

DATE MAILED: February 16, 2001

PROJECT PLAN REVIEW #9-01002

PROJECT NAME: Bethesda Triangle

=====
Action: Approval. Motion to approve the application was made by Commissioner Bryant, seconded by Commissioner Purdue, with a vote of 4-1. Commissioners Bryant, Holmes, Hussmann, Purdue and Wellington were present.
=====

The date of this written opinion is February 16, 2001 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before March 16, 2001 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until February 16, 2003 (24 months from the initiation date, provided the applicant has filed a complete site plan application ... within 18 months of the initiation date) as provided in Section 59-D-2.7.

On November 16, 2000, Project Plan Review #9-01002 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report that is made a part hereof, the Montgomery County Planning Board finds:

- (a) *It would comply with all of the intents and requirements of the zone.*

The intent of the CBD Zones (Section 59-C-6.212 of the Zoning Ordinance) are as follows:

- (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

The Bethesda Triangle application for Project Plan review is in conformance with the Approved and Adopted Sector Plan for the Bethesda Central Business District, July, 1994 as noted within section (b) below. The increase in density and height of buildings on this site is in conformance with the Zone and with Sector Plan housing objectives of: encouraging housing located in the CBD, increasing the variety and amount of housing; providing affordable housing units within the recommended 5 Floor Area Ratio (FAR).

The subject proposal for Project Plan review proposes a building height of 125 feet, fifteen feet over the height limit. The project conforms to the Sector Plan objectives because the proposed 13-story building is compatible with the adjacent 16-story building, there are no adjacent low-rise residential communities, and is the supplemental height allow the development to achieve the public purpose of providing all MPDUs on site within the building.

- (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 Bethesda CBD has been developed primarily as a commercial center with a limited number of residential developments. Consequently, the provision of an additional new residential project responds to the need for housing within the CBD. Provision of housing is a complement to the other CBD uses (shopping, working, service) and the amenities provided by this project - streetscape improvements, the public park, the public art program, etc. will benefit the residents of the proposed building and the public as a whole.

Use of the optional method of development for this project allows greater residential densities, thus making the project more economically feasible, and which, in turn, allow the required affordable units (MPDUs) to be provided on site, integrated with the market rate units. The optional method development also provides the incentives to develop a high quality, architecturally distinct building and an attractive, usable public open space uniquely characterized by its public art. The provision of housing in the Woodmont Triangle area of Bethesda will encourage greater business activity within the CBD and, in enhancing residential density, further the desired street animation within the CBD.

- (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 subject property, located within the Woodmont Triangle, provides a unique opportunity to develop a project that "completes" the massing of a long-standing unfinished urban block. The proposed residential project, through careful architectural design and site planning, will provide a use and appearance that is compatible with and complementary to the surrounding community in terms of height and bulk and will further enhance the neighborhood through its transitional attributes.

The amenity package and public spaces which accompany Bethesda Triangle will include extensive sidewalk improvements in an area that has not been upgraded to the standards of the Bethesda Streetscape characterizing the newly and re-developed areas of the Bethesda CBD. These improvements will contribute to a cohesive the pedestrian circulation system Bethesda.

The preliminary plan for the proposed project has provided for an adequate separation of vehicular and pedestrian circulation systems, thereby ensuring the safety of motorists and pedestrians in the area. The orientation of the building's pedestrian entrance facilities to the newly created public plaza on Cordell Avenue and the building's garage entry/service/loading dock orientation on Rugby and Del Ray Avenues maintains the separate functioning of the two circulation systems.

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

The Bethesda Triangle site is situated 2,500 +/- feet from the Bethesda Metro Station and is one half block from the bus lines on Wisconsin Avenue, thus promoting the effective use of transit facilities for the residents of this project. The streetscape improvements on Cordell, Rugby, and Woodmont, and the pedestrian crossing improvements on Del Ray will provide continuous pedestrian connections to the major transit facilities (subway and bus) within Bethesda.

- (5) *To promote improved pedestrian and vehicular circulation.*

Bethesda Triangle enhances a substantial portion of the pedestrian circulation system within this area of the Bethesda CBD Woodmont Triangle. The plan provides for an appropriate separation of vehicular and pedestrian circulation systems. The orientation of the building's main pedestrian entrance on Cordell Avenue and the building's garage entry/service/loading dock orientation to Del Ray Avenue maintains desirable separate functioning of the two circulation systems. Locating service areas on Rugby near Del Ray Avenue ties into the current service function of the avenue. Locating the pedestrian/visitor/lobby entrance on Cordell Avenue is more appropriate on that street with its higher visibility and the new public plaza that will be provided. The width of the sidewalks, from 9 to 13 feet, also allow for safe pedestrian movements separate from the flow of traffic. Both entrances to the building (the main pedestrian

entrance on Cordell and the alternate doorway on Rugby Avenue) are located so that the continuation of the pedestrian pavement where it crosses vehicular paths clearly and safely identifies the pedestrian zone for crossing traffic.

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

The strength of the Bethesda Triangle proposal is that it proposes to add a much desired and needed residential opportunity in the Bethesda CBD. The mix of units proposed will be determined by market demand and consumer need. Most importantly, the project, by providing MPDUs within the building, will achieve the Sector Plan goals for dwellings that satisfy a range of income brackets and needs.

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

The Project Plan incorporates many elements of the Sector Plan Concept, including Metro-accessible housing, improved pedestrian and bicycle circulation, and store-front retail that activates the street. Additional design development at Site Plan review, including the integration of artwork within the public plaza, will ensure that Bethesda Triangle fully realized the Sector Plan Concept.

Additional intent of the CBD-R2 Zone (Section 59-C-6.213 (c) of the Zoning Ordinance)

- (1) *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 Central Business Districts 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 potential residents of this project will add to the life and economic vitality of the Bethesda CBD as they patronize the many small businesses, services and retailers in the immediate area. The location of this project near the Wisconsin Avenue retail district will enhance that customer base as well. Furthermore, the provision of retail within the building itself will create new activity and vitality. Although the Planning Board approved a partial waiver of the requirement that 5% gross floor area be used for commercial/personal service use. The proposal approved provides 3.8% of retail storefront space on Cordell Avenue. An additional 20,000sf of space fronting Del Ray Avenue is to be designed as "flex space" for retail/professional/personal service space, combined with (or stacked over) residential units. Use of the "flex space" as such would meet and exceed the zone's requirement while providing a new typology of home/office unit for the Bethesda CBD.

(2) “ to provide a density and intensity of development which will permit an appropriate transition from the core of central business districts to the less dense peripheral areas within and adjacent to the district.”

This project proposes a density that will successfully “complete” the massing of a “ragged” block, providing a strong form that outlines the edge of an urban building. The building proposes a development intensity that is sorely needed in a block that features a bulky high-rise abutting an unsightly parking lot. The slightly lower building height offers a transition through its step-down from Triangle Towers, and finds its place compatibly with the massing of the Holiday Inn on Woodmont Avenue. The ensemble, together, forms a “nucleus” that gives an identity to the Woodmont Triangle, and provides, especially on Del Ray, a compatibly scaled street front.

(3) “ to provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.”

The proposal’s use of the optional method of development allows the applicant to propose an economically viable housing project within the Bethesda CBD. This may make it possible to offer housing to employees within the Bethesda CBD. Additionally, it will place residents near local and regional transit facilities so to not require sole reliance on private vehicles and roadways.

Requirements of the CBD-1/ CBD-R2 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the optional method of development.

PROJECT DATA TABLE for the CBD-R2 Zone

| <u>Development Standard</u> | <u>Permitted/ Required</u> | <u>Proposed</u> |
|---|---|----------------------|
| Gross Tract Area (revised): | 22,000 sf minimum | 68,441 sf |
| Net Lot Area (sq. ft.): | n/a | 56,573 sf |
| Floor Area Ratio (FAR): | 5 per Sector Plan | 5 FAR |
| Gross Floor Area (sq. ft.) (revised): | 342,205 sf | 342,205 sf |
| Dwelling Units (revised): | 314 du | 322 du * |
| Building Height (ft) | 143 feet (per Zone) 110 feet (per Sector Plan) | 12 feet** |
| Minimum Public Use Space (percent of net lot area): | | |
| Public Use Space (sq. ft.) | 11,315 sf (20%) | 15,171 sf (26.8%) |
| Off-Site Improvement | n/a | 12,744 sf |
| Total | 11,315 sf | 27,914 sf (49%) |
| MPDU's required @ 15 % of total (To be provided on-site per Required Findings section) | 48 | 48* ** |
| Parking: provided below grade | | 589 spaces |

* Based on revised application 314 dwelling units

** Based on Section 25A, County Code

Recreation Amenities will be provided on site consistent with the Recreation Guidelines, Approved by the Montgomery County Planning Board, September 1992.

- (b) *It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*

The Bethesda Triangle project conforms to the Bethesda CBD Sector Plan, approved and adopted in July, 1994. The proposed residential development implements general Sector Plan goals and objectives and the specific land use, zoning, and design recommendations for this portion of the Woodmont Triangle District.

1. Housing and Neighborhoods

The project under review, Bethesda Triangle, conforms to the housing objectives and recommendations of the Sector Plan. A major goal of the Sector Plan is to encourage housing in the Bethesda CBD by increasing the variety and amount, including an adequate supply of affordable units, to reinforce Bethesda as a place to live as well as work. The Sector Plan uses a range of zoning incentives to encourage the provision of housing on sites scattered throughout Bethesda. In a three-block area in the Woodmont Triangle, including the subject property, the Plan recommends the CBD R-2 Zone. The Sectional Map Amendment applied the CBD R-2 zone to this area.

The Bethesda Triangle project proposes 322 residential units on a site where the Plan specifically sought housing. It will achieve the Plan objective of increasing the supply of affordable housing by providing all of the MPDUs on site.

Developers of high-rise residential projects in Bethesda during the recent business cycle have uniformly found the requirement to include 15% MPDUs in their projects financially infeasible. They have appealed to Department of Housing and Community Affairs Director Elizabeth Davison for alternative arrangements, including payment to the Housing Initiative Fund in lieu of building the MPDUs on site. The Planning Board clearly wants the MPDUs in the projects themselves. Park and Planning staff have worked extensively with Ms. Davison and her staff to explore ways to address this issue, including holding a forum with members of the development community to hear their concerns first hand and investigating a combination of solutions.

In the case of the project under review, the developers propose the ability to locate the MPDUs in the building if the cost can be spread over a taller building than is recommended in the Sector Plan Guidelines. The height guideline for this site is 110 feet (see text p.97).

The project under review proposes a height of 125 feet, fifteen feet over the height limit. Staff finds the project conforms to Sector Plan objectives because the proposed 13-story building is compatible with the adjacent 16-story Triangle Towers building, there are no adjacent low-rise residential communities, and there is the offsetting ability to achieve the

public purpose of providing all the MPDUs in the building. (For additional information on this issue see Elizabeth Davison memo of August 10, 2000 and Sally Roman memo of October 25, 2000.)

2. Retail

The project under review conforms to the Sector Plan by providing retail along Cordell Avenue and the possibility of retail or personal service commercial uses along Del Ray Avenue. A key Sector Plan objective is to encourage retail. The objectives for the Woodmont Triangle call for “support of diverse specialty retail, community-serving retail, and restaurant environment, including sidewalk cafes...” The Plan emphasizes street-front retail where it would extend the existing retail environment. It also emphasizes strategies to make Bethesda more pedestrian friendly, such as convenient pedestrian street crossings and expanded streetscape. Specific objectives for the Woodmont Triangle also include the objective to improve the pedestrian environment with up-graded streetscape, including street trees and green open spaces.

The project under review provides retail along Cordell Avenue and the possibility of retail or office along Del Ray. In keeping with Sector Plan objectives, these areas of the predominantly residential project will extend the retail environment along Cordell Avenue and help enliven the otherwise bleak section of Del Ray Avenue. Extending streetscape along sections of Cordell, Woodmont and Rugby Avenues is an important way to improve the pedestrian environment for both residents and customers of the shops and restaurants.

3. Urban Design

The project under review conforms to the urban design objectives of the Sector Plan. General urban design objectives in the Sector Plan are intended to guide future projects so that they enhance the visual character and enjoyment of the Central Business District. In addition to recommending street-activating uses and streetscape enhancements, the general urban design objectives call for reinforcing Bethesda’s sense of community through the unique themes of Bethesda as a garden and a cultural district.

Sector Plan open space objectives (p. 47) include

- *Arrange buildings, where appropriate, to form well defined, visible open spaces that relate well to the surrounding context. Open spaces in an urban context are defined by building edges...*
- *Locate open space in a manner that achieve easy access and good visibility from the street so that the open space is perceived as public...*

The Bethesda Triangle project creates a small public plaza on the south side of the building facing Cordell Avenue. The space is well defined by the building edge. It will be perceived as public because it is at the same level as the sidewalk to which it presents a welcoming entrance, and the visibility into the sight will make it feel safe. Because the design of the plaza includes large trees planted at grade and other plantings, it will help carry out the Sector Plan's garden theme. The proposed art features will reinforce the cultural district theme.

Sector Plan pathway objectives (p. 49) include:

- *Emphasize the pedestrian environment along streets. Design buildings to provide visual interest and human scale at the street level, adjacent to sidewalks. Architectural facades should incorporate interesting details, storefront display windows, and front entrances to enliven and activate the sidewalks.*

The project acknowledges the importance of the pedestrian environment. A colonnade and front entrances into retail space relieve the western section of the building that adjoins the sidewalk.

- *Use upgraded streetscape elements such as special pavers, lighting, tightly spaced trees, and other features to enhance significant pedestrian pathways, visually define distinct districts, and improve the overall attractiveness of the CBD.*

The project's off-site amenities include upgrading the streetscape along sections of Cordell, Woodmont, Rugby and Del Ray Avenues.

- *Minimize pedestrian-vehicular conflicts by locating auto-related functions such as parking lots, service areas, and loading docks to the rear of properties and screened from view. In most CBD areas, parking should be located underground...*

Service and loading are skillfully placed, with a service entrance on Rugby Avenue. Parking is underground, entered from Del Ray Avenue.

Streetscape recommendations for the Woodmont Triangle (Streetscape Chapter, pp. 191 - 198) include:

- Lighting: Washington Globe
- Trees: Sophora on Cordell Avenue and Honey Locust on Del Ray Avenue
- Paving: Upgraded concrete

The project conforms to the Sector Plan Streetscape guidelines for the area, providing the Washington Globe and the specified Sophora and Honey Locust trees. It goes beyond the Sector Plan's minimal expectations, as is appropriate for an optional method project, with brick paving along Cordell Avenue, Rugby Avenue, and Del Ray Avenue as part of the .

off-site amenity package.

Specific Urban Design Recommendations for this block of the Woodmont Triangle (pp. 98, 102) include:

- Setback

Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements...

Achieve compatibility with adjacent properties through the use of architectural facade treatments, consistent building setbacks, and a continuation of storefront retail or restaurant space.

The proposed building achieves compatibility with Triangle Towers to the west by a consistent building setback and a continuation of street-front retail or restaurant space at the east end of the site. The architectural facade treatment improves upon the adjacent facade treatment.

- *For all housing sites within the Woodmont Triangle, the following specific guidelines apply, in addition to the preceding list:*

Maintain a desirable street width to building height ratio in the range of 1:1 (height to width) and avoid a canyon effect along streets for buildings over six stories in height. This can be accomplished by such measures as locating the bulk of the building perpendicular to the street...

The project will avoid a canyon effect on Cordell Avenue by orienting the bulk of the building perpendicular to the street. The impact of the northern wall is partly minimized by its orientation toward the wide intersection of Del Ray and Rugby Avenues.

Provide adequate sunlight for mid-block courtyards and recreation areas by such measures as orienting taller buildings to the north side of such spaces or in a north-south alignment...

The building is located along the northern side of the plaza and in a northwest southeast alignment, just as shown in the thumbnail sketch of a possible project included in the Sector Plan's Technical Appendix (p. 12).

Achieve an adequate sense of privacy and light for residential units above 4 stories by such measures as maintaining a minimum of 50 feet from adjacent tall buildings...

There are no windows on the section of the building adjacent to Triangle Towers, so there will be no problem for privacy with the upper units.

Access and Circulation

The applicants have worked with County officials and have agreed to the following improvements for access and circulation.

1. The curb and pedestrian crossing at Del Ray and Rugby will be re-configured for safer pedestrian passage.
2. The dedicated right turn lane at Cordell and Woodmont may possibly be reconfigured for greater pedestrian passage; however, this improvement will be reviewed in detail at site plan.
3. Access to the underground parking garage is located in the middle of the building along Del Ray. This location provides good circulation for traffic entering and exiting the garage, and separates garage traffic from the delivery vehicle access located on the east side of the building.
4. The location of the loading dock on Rugby provides safe and efficient access for trucks. The redesigned pedestrian crossing improves pedestrian/vehicular cross-circulation.

Staging Ceiling Analysis

The site is located in the Bethesda CBD policy area, with remaining capacity of 945 jobs and 1,119 housing units as of August 31, 2000.

(2) Schools

According to the FY 99 Annual Growth Policy, the County Council declares school capacity for the year 2002 to be adequate for growth anticipated during FY 99 in the Bethesda Chevy Chase cluster at all grade levels. The Planning Board, in its review of preliminary plans of subdivision in FY 99, must consider the schools to be adequate for APFO purposes in all clusters.

(3) Recreation Facility

This project plan will be required to conform to the recreational guidelines for the provision of recreational amenities as approved by the Planning Board in September 1992. The applicant has provided a preliminary analysis to be reviewed and approved by the Planning Board at site plan review.

- (e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The features and benefits offered by this project as an optional method of

“Encourage mid-block pedestrian access, where feasible, to facilitate pedestrian circulation.”

A crosswalk will be provided at the eastern end of Cordell Avenue

- c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The proposed Bethesda Triangle Apartments are located within the Bethesda CBD and are compatible with other adjoining properties that have used the full potential of development available with the CBD zones. The proposed apartment building is 13 stories, stepping down from the adjoining building, Triangle Towers, which 16 stories. The location of the building within the entire block created by Cordell Avenue and Del Ray Avenues allows the building to adjoin the party wall of the Triangle Towers, consistent with development within the CBD. The orientation of the bulk of the building along Del Ray and the L-shape plan allows for a greater number of terraces facing Cordell Avenue and the public plaza, thus providing green space at street level and the opportunity for roof-landscaping to enhance the visibility of the building from adjoining areas. The amenities are also consistent with amenity packages proposed by other residential CBD projects that utilize the optional method of development.

The operational characteristics of the service areas on Del Ray Avenue are consistent with other service areas located there. The green public plaza with shade trees buffers the pedestrian drop-off to the front of the building along Cordell Avenue.

A shadow study was completed for the project to determine the impact of the building on the public open space. The plaza receives substantial sunlight throughout the year.

- (d) *It 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.*

(1) Traffic Impact

Local Area Transportation Review

A traffic study was submitted for this development and staff agrees with the conclusion that the impact of the development will not be significant on the area transportation system.

As indicated in the traffic study, 322 residential units and 33,000 sf of retail space on this site are expected to generate 119 trips in the morning peak hour and 183 trips in the evening peak hour.

development are significantly higher than if the project were developed as a standard method project. Significant residential opportunities within the Bethesda CBD are available only with the density incentives possible by the optional method of development. The ability to create sites with a superior architectural and landscape architectural treatments are possible with increased FAR, which provides the economic returns to make it feasible. The requirement to add the Bethesda Streetscape system to the public streets adjoining and beyond the boundaries of this site with paving, trees, benches and lighting are possible only with optional method of development projects. The use of the site as housing rather than for another commercial project allows people to reside where they work, or, given the closeness and efficiency of mass transit facilities, residents are able to use transit rather than single occupant vehicles for commuting to work. Finally, the optional method offers a valuable opportunity to provide MPDUs.

- (f) *It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.*

The number of MPDUs required on this site will be provided in accordance with Chapter 25A of the Montgomery county code, 1984, as amended. In accordance with the provisions of Section 25A, the proposal provides the required number of MPDUs on site.

- (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 one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the Planning Board based on the following findings:*

- (1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

The subject Project Plan includes one lot, and the entire lot is under the CBD-2 Zone. Therefore, this finding is not applicable.

- (h) *Any applicable requirements for forest conservation under Chapter 22A.*

The forest conservation requirements have been met by the applicant's ability to

receive a small property exemption waiver; see Attachment E

- (i) *Any applicable requirements for water quality resource protection under Chapter 19.*

On September 5, 2000, the Water Resources Section of the Division of Permitting Services approved conditionally the Storm Water Management Concept Plan as submitted for the Project Plan review stage. The Preliminary Plan and Site Plan reviews will include more detailed information. See Attachment E.

In summary, The Montgomery County Planning Board **APPROVES Project Plan Review # 9-01002** which consists of 342,205 square feet (314 dwellings units) of residential use and 33,000 square feet of retail space, subject to the following:

1. Development Ceiling

The proposed residential project is limited to 342,205 square feet of gross floor area (5 FAR); 314 dwelling units and 33,000 square feet of retail use. This density is based on the revised gross tract area of 68,441 square feet. Applicant shall re-certify updated application statistics to reflect change in proposal during review.

2. Building Height and Mass

The height of the proposed building shall not exceed 125 feet. Building mass articulation and setbacks shall be incorporated into the overall design scheme to provide visual interest at street level and from adjacent structures.

3. On-Site Public Use Space

The proposed public use space shall constitute at least 20 percent of the net lot area of the site. The proposed public use spaces are to be easily accessible and readily used for public enjoyment. The Public Use Space shall be reviewed in detail at the time of Site Plan, and shall address the following features:

- Bethesda Benches
- Washington Globe Street Lights
- Brick Paving for pedestrian and vehicular spaces
- Lawn Panel
- Site Furnishings
- Bicycle Racks
- Night Lighting
- Masonry Retaining Walls and Seat Walls
- Railings and Decorative Elements
- Recreational Elements
- Planted Areas
- Seasonal Landscaping
- Plaza Street Trees

Screen planting towards the adjoining streets and first level apartments
Roof Landscaping as visual amenity
Public Art Program, including design for wall on public plaza on south side

These features shall be used to enhance the quality of the public space, establish its identity, promote public use, complement adjacent retail and residential use, and facilitate pedestrian activity. Trees within the Public Plaza and over the underground parking shall be provided with adequate soil panel as verified by a certified arborist.

Public Art shall be incorporated into the overall design of the public use space, including the architectural and decorative treatment of the southwest wall that faces the plaza. The design of all artwork shall be part of the Site Plan submittal and shall be reviewed and approved by the Planning Board and the Bethesda Public Art Panel for optional method property.

4. Off-Site Public Amenities and Streetscape

Off-site streetscape improvements shall be completed using selected elements of the Bethesda Streetscape Standards, for the following areas:

Cordell Avenue between Woodmont and Norfolk
Rugby Avenue between Del Ray and Woodmont
Woodmont Avenue between Rugby and Cordell
Del Ray Avenue between Rugby and Norfolk

At the time of Site Plan Review, applicant shall provide arborist's report for existing trees on the above-mentioned streets; appropriate tree protection measures, and provision for replacement and supplemental street trees.

5. Staging of the Public Amenity Features

All amenities on-site and off-site shall be constructed prior to occupancy.

6. Moderately-Priced Dwelling Units

Moderately Priced Dwelling Units (MPDUs), shall be provided on-site in accordance with Section 25A. Fifteen (15) percent of the total number of dwelling units of the proposed housing development shall be Moderately Priced Dwelling Units (MPDUs). (If the requirements of 25A applicable to this project plan are revised, the number of units may be reduced.)

7. Management Organization

The Site Plan Enforcement Agreement shall reference the appropriate provision for the ongoing maintenance of the public amenity areas on and off site.

8. Bethesda Urban Partnership

The applicant shall become a participant of the Bethesda Urban Partnership, the public space maintenance and event programming organization for the Bethesda CBD.

9. Signage
Signage shall be designed to be compatible with the architecture of the building, with surrounding and adjacent buildings, and with the public plaza. At the time of site plan review, applicant shall provide information on signage for public safety at the garage and loading dock areas on Del Ray and Rugby. Applicant shall coordinate signage location and placement with appropriate agencies.
10. Transportation Management
Applicant shall participate in the Bethesda Transportation Management Organization through a formal Traffic Mitigation Agreement with the M-NCPPC and Montgomery County DPW&T, to achieve and maintain the 37% non-auto-driver mode split in the peak hours. The Traffic Mitigation Agreement shall be recorded in the land records, and be included in the Site Plan Enforcement Agreement for the proposed development.
11. Road Rights-of-Way
The proposed development shall provide required road rights-of-way as required in the Sector Plan for the following streets:
 - a. 30 feet from the centerline of Cordell Avenue
 - b. 30 feet from the centerline of Del Ray Avenue
 - c. 30 feet from the centerline of Rugby Avenue
12. Retail Use
The Board grants the requested waiver of 1.2% of the 5% requirement of retail space use on the condition that, for a period not to exceed six months after occupancy, the applicant shall make "every best effort" to lease the space to entities of retail personal service and commercial service and shall report monthly to the staff on the progress of the leasing efforts for the unleased space. At the end of six months, unleased space may be leased to residential tenants.