



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

MCPB No.09-47
Project Plan No. 92007007A
Project Name: Woodmont East
Date of Hearing: April 30, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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

WHEREAS, on December 10, 2008, JBG Associates, LLC ("Applicant"), filed an application for approval of a project plan for a maximum of 210 multi-family dwelling units, including 12.5% MPDUs, 37,136 square feet of retail use, and 286,879 square feet of office use ("Project Plan"), on 2.48 gross acres of CBD-2-zoned land, on Woodmont Avenue between Bethesda Avenue and Elm Street. ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 92007007A, Woodmont East (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 motion of Commissioner Robinson; seconded by

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

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

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

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

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 Project Plan No. 92007007A for a maximum of 210 multi-family dwelling units, including 12.5% MPDUs, 37,136 square feet of retail use, and 286,879 square feet of office use ("Project Plan"), on 2.48 gross acres of CBD-2-zoned land, subject to the following conditions:

1. Replacement of Original Conditions

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

2. Development Ceiling

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

3. Building Height and Mass

The proposed development is limited to 143 feet in height from the measuring point on Elm Street (elevation 338.17).

4. Reed Street Abandonment

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

5. Transportation

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

side of Bethesda Avenue, recognizing the safety concerns presented by the irregularly shaped intersection and as approved by MCDOT, MCDPS, and MNCPPC staff.

6. Moderately Priced Dwelling Units (MPDUs)

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

7. Public Use Space

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

8. Streetscape

- a. The Applicant must relocate all utilities underground as part of the proposed streetscape improvements.
- b. The Applicant must provide the standard Bethesda Streetscape paving, lighting, and planting details along the Woodmont Avenue, Elm Street, and Bethesda Avenue frontages unless amended or modified during site plan review.

9. Staging of Amenity Features

- a. The Applicant may construct the proposed development in phases. A detailed development program will be required prior to approval of each certified site plan.
- b. The Applicant must install the landscaping no later than the next growing season after completion of any open space within any proposed construction phase.

- c. The Applicant must complete the on-site Capital Crescent Trail improvements prior to issuance of use-and-occupancy permits for the proposed office/retail building.

10. Maintenance and Management Organization

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

11. Coordination for Additional Approvals Required

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

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

The proposed amendment to project plan 920070070 does not significantly alter the findings of the original approval and, in fact, improves the plan's compatibility with the sector plan and conformance to the requirements of an optional method project in this CBD area.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 92007007A, Woodmont East, stamped received by M-NCPPC on February 19, 2009 are required except as modified by the above conditions of approval; and

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

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

MAY 28 2009

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 21, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board