



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

MCPB No. 09-46
Site Plan No. 820090080
Project Name: Woodmont East Phase 2
Date of Hearing: April 30, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on November 19, 2008, JBG Associates, LLC ("Applicant"), filed an application for approval of a site plan for a maximum of 37,136 square feet of retail use and 286,879 square feet of office use ("Site Plan" or "Plan") on 2.48 gross acres of CBD-2-zoned land, located on Woodmont Avenue between Bethesda Avenue and Elm Street ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820090080, Woodmont East Phase 2 (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 20, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on April 30, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on April 30, 2009 the Planning Board approved the Application subject to conditions on the motion of Commissioner Robinson, seconded by Commissioner Presley; with a vote of 5-0; Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820090080 for a maximum of 37,136 square feet of retail use

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

and 286,879 square feet of office use on 2.48 gross acres of CBD-2-zoned land, subject to the following conditions:

Conformance with Previous Approvals

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan Amendment 92007007A as enumerated in the staff report unless modified by the Planning Board.

2. Preliminary Plan Conformance

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

Environment

3. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the approved preliminary forest conservation plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

4. Noise Attenuation

A noise analysis is not required for the office/retail phase of this development, but will be required prior to approval of the site plan for the residential phase of this development.

5. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Silver Rating (or County-approved equivalent) at a minimum.

6. Green Roof

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

Parks, Open Space, & Recreation

7. Public Amenities

- a. The Applicant must provide a minimum of 23% on-site public use space and 8.5% of off-site public amenity space, exclusive of any café reservation areas, during the office/retail phase of development.

- b. The residential phase of development will be required to provide improvements to an additional minimum of 2.5% on-site public use space and 30% off-site public amenity space, exclusive of any café reservation areas.

Transportation & Circulation

8. Transportation

- a. The Applicant must provide a minimum of twenty (20) bike lockers for office employees in the parking garage or office building and ten (10) inverted-U bike racks (or approved equivalent) for office employees and retail customers in the public plaza and/or mews. The Applicant must coordinate with MNCPPC staff to determine the final location and timing of installation of the bicycle parking facilities prior to approval of the certified site plan.
- b. The Applicant must provide way-finding facilities to guide the Capital Crescent Trail users through the Woodmont Avenue/Bethesda Avenue intersection and to the tunnel. This should include signage, pavement markings, in-laid medallions, and/or other appropriate measures. Way-finding facilities must be approved by MNCPPC staff prior to approval of the certified site plan.
- c. The proposed development is subject to the MCDPS Right-of-Way Permitting and Plan Review Section conditions and comments dated March 23, 2009 unless amended by the Montgomery County Department of Permitting Services.

9. Easement Areas, Purple Line, and Trail Issues

- a. Any utilities within the future easement for the Capital Crescent Trail that must be relocated to construct the Trail ramp will be done at the Applicant's expense.
- b. The Applicant will not construct and/or install any permanent facilities with the Purple Line easement or future easement areas that may interfere with access to the tunnel by MTA or MC emergency, maintenance, and construction equipment.
- c. The record plat must include a note providing that the public use space will provide unobstructed access between the face of the tunnel and Woodmont Avenue, along the north side of the easement area.
- d. Sloped sections of the Trail ramp may not exceed 8.33%.
- e. Paving within the Purple Line easement areas must be constructed to support vehicular traffic.

Site Plan

10. Site Design

- a. The Applicant must provide a revised design of the northeastern section of the mews incorporating the retaining wall and landscape area near the existing parking deck and steps prior to certified site plan.
- b. The final design of the building façade will conform generally to the architectural elevations presented in the site plan application.

11. Development Program

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

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

12. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading", if applicable.
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.

- e. Minor modification of and additional information for site details and layout.
- f. Final trail and open space way-finding signage per project plan amendment condition 7.d.
- g. Final Trail way-finding facilities per 9.c. above.
- h. Provide the height of all light poles including the mounting base.

BE IT FURTHER RESOLVED that all site development elements as shown on Woodmont East Phase 2 drawings stamped by the M-NCPPC on February 19, 2009, shall be required, except as modified by the above conditions of approval; and

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

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

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

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

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

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

Development Standard	Permitted/Required	Approved by the Board and Binding on the Applicant
Maximum Building Height (feet)	143	143
Minimum Building Setbacks (feet)		
To any property line	n/a	0
Minimum Public Use Space (% of net lot)		
On-Site Public Use Space	20%	23%
Off-Site Amenity Space	None	8%
Maximum Floor Area Ratio (FAR)	5	3.02
Parking Spaces	497	94

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

The buildings of the existing and proposed development are located along Woodmont Avenue and Bethesda Avenue, with the proposed office building is set back from Woodmont Avenue an average of 50 feet. Although the Sector Plan envisioned the buildings in this area to have no setbacks from the sidewalks, the community felt it necessary to retain more open space on this site and thus, the Applicant has accommodated a large plaza between the sidewalk and the office building. In most cases, this would result in an undesirable retail situation, but due to the high volume of pedestrian traffic and the existence of the Capital Crescent Trail on site, this building location is appropriate. Further, the design of the plaza provides easy access to the building from the adjoining sidewalks. Thus, the locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space that is provided is large for an infill CBD project. Approximately 26% of this 2 acre site (25,000 square feet) will be maintained as publicly accessible open space, including a large plaza with raised lawn panels, seating, shade trees, and a fountain and a mews area between the two taller buildings on site. The mews will contain further seating for shoppers, residents, and employees and container plantings to provide shade. This mews runs from

Woodmont Avenue between the office tower and future residential tower to the tunnel that currently houses the Capital Crescent Trail. In the future, a section of the mews will also house tail tracks for the Purple Line light-rail transit facility. These tracks will rarely be used, but will significantly impact the plaza especially if kept to within 110 feet of the tunnel entrance as requested by the County. The public benefit, however, of easy access to transit outweighs the potential impacts to the approximately 4,000 square feet of plaza area. Further, if the tracks are kept within this area, the remaining area of the plaza will remain open and clear at all times. This is an improvement from the original project plan that would have placed tracks from the tunnel to the Woodmont East right-of-way. Studies are still being completed and changes may occur as the County weighs the cost/benefit ratios of different options.

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that this resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

MAY 29 2009 BE IT FURTHER RESOLVED, that the date of this resolution is _____ (which is the date that this resolution is mailed to all parties of record); and

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

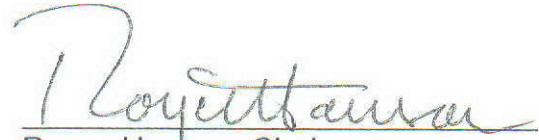
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CERTIFICATION

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

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Presley voting in favor of the motion, at its regular meeting held on Thursday, May 21, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, appearing to read "Royce Hanson".

Royce Hanson, Chairman
Montgomery County Planning Board