



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

Item # _____
 MCPB 3/6/08

MEMORANDUM

DATE: February 25, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
 Robert Kronenberg, Supervisor *RK*
 Development Review Division

FROM: Joshua Sloan *JS*
 Development Review Division
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PROJECT NAME: Woodmont East – Phase II

CASE #: 920070070

REVIEW TYPE: Project Plan

ZONE: CBD-2

APPLYING FOR: Creation of one lot and construction of an optional method mixed-use development for a maximum of 250 multi-family dwelling units (including 12.5% MPDUs), a maximum of 225 hotel rooms, 40,350 square feet of retail space, and 78,300 square feet of office space including existing uses.

LOCATION: The northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue.

MASTER PLAN: Bethesda Central Business District Sector Plan

REVIEW BASIS: Section 59-C-6.215(b) of the Montgomery County Zoning Ordinance.

APPLICANT: Street Retail, Inc. for the JBG Companies & Federal Realty Trust

FILING DATE: April 2, 2007

HEARING DATE: March 6, 2008

RECOMMENDATION:

Staff recommends **Approval with conditions** as delineated in the staff report.

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PROJECT DESCRIPTION

EXECUTIVE SUMMARY

Applicant	Street Retail, Inc. for The JBG Companies & Federal Realty Trust
Attorney	Holland + Knight, LLP
Engineer	Macris, Hendricks, and Glascock, PA
Architect	Shalom Baranes Associates, PC
Landscape Architect	Oehme, Van Sweden & Associates, Inc.
Traffic Consultants	The Traffic Group, Inc.
Plan Name & #	Woodmont East – Phase II: 920070070
Zone	CBD – 2
Location	Northeast quadrant of the intersection of Woodmont Avenue & Bethesda Avenue (ADC Map Grid #36-A12)
Master Plan	Bethesda CBD Sector Plan
Gross Lot Area	107,965 square feet (2.48 acres)
Net Lot Area	96,499 square feet (2.22 acres)
Existing Use	106,436 square feet of retail, restaurant, and office space
Proposed Use	12,214 square feet of additional retail, 250 multi-family residential units including 12.5% MPDUs, and a 225-room hotel. Existing 78,300 square feet of office and 28,136 square feet of retail to remain.
Existing Density	0.99 FAR
Proposed Density	5.0 FAR
Actions Required by Planning Board	Votes on the Project & Preliminary Plans and a recommendation to the County Council regarding the abandonment of Reed Street.
Further Approvals Required	Site Plan, Reed Street Abandonment

SUMMARY OF PREVIOUS HEARING

A public hearing for this project plan was previously held on November 8, 2007. Due to considerable Planning Board and public concern regarding several design issues, including the loss of green area and the functioning of the Georgetown Branch Trail, the Applicant requested a deferral to work on the design with community members and Staff. After several meetings with various community groups, representatives, and Staff, the Applicant has submitted revised designs, which are the subject of the current staff report and recommendation. Staff has received one letter regarding this project plan since the last hearing.

SITE VICINITY & DESCRIPTION

Site Location

The subject property is located in the southern central area of the Bethesda Central Business District within the Metro Core District of the Bethesda CBD Sector Plan. It occupies an entire block of Woodmont Avenue with minimal frontage on Bethesda Avenue to the south and a few hundred feet of frontage along Elm Street to the north. Taking into consideration previous dedications, the Property consists of 96,499 net square feet. The total gross area before any dedications is 107,965 square feet.

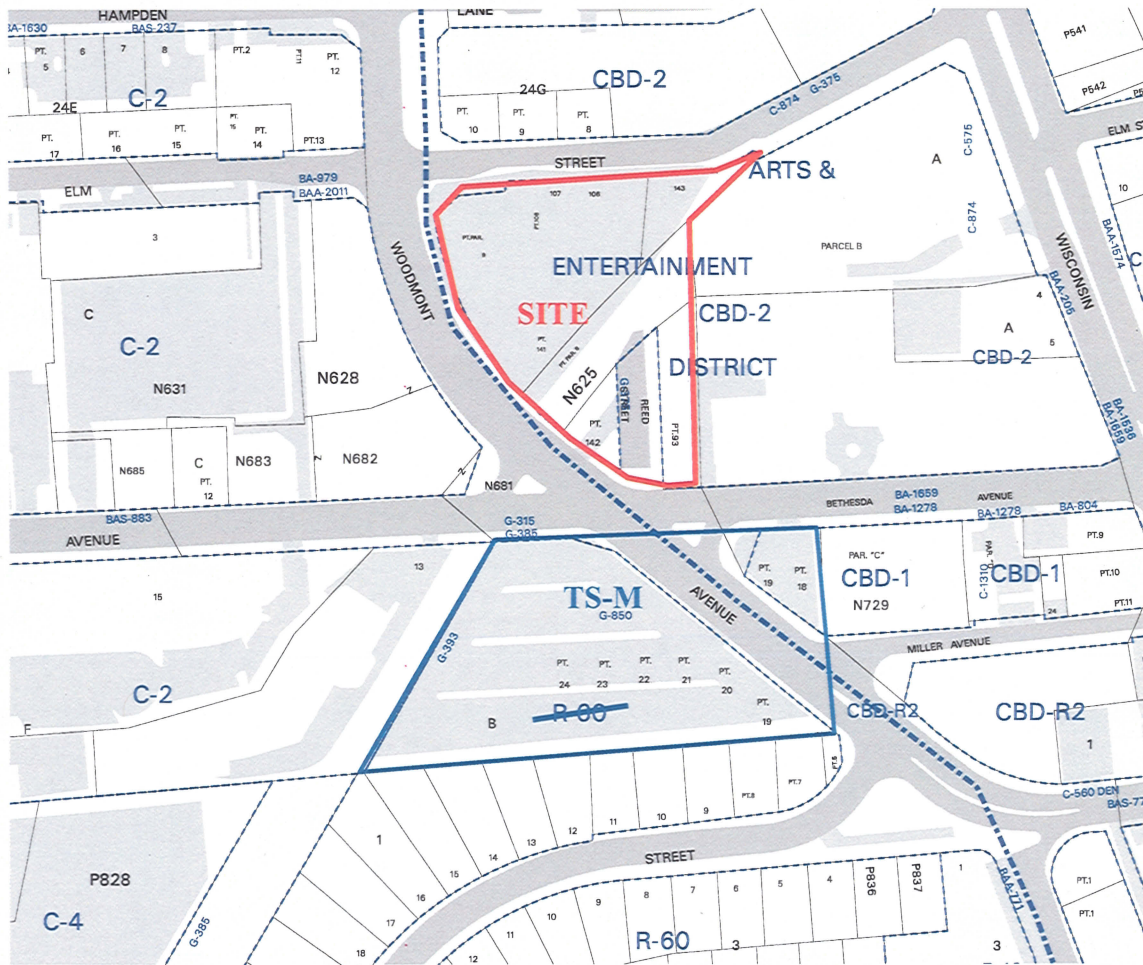


Vicinity Map

Adjacent Land Uses

1. *North:* To the north of the Property is Block 24G, bordered by Hampden Lane, Elm Street, Woodmont Avenue and Wisconsin Avenue. This block is improved primarily with large-scale office buildings including the complex known as One Bethesda Center – a 12-story mixed-use development consisting primarily of office units but also featuring a small number of residential units, ground-floor retail space, and a pedestrian plaza. A four-story brick structure known as the Elm Street Office Building is located directly across Elm Street on the southwest corner of this block. This building houses several commercial and office uses and features a small street-level plaza for restaurant patron use. Directly to the east of the Elm Street Office Building is a smaller two-story commercial and office building that links the Elm Street Office Building to One Bethesda Center. Further to the east is a mid-rise commercial building with a ground floor bank oriented toward Wisconsin Avenue. All of these properties are zoned CBD-2.

Diagonally to the northwest of the Property across Woodmont Avenue, additional commercial uses are located in an aging structure that is zoned C-2.



Zoning Map

2. *South:* Lots 31 and 31A are located across Bethesda Avenue and Woodmont Avenue to the south and southeast of the Property. Montgomery County currently operates surface parking lots at these locations. However, these properties have been recently re-zoned from R-60 and CBD-1 zones to the TS-M zone. An approved site plan proposes development on these lots to include the creation of two mixed-use structures with variable heights stepping up to 90 feet directly across Bethesda Avenue from the Property with approximately 250 multi-family residential dwelling units and 40,000 square feet of retail use. These plans also include a public/private parking garage with approximately 1,480 parking spaces below grade. Notably, the redevelopment of Lot 31 will include the relocation of Woodmont Avenue and the corresponding redevelopment of the Woodmont Avenue and Bethesda Avenue intersection.

Located to the southeast of the Property is the CBD-1 zoned block bordered by Bethesda Avenue, Miller Avenue, Woodmont Avenue and Wisconsin Avenue. The Seasons, a 15-story residential apartment building with street-level retail uses, is located on the western portion of this block immediately adjacent to Lot 31A. The eastern portion of this block along the south side of Bethesda Avenue currently features small-scale structures that contain primarily commercial uses.

3. *East:* The area to the east of the Property is zoned CBD-2. An older office building that is part of the Artery Plaza complex is located immediately adjacent to the Property. Although this structure reaches approximately eight stories in height, the Sector Plan permits a maximum height of 143 feet at this location. Further to the east is the remaining portion of the 11-story Artery Plaza complex, which features prominent public use components including stepped pedestrian areas that interweave between large-scale glass and stucco components that house offices and street-level retail uses.

The five-story commercial structure that includes the United Artists Cinema Building is adjacent to the northeastern portion of the Property. This CBD standard method project is a mixed-use development with office and commercial uses, an on-site parking garage and an entrance plaza. This moderate-scale building is composed primarily of concrete and glass and is angular in form.

4. *West:* Several C-2 zoned properties located to the west of the Property represent the first phase of Bethesda Row, a redevelopment effort that Federal Realty Investment Trust began in 1993 to transform a block of rundown commercial buildings into the lively urban environment that exists today and features distinctive architecture, mature landscaping, outdoor café-style restaurant seating, and a central fountain area. A three-story component of this development containing commercial and office uses is located directly across Woodmont Avenue. This building incorporates several off-site open-space amenities, including street-front dining areas and a pedestrian plaza that protrudes into the northwest corner of the intersection of Woodmont Avenue and Bethesda Avenue.

Existing Site Conditions

The existing Phase I development on the northwest portion of the Property consists of a five-story building devoted to commercial and office uses (including street-level retail stores and

restaurants), an eight-screen below-grade movie theater with stadium-style seating, and frontage along the building's southern façade parallel to the bike trail. This site was developed in accordance with standard method requirements as a registered loophole property and will remain as part of the overall Woodmont East development. The Property also encompasses the remaining portion of the block that extends from the southern façade of the existing building to Bethesda Avenue. In conjunction with the Project Plan approval and development of the site the Applicant is pursuing the abandonment of Reed Street, a paved right-of-way that lacks a curb-cut and dead-ends near the entrance to the Apex/Air Rights tunnel, as well as an attendant easement across Parcel Pt. 142 that provides vehicular access from Woodmont Avenue.

Ownership of the Property is currently divided between Street Retail, Inc., which owns parcels P142, N625, N617, and N618 in fee simple, and Frederick S. Burke and Carter S. Kaufman, who are the fee simple owners and lessors of parcel P93. JBG is the ground lessee of parcel P93.



Aerial view of the Subject Site looking north.

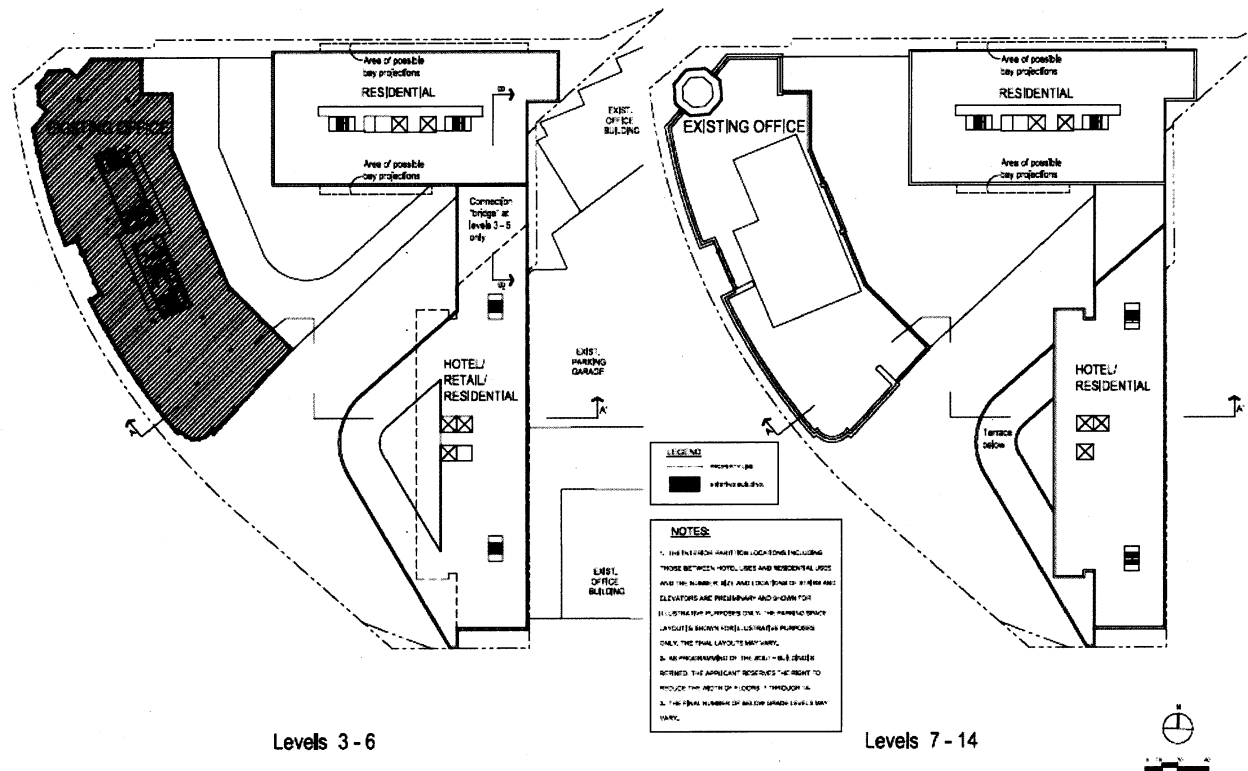
There are few environmental features on site. According to the approved NRI/FSD, there are 17 street trees (Elm & Zelkova) within the gross tract area and a strip of mowed lawn leading to an embankment below the parking structure on Elm Street. The site drains to Willet Branch, which is part of the Little Falls Creek watershed, designated as Class I waters. There are no floodplains, wetlands, streams, or environmental buffers on site. All soils on site are classified

as “Urban”. Finally, no rare, threatened, or endangered species have been observed on site and the Subject Property is not listed as a Historic Site, nor is it within a Historic District.

PROPOSAL DESCRIPTION

Development Program

The Project will add to the existing 106,436 square feet of retail and offices uses to create a total of approximately 539,825 square feet of gross floor area, which is the maximum allowed Floor Area Ratio (FAR) of 5.0 FAR for the CBD-2 Zone for mixed-use development. This development will consist of a maximum of 250 residential units, including 12.5 percent MPDUs; a maximum of 225 rooms for hotel use; and approximately 12,214 square feet of new street-level retail space. Depending on various market factors the Applicant may convert a portion of the residential area to hotel use for a maximum of 3.0 FAR commercial, which would decrease the proposed residential FAR to 2.0; the final determination of the allocation of uses will be made during the site plan review. A project plan amendment will not be necessary unless the Applicant exceeds the unit totals approved with this application. The components of the proposed mixed-use Project can be described as follows:



Project Plan – Building Footprints and Land Use

- **Residential Component:** Residential units will encompass approximately 304,135 square feet of the proposed building to achieve a density of approximately 2.8 FAR. The main entrance for these residential uses will be provided through a lobby that fronts on Elm Street. A secondary residential lobby will likely be located off Bethesda Avenue. The Applicant

proposes a variety of residential unit types ranging from one-bedroom to three-bedroom units; the MPDUs will be dispersed throughout floors and the number of unit types will be proportional to the market-rate units.

- *Hotel Component:* The Applicant is applying for up to 225 hotel rooms. These units will be concentrated in the building that fronts Bethesda Avenue and Woodmont Avenue and along the bridge that spans the mews where the Georgetown Branch Trail and the potential Purple Line “tail tracks” are located. The primary entrance for hotel patrons will be on Bethesda Avenue. A vehicular hotel drop off will be provided from Bethesda Avenue.
- *Retail and Office Components:* Continuing the theme established by Street Retail with the Phase I development on the Property, the proposed development will provide an additional 12,214 square feet of ground-level retail space. The retail component will combine with 78,300 square feet of existing office and 28,136 square feet of existing retail space on the Property.

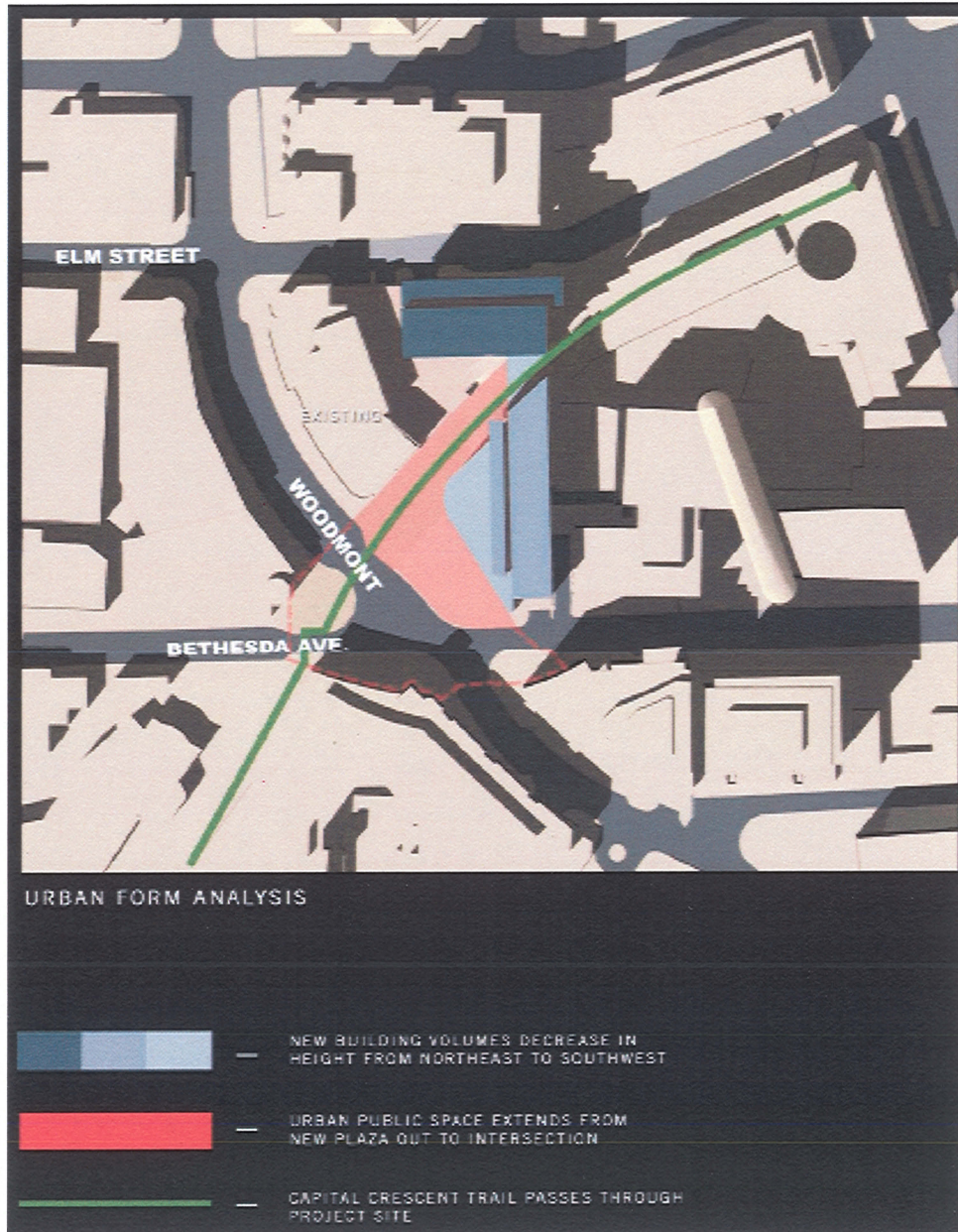
Architecture

In balance with community concerns regarding open space, the Property’s location in the Bethesda CBD core influences the massing of the proposed development. The Project is intended to complement those buildings that comprise the Property’s immediate surroundings, all of which are relatively modern—being constructed from the 1950s through the 1990s—and present an eclectic mix of architectural styles with materials including brick masonry, precast concrete, glass and curtain-wall systems.

The proposed architecture must serve a number of functions. It must:

- Maintain open space along the trail and sidewalks,
- Accommodate the Georgetown Branch Trail,
- Accommodate any Purple Line alignment and mode that may occur,
- Work with the existing urban context, and
- Accommodate a viable economic program.

The façade of the proposed Woodmont Avenue retail and hotel component does not reinforce the Woodmont Avenue “street wall” as the Sector Plan recommends but, due to community desire for more open space, is set back from the street allowing for a large, linear green space. Because of this accommodation and to preserve the proposed building’s connection to the surrounding architecture, the design’s façade picks up the curve of the proposed Lot 31A building and bends into the subject site. This creates a linear urban park along Woodmont Avenue and, in combination with the open space created by the Barnes and Noble and Lot 31 & 31A, will help this intersection continue to be open, attractive, and functional for the great number of pedestrians and cyclists that use the sidewalks and trails. The Hotel and retail uses and a secondary residential entrance will be placed in the lower two levels of the southern component of the building to continue the street activation that has made Bethesda Row so successful. The façade along the linear park and into the mews between the two building components is set back above the sixth floor to create visual interest, reduce wind shear, and provide a terrace for hotel patrons.



Architectural Illustration

The new northern component of the Project replaces an existing elevated parking deck with a rectilinear tower that creates a strong building edge along Elm Street. On the west side of this tower, a projecting bay is anticipated to respond to views over confronting lower buildings; on the east, a sharp corner acknowledges the bend in Elm Street towards Wisconsin Avenue. The northern tower contains a residential entrance and amenities on its lower floors, possible hotel rooms at the lower levels, and residential units above. Although the quieter Elm Street is appropriate for the residential entrance, the Project will add significantly more life to the street than the current blank garage wall provides. The elevated interstitial space between the new Elm Street tower and the existing Woodmont office building will provide residential amenity space as well as a landscaped terrace. These terraces also provide a setback along the mews so the pedestrian on the ground plane, e.g., along the trail, does not feel overwhelmed by the building.

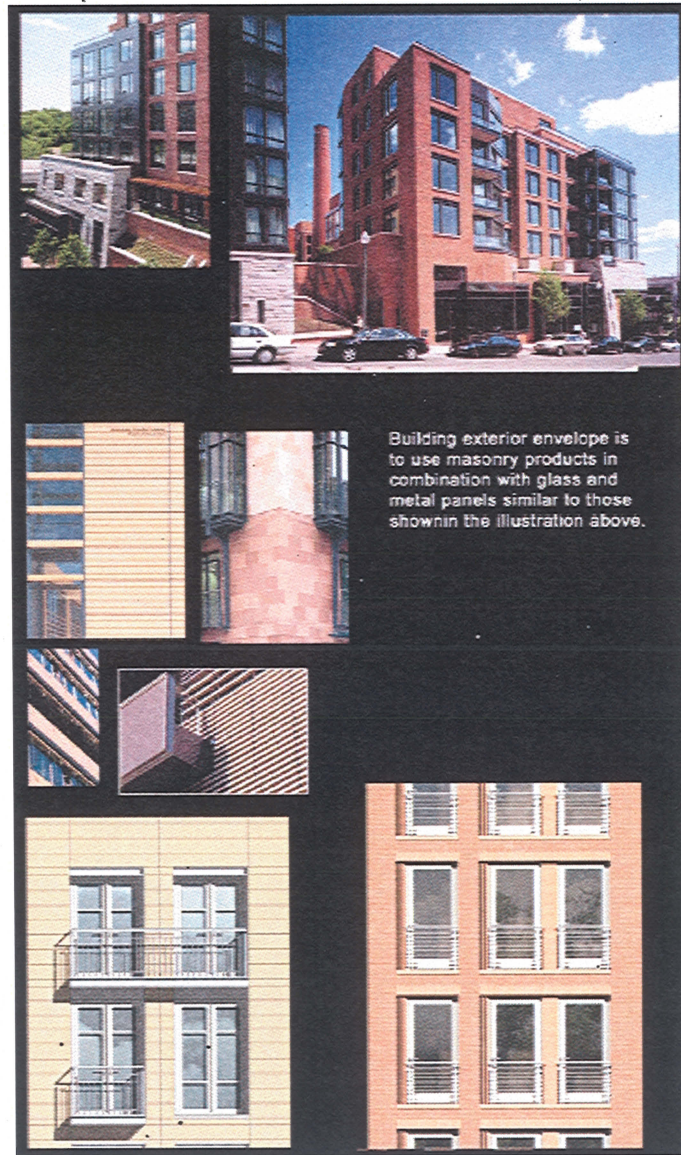


Architectural Illustrations

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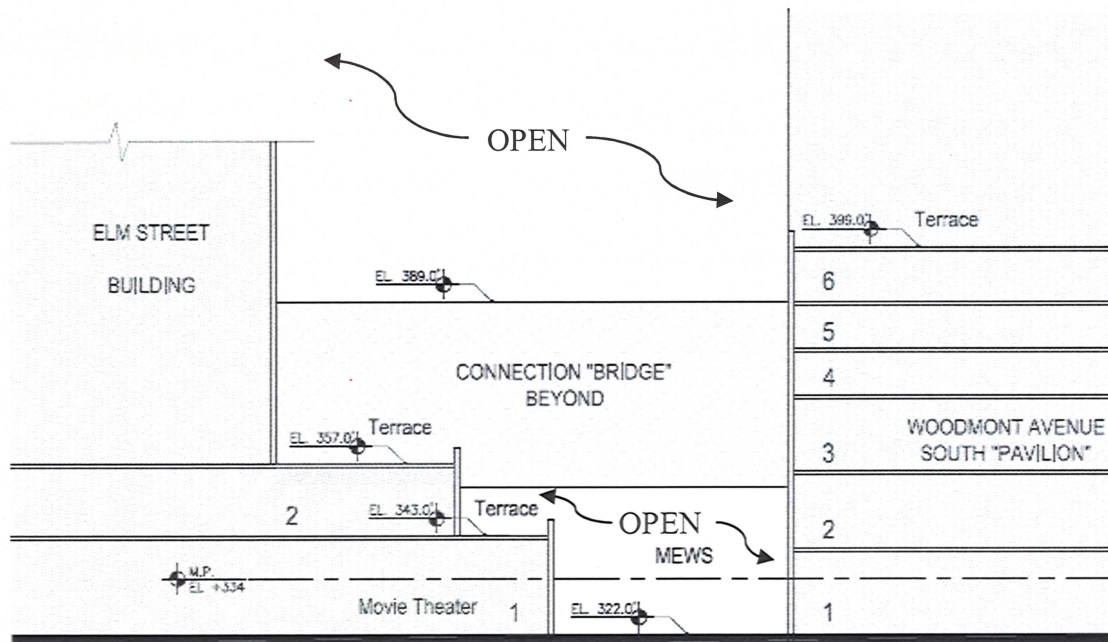
The façades along Elm Street and Woodmont Avenue will be surfaced primarily with a type of masonry, e.g., brick, cast stone, cast masonry units, or architectural terracotta. This will create a relationship with the existing Woodmont office building and provide a visually unified connection across the Project. Window openings mixed with masonry exterior will provide additional articulation and visual interest.



Architectural Concept

The original design proposed a 50-foot wide bar three stories above the Purple Line easement and Georgetown Branch Trail. This bar was located midway between the proposed building's northern and southern components and was felt to create a space that was overwhelmed by the mass and cut-off from light and air. The current design addresses this issue by moving the

connection to the eastern edge of the site and reducing its width and mass. The connection now functions more like a bridge and will include roof-top uses such as a terrace or patio for guests or patrons. It will also house the mechanical connections and a couple levels of hotel rooms or residences, but will no longer rise to the full height of the adjacent components. Along with the terrace above the building's southern component, these rooftop "living spaces" will create interest and activation in three dimensions and diminish the perceived mass of the building. The underside of the bridge will become a canvas for artwork that will become an attraction in its own right.



N-S SECTION THROUGH "MEWS" FACING EAST

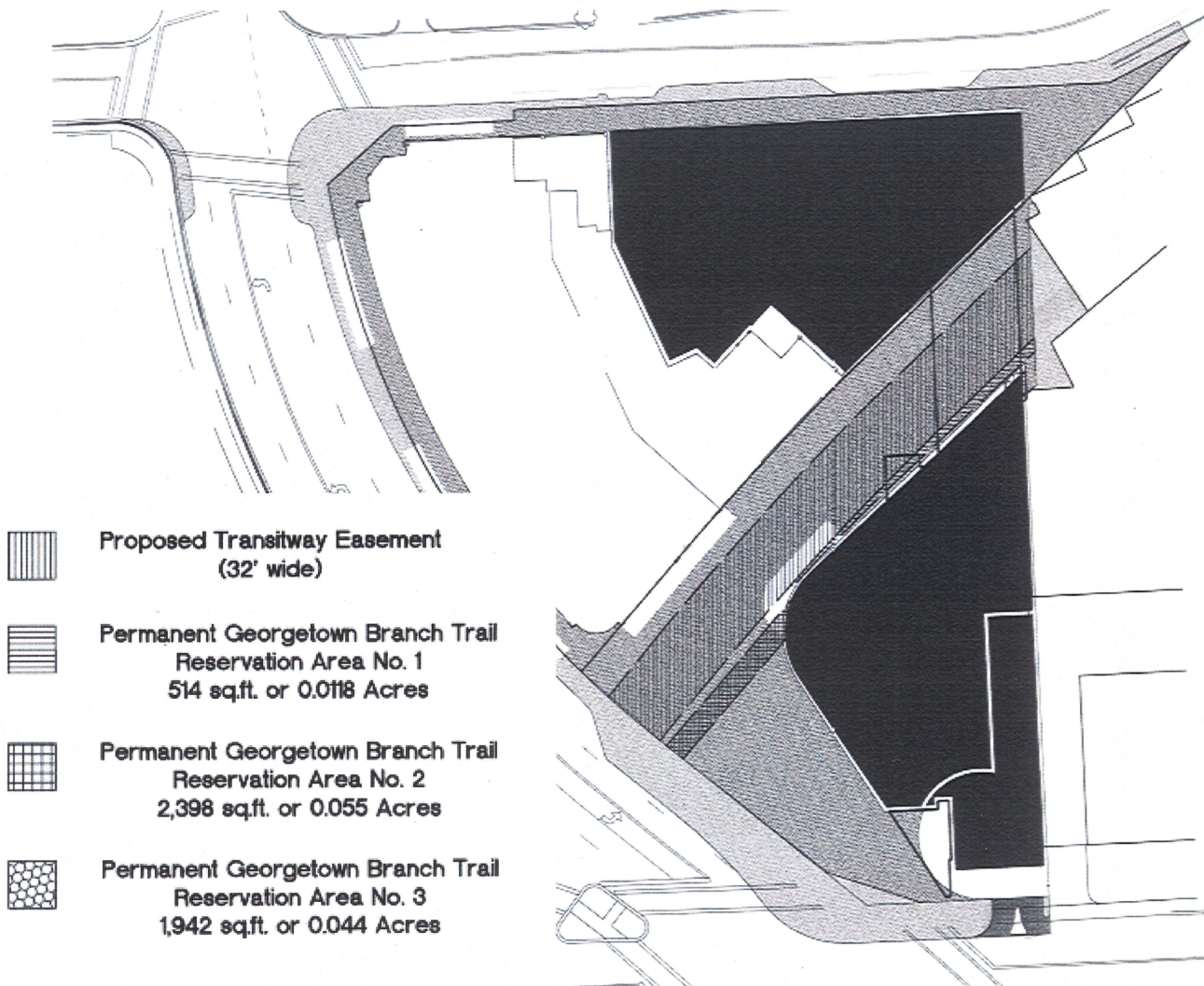


Architectural Section

Public Use Space and Amenities

The Woodmont East development accommodates numerous uses within a variable context by providing a set of distinct, functional, and appealing public spaces. As such, the Project proposes several unique outdoor features designed to promote an integrated public space and further the Sector Plan's objective of enhancing the pleasure, safety, and convenience of walking and bicycling for pedestrians.

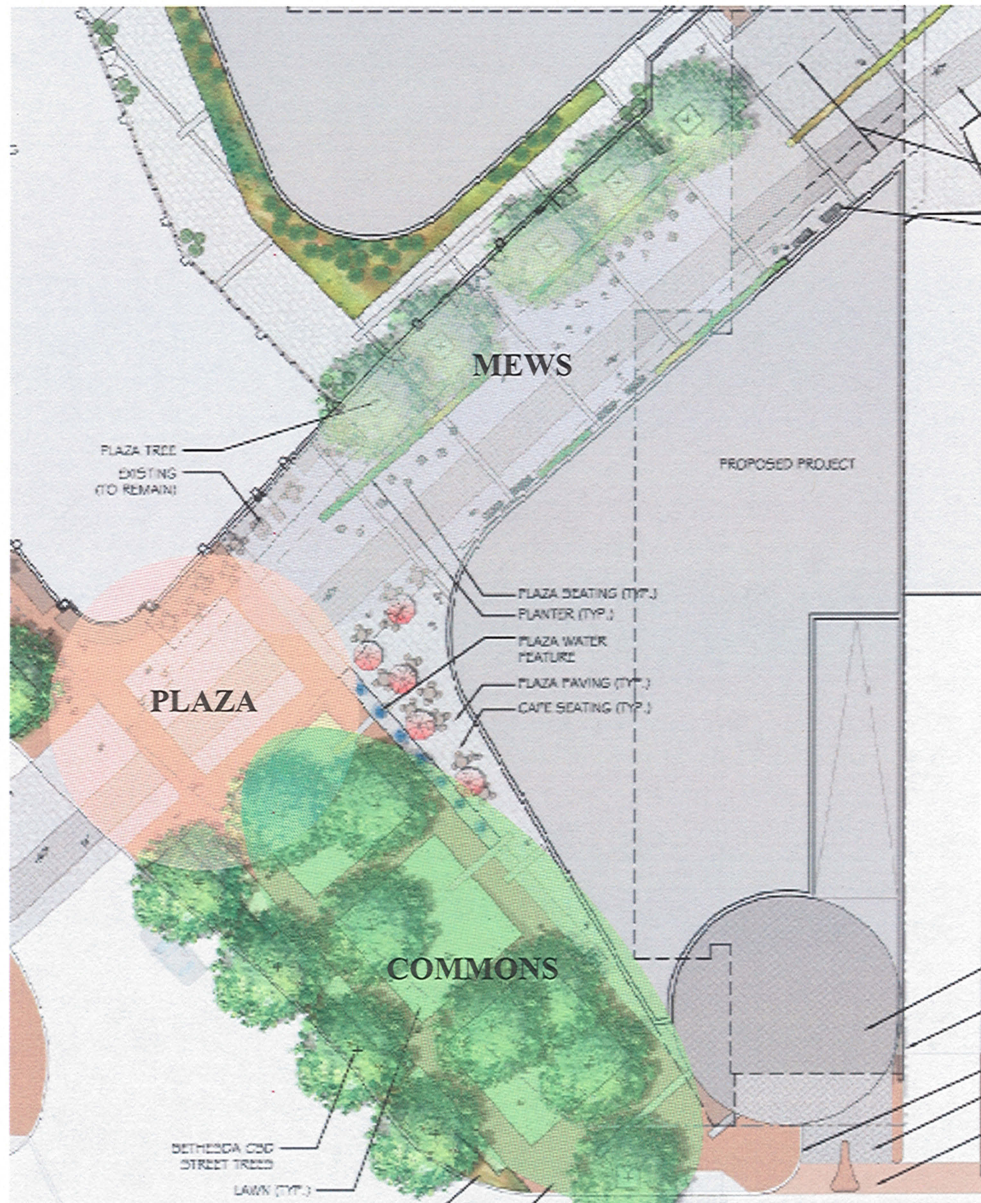
The Project's public use space components are intended to build on the successes of the Phase I development, especially those uses surrounding the Georgetown Branch Trail, and transform this area into an even more vibrant CBD destination. The Applicant has sectioned their open space into three distinct areas: 1) the mews between the proposed building footprints, 2) a commons along Woodmont Avenue, and 3) a plaza at the apex that joins these two spaces.



Public Use Space & Trail Easements Exhibit

The public mews located between the existing building on the northern portion of the Property and the new eight-story building to the south will create a linear park along the fronts of the existing retail area and accommodate space for the Purple Line and the Georgetown Branch Trail. This area will provide plantings and seating that will be designed so that all of the proposed trees will remain when and if the Purple Line tail-tracks are built. Prior to the construction of the Purple Line, the Project will incorporate the trail to a width of approximately 10 feet (plus two feet on either side) with special paving in order to differentiate it from the surrounding open space. The upgraded trail will extend through the mews generally parallel to and partially overlapping the easement for the future Purple Line. When the Purple Line is constructed, the trail will shift to the south and be routed into the Hotel building where it will ramp up to the elevation necessary to clear the Purple Line through the tunnel. All of the easements and reservations are indicated on the submitted plans and will be finalized during site plan review prior to the recordation of the plat. There will be no retail fronts on the southern side of the mews so that pedestrian and cyclist conflicts are minimized. Because the design incorporates distinct paving patterns, signage, and bollards, the trail will allow for cyclists,

hikers, and others to safely move from the tunnel under Wisconsin Avenue to and across Woodmont Avenue.



Open Space Concept

The commons provides a large area of green space at this “100%” corner in downtown Bethesda. Three 1,200 square foot green lawn panels will dominate this area and allow children and adults to sit, relax, and play. These panels are raised by curbs so they are set apart from pedestrian circulation patterns and are shaded by deciduous trees. This area receives sun for most of the day in all seasons. The commons will also contain distinct paving materials and be enhanced by landscaping elements and a water feature along its eastern edge to provide a transition to the busier retail fronts.



Shadow Study

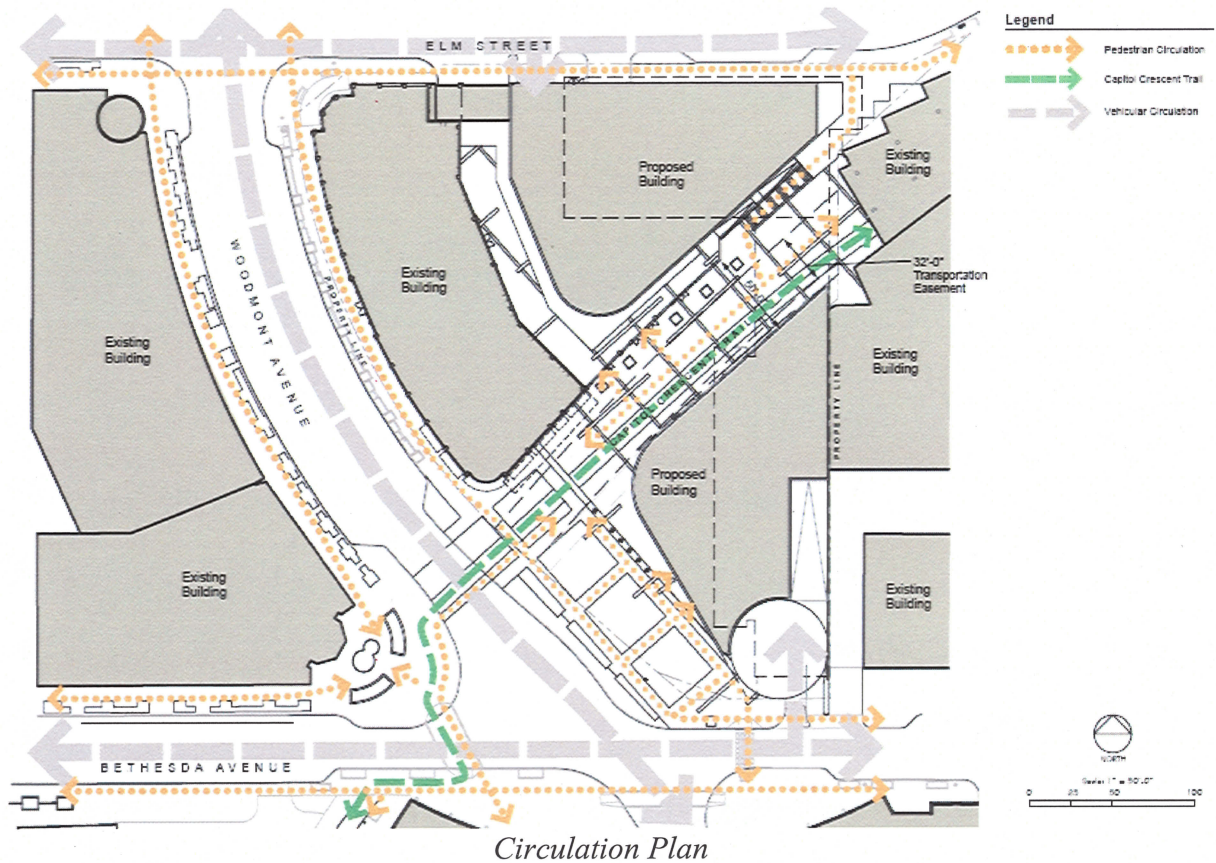
Last, an open plaza area functions as a hinge where all of the distinct public spaces join. At this point, the sidewalks along Woodmont Avenue, the Georgetown Branch Trail, and the new green space come together. This nexus provides open, efficient space to transition between uses and provides a highly visible location for way finding for residents and visitors.

The Project will also provide significant off-site public use space in the way of streetscape improvements and enhancements of Elm Street Park. These streetscape improvements will involve renovating the public and on-site space immediately adjacent to the Property along the Woodmont Avenue, Bethesda Avenue and Elm Street frontages in accordance with the recommendations of the Bethesda CBD Streetscape Plan calling for Bethesda brick pavers, Bethesda Street Lanterns and Washington Globe lights, wooden benches and tightly-spaced street trees. The Applicant is examining alternatives for improving the east-west crosswalk across Woodmont Avenue in order to more clearly demarcate the Georgetown Branch Trail and create a visual connection to the Barnes & Noble plaza. Last, there are several proposed renovations to Elm Street Park that are sorely needed, such as drainage work, playground enhancements, and landscaping. These improvements will be coordinated with previously approved work for the southern portion of Elm Street Park by another developer in Bethesda.

Vehicular and Pedestrian Circulation

Two entrances are proposed to provide vehicular access to and from Woodmont East's parking garage: one located off Elm Street and the second more limited driveway located off Bethesda Avenue. Residents, guests, and tenants accessing the garage will utilize internal elevators to

enter the building. In addition, stairwell access to the private garage will be provided. The Bethesda Avenue access will be right-in for all vehicles and right-out only for taxis.



With both northern and southern lobby entrances providing resident and guest access, the Project is designed to enable a pedestrian-friendly streetscape along the public streets that border the Property. In addition, the Project proposes to link with the Discovery Trail by breaking up an existing large block with elevators, ramps, and stairways that allow for pedestrian access from the plaza area directly to Elm Street.

As indicated in the Transportation Analysis, it is anticipated that the proposed development will generate 171 AM peak hour trips and 195 PM peak hour trips.

The existing Phase I development garage provides 92 parking spaces for the office uses and no on-site parking for the existing theater, restaurant, or retail uses. Because the Property is located within the Bethesda Parking Lot District, the Applicant is not required to provide any on-site parking. Nonetheless, in connection with the proposed Phase II building, the Project proposes a total of approximately 250 off-street below-grade parking spaces to enhance the marketability of the residential units. The parking provided is less than the amount required if the Project was not located in the Parking Lot District.

The new garage makes use of the below-grade portion of the Property that is not occupied by the existing movie theater and thus approximates a “dumbbell” shape that extends from north to

south along the eastern half of the Property. A common single helix ramp with two-way traffic lanes will allow for access to all levels of below-grade parking. The Purple Line presents a particular challenge to the design of the building's garage because it is located across the middle of the Property and requires a 3 to 4-foot depth, plus the depth of the support structure, in order to accommodate any possible modes. As a result, this accommodation occupies a significant and critical portion of the P-1 level and the north and south components of the garage must connect at the P-2 level and below.

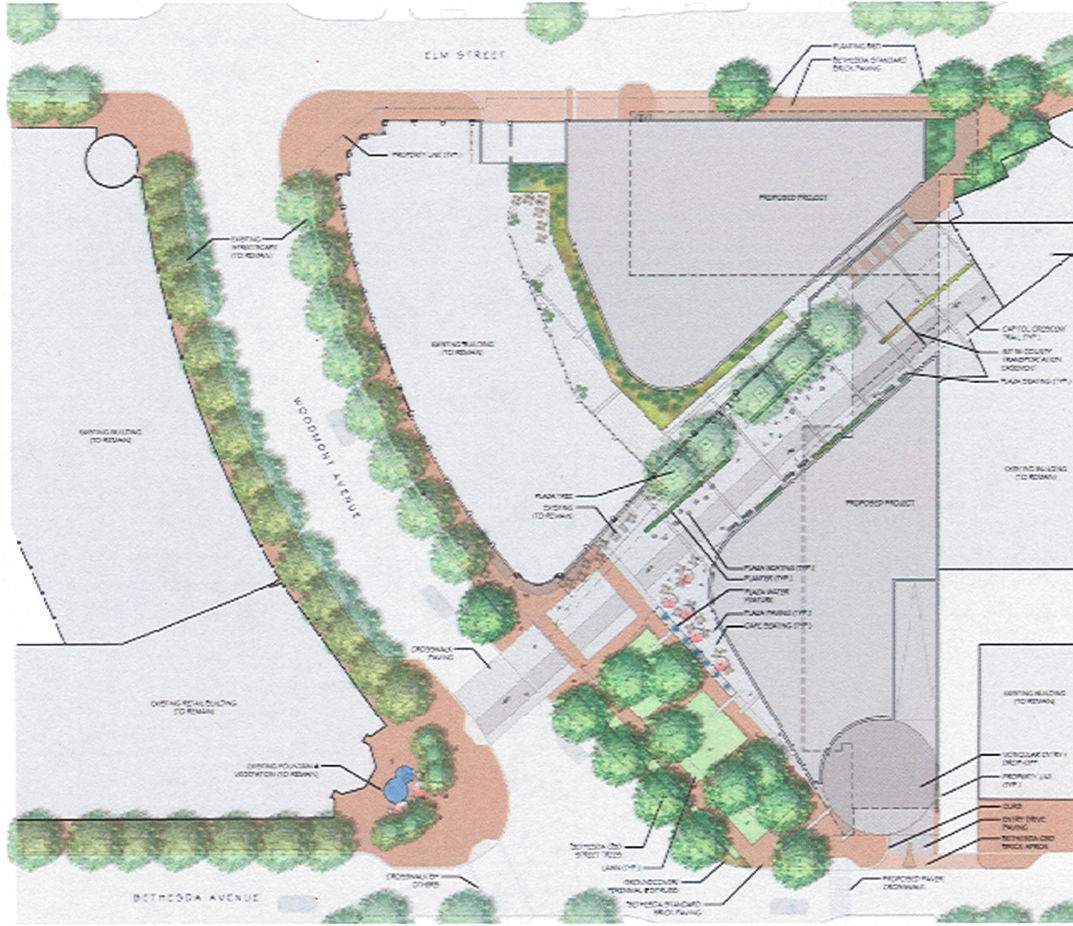
Landscape & Lighting

The most important public features of the proposed development are the commons, the plaza, and the mews that provide open space and an urban park for pedestrians and cyclists from throughout the region. Their success is directly related to the proposed landscaping and site amenities. As indicated earlier in the report, these open spaces need to accommodate a number of competing uses and do so in an attractive, functional, and safe way. These include the easement for the Purple Line tail tracks; the need to accommodate enough area for cyclists on the Georgetown Branch Trail to safely move through the site and, in the future, ramp up to an elevation sufficient to clear the Purple Line and remain elevated through the tunnel; the need to access Elm Street and the Discovery Trail, which sits at a one-story elevation above the plaza; and the need to provide a pleasant respite from the busy urban context and allow visitors and shoppers to relax and enjoy some shade and passive recreational opportunities, including access to the fronting retail stores.

Although most of the details will be fleshed-out out as the final easements, building footprints, and circulation patterns are established, the Applicant has proposed a linear urban park with an interior mews to complement the existing open spaces and continue the strong pedestrian-oriented environment in downtown Bethesda. Accordingly, the site has an urban aesthetic using ornamental and shade trees and vertical planting elements rather than expanses of lawn that could not tolerate the amount of foot-traffic in the area. There are, however, large panels of green space to accommodate passive recreation and provide a feeling of respite within the largely paved context. The open spaces propose a mix of paving treatments and plantings to delineate respective areas as well as circulation patterns to connect the Georgetown Branch Trail, the Capital Crescent Trail, the Discovery Trail, and the adjacent streets.

The lighting plan will use the Bethesda Streetscape standards within all rights-of-way on adjacent roads and will then pick more appropriate fixtures for the interior of the site. This interior lighting plan will focus on safety, accessibility, and visibility throughout the site. An urban open space, such as the one proposed, with more seating, hardscaping, and lighting is safer and usable for longer periods of the day than a more densely planted park-like setting.

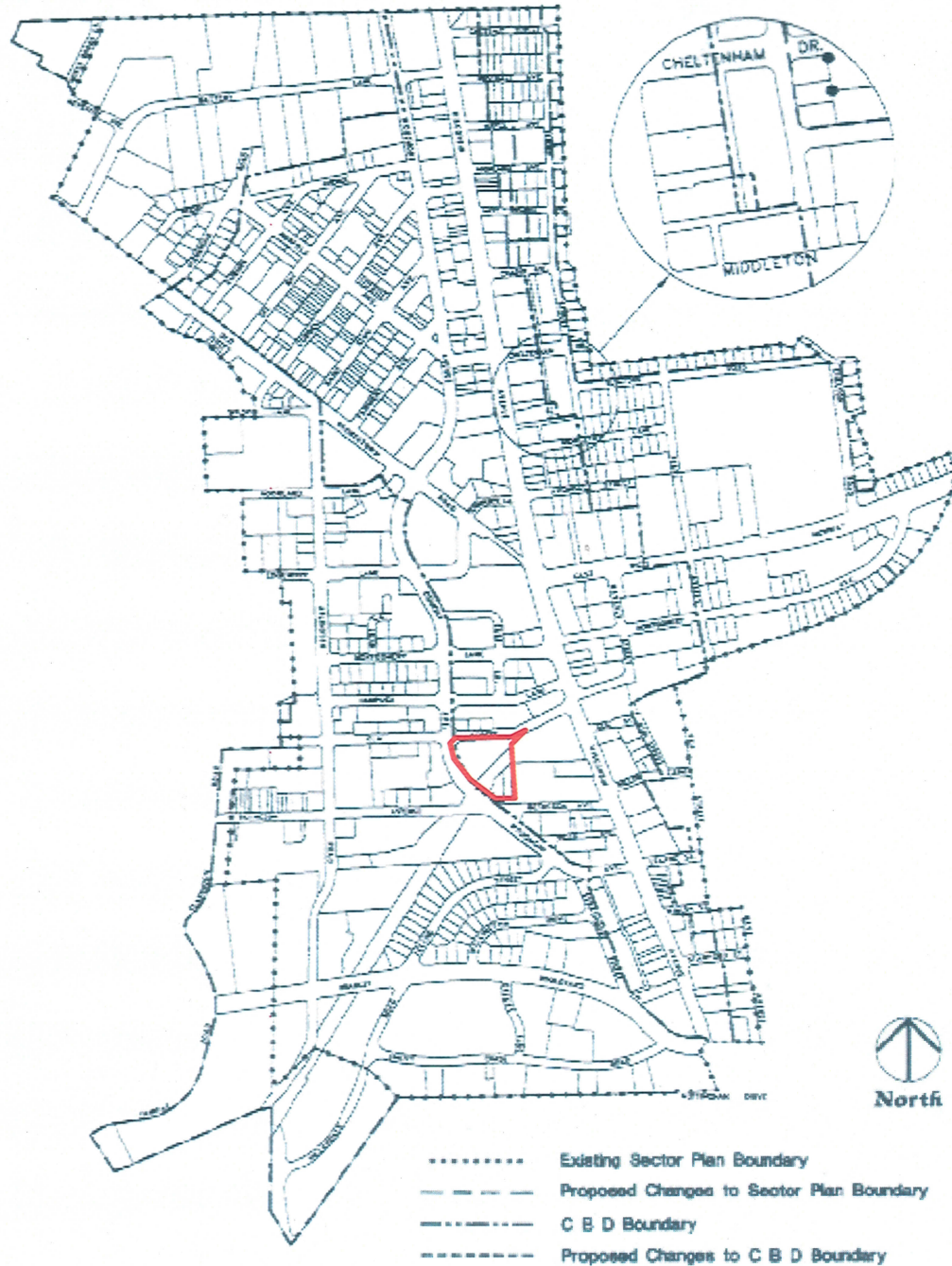
As noted, the proposed development details are still conceptual in nature, but the Applicant has worked with Staff on the possible provision of public art and a more inviting entrance to the Trail tunnel.



Landscape Plan

PLANNING AND REGULATORY FRAMEWORK

SECTOR PLAN



Bethesda CBD Sector Plan

The Bethesda Central Business District Sector Plan (Sector Plan) has six goals for the CBD in general and several recommendations specific to this site and the area. The general goals, from Section 1.2 on pages 3-4, are:

Downtown

Realize the vision of Bethesda as a diverse and lively downtown for Bethesda-Chevy Chase. Continue well-designed redevelopment within the Metro Core and reinforce the physical character and varied activities of districts radiating out from the Core so that each district has a distinct identity yet is linked into a coherent whole.

Urban Form

Encourage infill development that complements the underlying physical form of Bethesda. Create a high-quality built and pedestrian environment, including a network of pathways and open spaces. Enhance Bethesda's commercial and residential districts with improvements appropriate to the character of each.

Housing and Neighborhoods

Encourage and maintain a wide range of housing types and neighborhoods in and around Bethesda for people of all incomes, ages, lifestyles, and physical capabilities, in keeping with County goals. Provide an adequate supply of housing, including affordable units, to reinforce Bethesda as a place to live as well as work. Protect adjacent neighborhoods from commercial intrusion, undue traffic, and environmental degradation.

Employment

Provide opportunities for additional jobs in this major down-County employment center, in keeping with County policy to concentrate growth in the urban ring near Metro stations and to increase the County's revenue base.

Community Character

Enhance Bethesda as an appealing environment for working, shopping, and entertainment. Strengthen its attraction as a destination for visitors while ensuring that residents find a sense of community. Reinforce a unique sense of place through the themes of Bethesda as a "garden" and a "cultural district".

Circulation

Provide a safe and functional transportation system to serve the current and recommended land uses. Achieve a significant shift of travel from drive-alone auto use to transit, carpooling, and other alternatives. Enhance the pleasure, safety, and convenience of walking and bicycling.

The more specific recommendations with respect to the proposed development are broken into Land Use and Zoning, Urban Design, Circulation Systems, Housing, Community Facilities, and Environmental Resources. They are attached in Appendix A.

PROJECT PLAN

The subject Project Plan Amendment was filed on October 6, 2006 and accepted for review on April 2, 2007. According to Section 59-D-2.11,

“In order to ensure that the [proposed] development [in the CBD, RMX, and TOMX zones] will include the public facilities, amenities and other design features that will

create an environment capable of supporting the greater densities and intensities permitted by the optional method of development, the developer is required to submit a project plan as a part of the application for the use of the optional method; and a site plan must be approved in accordance with the requirements of division 59-D-3 prior to the issuance of any building permit. The project plan shall be such as would result in the satisfaction of the stated purposes of the zone applied for, and the fact that a project complies with all of the stated general regulations, development standards or other specific requirements of the zone shall not, by itself, be deemed to create a presumption that the proposed development would be desirable and shall not be sufficient to require the approval of the project plan or granting of the application.”

In reaching its determination on a Project Plan 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, and its consistency with an urban renewal plan approved under Chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size 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.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.

As our analysis and findings demonstrate, the Project Plan adequately addresses each of these considerations.

PROJECT ANALYSIS

SITE DEVELOPMENT STANDARDS

The subject site is zoned CBD-2 and is being developed under the optional method of development. It is, therefore, allowed greater height and density but must provide more public amenities including a greater amount of open space, affordable housing, environmental sustainability, and superior design. The following development data table illustrates the compatibility of the proposed development with the standards of the Zone.

PROJECT DATA TABLE (CBD-2)

Development Standard	Permitted/ Required	Proposed for Approval
Minimum Area of Lot (square feet):	18,000	96,499
Net Lot Area ¹ (square feet):	none	96,292
Public Use Space (% of net lot area):		
On-Site	20% (19,259 SF)	29% (27,951 SF)
Off-Site	none	37% (35,885 SF) ²
Total		66% (8400 SF)
Floor Area Ratio - Mixed Use		
Nonresidential	3	3
Total	5	5
Building Height (feet)	143	143 ³
Parking (spaces)	0 ⁴	250 ⁵
Setbacks (feet)	none	0

SECTOR PLAN CONFORMANCE

The proposed development addresses the general goals of the Sector Plan as follows:

Downtown

The Project contributes to the diversity of the Bethesda CBD by introducing additional residential, hotel and retail uses to the area. The Project is designed to reinforce the vibrancy of existing development at the intersection of Woodmont Avenue and Bethesda Avenue and to encourage pedestrian and cyclist circulation throughout the area.

¹ Net Site Area is calculated after the dedication of 207 square feet of dedication for truncation at the intersection of Woodmont Avenue and Bethesda Avenue.

² Including streetscape improvements and enhancements and renovations to Elm Street Park.

³ As measured from the building height measuring point on Elm Street (spot elevation 334).

⁴ The proposed development is within the Bethesda Parking District and is not required to provide any parking on site.

⁵ The final number and distribution of parking spaces will be determined at site plan.

Urban Form

The Project complements the existing physical form of Bethesda by converting five existing parcels into a cohesive developable site, replacing an unimproved lot next to an existing standard method project and the non-functional Reed Street with a proposal that complements existing uses on the Property. Approximately 29 percent of the on-site Project Plan area will be devoted to open space for use by the public. In the event that the Purple Line is developed, the Project will continue to provide quality public open space and will also accommodate a bicycle ramp to provide access to the elevated Georgetown Branch Trail. In addition, approximately 36,000 square feet of the area surrounding the Property or associated with the Trail, but not on the Property, will be improved. The total on-site and off-site public open space improvements account for approximately 66 percent of the net lot area.

Housing and Neighborhoods

The proposed development provides for the development of approximately 250 new residential units in the Metro Core District, in close proximity to the Bethesda Metro Station and several bus routes. These units will include a mix of one-, two- and three-bedroom units. The Project will include 12.5% MPDUs on-site. Additionally, the Project provides off-street parking to minimize the imposition of negative impacts on adjacent neighborhoods.

Employment

The Project creates new opportunities for employment in the CBD by placing a mix of uses on the Property, including a hotel with 225 rooms and additional retail space. Additionally, the Project preserves Woodmont East Phase I, which houses such important business as OPNET and the Landmark Theater, thereby allowing this significant employment that already exists within the CBD to continue. The Project provides significant amenities to current tenants, including the provision of a private terrace and underground parking, which serve to reinforce the attraction of this location to these valued employers.

Community Character

The hotel and retail uses that the Project proposes, will enhance the appeal of this area for working and shopping, while the residential component helps to establish a true urban community. The Project's open space, green areas and streetscape improvements physically reinforce Bethesda's "garden" and "cultural district" themes in two respects: 1) literally, with trees, benches, and sidewalks that conform to the Bethesda CBD Streetscape Plan; and 2) functionally, through the provision of a high-quality open spaces and pedestrian thoroughfares that allow the public to gather and enjoy the sense of place that the Project stimulates.

Circulation

The proposed development provides opportunities for housing, tourism, employment and recreation within close proximity to public transportation. In addition, the Project is specifically designed to accommodate the Purple Line, which will provide public transportation between Bethesda and Silver Spring, thereby creating conditions that may reduce drive-alone auto use by residents, patrons, and visitors to and from the building. The Project also provides off-street parking facilities that will minimize the impact from residents and patrons of this site on parking and traffic circulation in the neighborhood.

In light of the Sector Plan's goals of enhancing the pleasure, safety and convenience of walking and bicycling in the Bethesda CBD, the importance of the Project's upgrading and realignment of the Georgetown Branch Trail and connection to the Discovery Trail are very important. These improvements respond directly to the Sector Plan and will result in a safer and more pedestrian-friendly route across Woodmont Avenue. The potential elevated path from the Property to the tunnel will continue the attraction of the existing right-of-way for recreational users in the event that the Purple Line is developed.

The analysis of the Project regarding the specific recommendations of the Sector Plan is detailed in the Findings section of this staff report.

TRANSPORTATION ANALYSIS

Site Location and Vehicular Access Points

The subject property is located on the east side of Woodmont Avenue between Elm Street and Bethesda Avenue. The Reed Street right-of-way within this site is to be abandoned as part of the preliminary plan. The Georgetown Branch Trail and the master-planned Purple Line alignment bisect the site from east to west. The vehicular access points to the proposed underground parking garage are from the south side of Elm Street and the north side of Bethesda Avenue.

Pedestrian and Bicycle Circulation

The site's open space on the east side of Woodmont Avenue is heavily used by pedestrians and bicyclists especially on weekends. The surrounding local restaurants and service retails draw a high volume of clientele on late evenings and weekends when area sidewalks, bike paths, and roadways are carrying a heavy volume of pedestrian, bicycle and vehicular traffic.

There is currently a substantial demand for weekend recreational use of the surface parking lot as a loading/unloading area for users of the Capital Crescent Trail to access downtown Washington, DC and the interim Georgetown Branch Trail to access Rock Creek Park and downtown Silver Spring. These Capital Crescent Trail users coming from the tunnel must cross the north leg of Woodmont Avenue and west leg of Bethesda Avenue to reach the Capital Crescent Trail trailhead at Bethesda Avenue adjacent to Lot 31/Lot 31A.

At the Woodmont Avenue/Bethesda Avenue intersection along the Capital Crescent Trail, the observed peak-hour usage in September 2006 was as follows:

Trail Usage Table

Peak Usage in Sept. 2006	Time of Day	Total Users	Percentage of Each Type of User				
			Bicycle	Walking	Jogging	Skating	Infants*
Weekday AM	7:00 a.m.	231	32%	35%	32%	0%	1%
Weekday PM	5:00 p.m.	339	42%	40%	15%	1%	2%
Weekend (Sunday)	11:00 a.m.	565	44%	31%	19%	1%	5%

* The infants are pushed or carried by their caregiver.

These numbers were obtained from the *2006 Capital Crescent Trail Survey* that the Planning Board was briefed on at its public hearing held on July 19, 2007. The 2006 Trail usage given above has increased by 105% between 1996 and 2006.

Sector-Planned Roadways and Bikeways

In accordance with the *Bethesda Central Business District Sector Plan* and the *Countywide Bikeways Functional Master Plan*, roadways and bikeways are designated as follows:

1. Wisconsin Avenue (MD 355) is classified as a major highway, M-6, with a minimum recommended 114-foot right-of-way near the site.
2. A regional shared use path, SP-6, also known as the Georgetown Branch Trail runs from the Silver Spring Metrorail Station to the Woodmont Avenue/Bethesda Avenue intersection, and is contiguous with the Capital Crescent Trail that continues south into the District of Columbia.
3. Woodmont Avenue is classified as an arterial, A-68, with a minimum recommended 80-foot right-of-way. Bike lanes, BL-6, are identified along Woodmont Avenue between Battery Lane and the Capital Crescent Trail.
4. Arlington Road is classified an arterial, A-82, with a minimum recommended 80-foot right-of-way.
5. Bethesda Avenue is classified as a business district street with a minimum recommended 60-foot right-of-way width and a Biker Friendly Area between Arlington Road and Woodmont Avenue. A signed shared roadway, SR-9, is identified along Bethesda Avenue between Exeter Road and Woodmont Avenue. A shared use path, SP-44, is also identified as the above-ground alternative route for the Georgetown Branch Trail along Bethesda Avenue between Woodmont Avenue and Elm Street Park (i.e., located on the east side of Wisconsin Avenue at Elm Street and 44th Street).
6. Elm Street is classified as a business district street with minimum recommended 60-foot right-of-way and a Biker Friendly Area. Bike lanes, BL-7, are identified along Elm Street between Exeter Road and the Capital Crescent Trail.
7. Hampden Lane is classified as a business district street with minimum recommended 60-foot right-of-way and a Biker Friendly Area.

Available Transit Service

The Bethesda Circulator (formally Ride-On route 92 that is now operated by the Bethesda Urban Partnership) operates along Woodmont Avenue between Bethesda Avenue and Old Georgetown Road and along Bethesda Avenue between Woodmont Avenue and Arlington Road. The Bethesda Metrorail Station is approximately 700 feet north of the site.

Bicycling Parking

The following bicycle parking facilities are required due to the proximity of this project to the Georgetown Branch Trail and other numerous nearby bikeways:

1. Twenty (20) bike lockers *for residents of the apartments* in a highly visible, well-lit location of the parking garage within 50 feet of the elevators.
2. Five (5) bike lockers *for hotel employees* in a highly visible, well-lit location of the parking garage within 50 feet of the elevators.
3. Ten (10) inverted-U bike racks *for retail customers* located in a highly visible, well-lit and weather-protected area on the plaza.
4. Five (5) inverted-U bike racks *for visitors of the residential apartments* located in a highly visible, well-lit and weather-protected area near the main public entrances.
5. Two (2) inverted-U bike racks *for hotel patrons* located in a highly visible, well-lit and weather-protected area near the main public entrance.

As discussed in condition No. 13 in the Transportation Planning Memorandum, the ultimate number, location, and timing of installation of the bicycle parking facilities will be determined prior to approval of the certified Site Plan.

Georgetown Branch Trail

The Georgetown Branch Trail refers to the trail east of Woodmont Avenue, while the Capital Crescent Trail refers to the trail west of Woodmont Avenue. The Georgetown Branch Trail passes through the project site.

The Capital Crescent Trail/interim Georgetown Branch Trail is one of the most popular and extensive recreational and commuter trails in the DC Metropolitan region. It provides off-road trail access to downtown DC and Bethesda, as well as to downtown Silver Spring. The interim Georgetown Branch Trail (with crushed stone surface east of the site) offers connection across Montgomery County to Stewart Avenue in the Lyttonsville Area. Future plans continue the Georgetown Branch Trail into and through downtown Silver Spring as part of the Purple Line. The trail connects to the planned Metropolitan Branch Trail at the Silver Spring Transit Center, which ultimately will take users to Union Station in Washington, DC. The trail is a major transportation facility that's use, at times especially in the vicinity of Woodmont Avenue, exceeds the vehicular traffic volumes on the streets approaching the Bethesda Avenue/Woodmont Avenue intersection; it, therefore, needs to be accommodated in the intersection at least as well as the intersecting streets, which are only a local transportation infrastructure.

The Applicant proposes to close the access to the Georgetown Branch Trail tunnel during construction of subject development. As mitigation for closing the tunnel, the Applicant will develop a temporary connection along adjoining streets to take trail users from the tunnel entrance to the Capital Crescent Trail. As part of this alternative connection, the Applicant will

also negotiate a temporary access route to the tunnel either through the Artery Plaza site (garage) or the adjacent property along Elm Street (breaking through tunnel wall). Prior to the Planning Board's hearing on the Site Plan, the proposed interim temporary route must be submitted to Planning Board staff for review by County agencies and the public as specified in Recommendation No. 10.

Georgetown Branch Master Plan Amendment Recommendations Related to the Purple Line

1. *The Georgetown Branch Master Plan Amendment, Approved and Adopted on January 1990* includes the following features or recommendations:
 - a. A terminal point of the "Bethesda & Silver Spring Trolley" within the Georgetown Branch right-of-way is located at Woodmont Avenue (refer to attached Exhibit C, Figure 5 from the *Master Plan*). The planned "Bethesda & Silver Spring Trolley" is now more commonly referred to as the planned "Purple Line"⁶. The master-planned right-of-way for the Purple Line as shown in the plan is located under the planned hotel and extends west to Woodmont Avenue where the right-of-way ends.
 - b. The southern entrance to the Bethesda Metrorail Station is to be connected to the trolley facility to provide a convenient, direct transfer from the Bethesda (Purple Line) Terminal Station to the Metrorail system.
 - c. The Bethesda Station design includes an extension of a concourse (that is long enough to accommodate the trail) through the platform area in order to provide adequate trail width and safety."
2. The Bethesda Terminal Station Concept Plan is depicted as attached Exhibit D, Figure 20 in the *Georgetown Branch Master Plan Amendment*. The plan includes the following features:
 - a. The track that extends west of the actual station platform is referred to as a "tail track" and is required at the end-of-line locations to provide operational flexibility (i.e., storing spare or disabled trains, staging equipment for track maintenance in non-operating hours, etc.).
 - b. The connection with the Metrorail South entrance is by elevator. More information on the latest concept design for the Bethesda Terminal Station is provided under the section that discusses the Draft Environmental Impact Statement (DEIS) that is now underway.

⁶ The Maryland Mass Transit Administration (MTA) is currently developing a Draft Environmental Impact Statement (DEIS) for a Purple Line that would extend from this terminal point in Bethesda to New Carrollton in Prince George's County. The modes under consideration include Light Rail and Bus Rapid Transit.

Bethesda CBD Sector Plan Recommendations related to the Purple Line

In accordance with the *Bethesda Central Business District Sector Plan, Approved and Adopted on July 1994*, the recommendations for the “Bethesda & Silver Spring Trolley” or Purple Line in the vicinity of the Applicant’s project include the following:

1. The construction of a south entrance to the Bethesda Metrorail Station.
2. The connection of a light rail to the Silver Spring CBD using the Georgetown Branch right-of-way with a terminal: This connection is located near the south entrance to Bethesda Metrorail Station in the Bethesda CBD Core.
3. A final trolley alignment and terminal location decision to be made in the context of federal and state requirements: This alignment includes the evaluation of all reasonable alternatives.
4. The introduction of two alternatives (refer to attached Exhibit E) for locating the Bethesda Station terminal point and the deletion of the existing (Georgetown Branch) Master Plan terminal: One alternative is west of the Apex Building and another is north of the Apex Building. Both locations are described as being within the Georgetown Branch right-of-way although the north option is also described as being within the right-of-way of Elm Street at Wisconsin Avenue. The west alternative is described as requiring a tunnel under Elm Street to access the new south entrance to Metrorail. The north alternative would have access to the Metrorail via an elevator. It is this north alternative that has been carried over to the DEIS work (refer to the next section).
5. The recommendation of the hiker-biker trail in the Georgetown Branch Master Plan must be accommodated: The Plan acknowledges the space constraints in the tunnel under the Air Rights and Apex Buildings at Wisconsin Avenue and recommends an on-street bicycle route to either replace or supplement the tunnel route. The route departs the trail at Elm Street Park and is on-street via Willow Lane and Bethesda Avenue.

The Purple Line’s Draft Environmental Impact Statement

The current DEIS is evaluating the following two options at the Bethesda Terminal Station:

1. Light Rail Transit (LRT): The LRT option includes the station platform approximately 200 feet in length within the tunnel and “tail tracks” that would extend out of the tunnel towards Woodmont Avenue through the Applicant’s plaza area (refer to attached Exhibit F). A conceptual drawing of how the Purple Line station would relate to the planned southern entrance to the Bethesda Metrorail Station is shown as attached Exhibit G.
2. Bus Rapid Transit (BRT): The BRT option includes bus routing that could involve buses traveling through the plaza area from Woodmont Avenue into the plaza and tunnel in route eastbound to Silver Spring over the Georgetown Branch right-t-of-way. Whether LRT or BRT the anticipated peak period service frequencies are expected to be between six and ten minutes.

The important concepts discussed below specifically relate to those being evaluated as part of the DEIS and the Applicant's project:

1. The Trail Connection within the Tunnel: As previously noted, accommodating the trail in the tunnel is a challenge. The current plans call for the trail to enter the tunnel above the LRT/BRT vehicles and for trail users to descend to the surface via a switchback ramp that is to be constructed within an area provided by the Applicant as a condition of project approval. Refer to the attached drawing in Exhibit H of the trail over the right-of-way. The Applicant is reserving space on-site to accommodate a switchback ramp to take trail users from the plaza up to the future trail above the Purple Line. The Applicant assumes that this facility will be constructed by MTA at the time the Purple Line is built.

2. Coordination with MTA: The MTA and the Applicant have been reviewing the respective plans for this area for two years. Please refer to MTA letter dated October 26, 2007. It is anticipated that the conditions outlined in the attached DPWT letter of August 27, 2007, (Attachment A) will meet the MTA requirements. These conditions include the following:
 - a. Establish and record separate easements and reservations to accommodate construction and operation of the following:
 - 1) The proposed Purple Line would traverse through the tunnel under the Apex Building and stop at Woodmont Avenue.
 - 2) The permanent Georgetown Branch Trail in accordance with Montgomery County requirements in the event the Purple Line is constructed.
 - 3) A ramp that would provide access to the elevated portion of the permanent Georgetown Branch Trail to be located in the tunnel in the event the Purple Line is constructed.

 - b. To satisfy MTA requirements, the easement and reservation must include the following:
 - 1) A reservation width for the Purple Line that provides a minimum of 38 feet at the Applicant's building and the Apex Building and an easement width of minimum of 32 feet at Woodmont Avenue.
 - 2) A lower elevation of the easement for the Purple Line that is four feet below the top of the rail for the Purple Line as identified by the MTA.
 - 3) An upper elevation of the easement for the Purple Line that is 23 feet above the top of the rail for westbound track/lane of the Purple Line as identified by MTA.
 - 4) Additional space/widths as identified by MTA to accommodate the 10 foot wide hiker/biker trail on the ramp west of the tunnel.

Local Area Transportation Review

A local area transportation review was completed by Transportation Planning Staff to analyze traffic impacts of the proposed development. At all six studied intersections, the critical lane values are less than the congestion standard of 1,800 CLV for the Bethesda Central Business District Policy Area and, thus, the LATR test is satisfied. Complete tables are included in the preliminary plan staff report.

Traffic Operation Analysis in Vicinity of the Site

In response to concerns raised by DPWT and the Planning staff, an operational analysis of the studied intersections above was performed using a traffic simulation program called SYNCHRO. The analysis included the current and future traffic conditions for the proposed intersection improvements. The traffic simulation analysis included the build-out of the private mixed-use developments, composite increase in public parking spaces, and pedestrian/bicycle circulation improvements.

The table below shows in longest average queue length resulting from this analysis with a left-turn lane at westbound Elm Street at the intersection with Woodmont Avenue for the worst-use weekday evening peak hour:

Queuing Length Table

	Intersection Approach			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	61	155	100	118
Distance for the Next Upstream Intersection	301	194	68	552
% of Time the Upstream Intersection is Blocked	0%	19%	31%	0%

With the left-turn lane on westbound Elm Street, “the percentage of the time the upstream intersection was blocked” decreased by 40%.

Policy Area Mobility Review

Policy Area Mobility Review (PAMR) is not required under the *FY 2007-2009 Growth Policy* because the preliminary plan was filed before January 1, 2008.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO) to assist in achieving the 37% non-auto-driver mode share goal for employees working in Bethesda Central Business District.

ENVIRONMENTAL ANALYSIS

Environmental Planning Staff’s recommendation remains unchanged from the original project plan submission.

Noise

A noise study is required at time of site plan submission to determine whether interior noise mitigation will be needed for this project. Noise measurements for nearby projects have shown levels greater than 65 dBA Ldn along both Bethesda and Woodmont Avenue.

Environmental Guidelines

The Applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 420070490 on October 5, 2007. The site does not include any streams, wetlands, or floodplains.

Forest Conservation

The Applicant submitted a Preliminary Forest Conservation Plan with the Preliminary Plan and Project Plan. There is no forest on the property and a planting requirement of 0.33 acres. The planting requirement will be met by either offsite mitigation or by payment of fee-in-lieu.

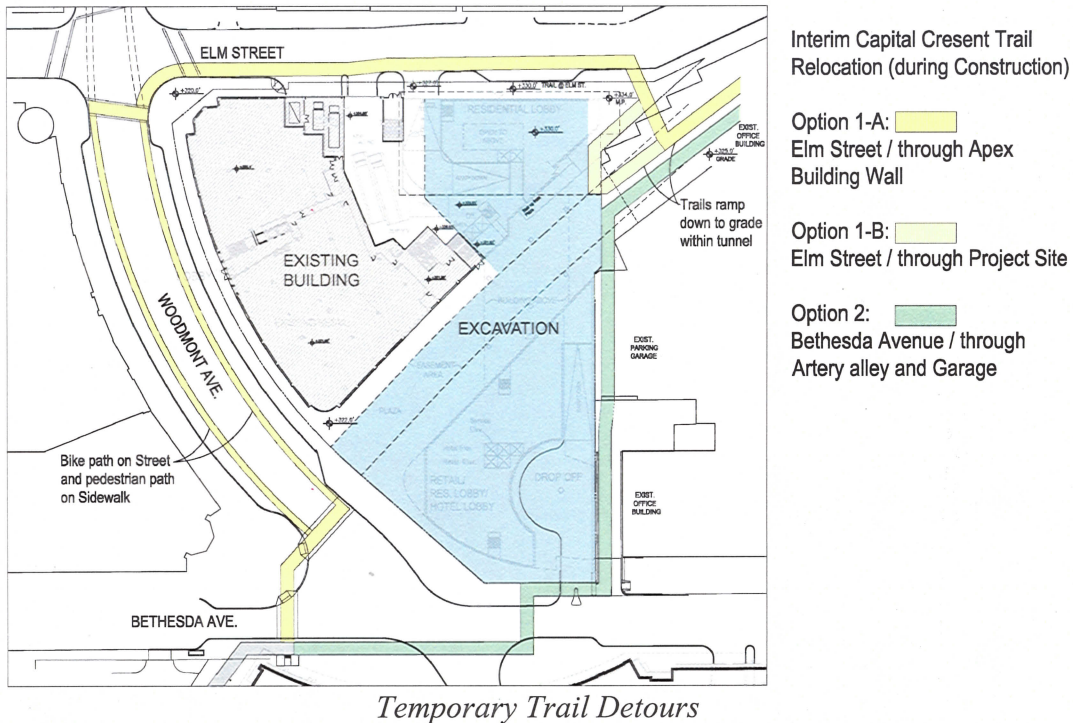
LEED Silver Certification

The Applicant is working with its environmental consultant to ensure a LEED Silver rating for the building. This is especially important given the Bethesda Green Initiative that encourages environmental sustainability in the community.

DEVELOPMENT CONCERNS**Georgetown Branch Trail (Capital Crescent Trail)**

Prior to the initial Staff Report for this Project Plan, a great deal of concern was raised about keeping access open to the section of the Georgetown Branch Trail that runs through a tunnel under Wisconsin Avenue. The Trail, at this location, is used by thousands of people to recreate, to access shopping, and for the commute to and from work. It has been made abundantly clear that the Trail users wish to keep the Tunnel access open and that the potential for at-grade crossings of Wisconsin Avenue (should the Trail be closed) is not a desirable alternative at this time. Staff has worked with the Applicant on this issue for several months and, as conditioned, the Applicant has agreed to keep Trail access to the Tunnel from the westbound entrance open during construction. After construction the Trail area through the Subject Property will be greatly enhanced.

The following plans illustrate the three detour options currently being analyzed. A final determination of the exact route and all necessary signage, safety measures, and details will be made during the site plan review process.



Green Space

Although Staff received fewer emails and phone calls about this issue, the initial hearing on this project was dominated by citizen concerns for “green open space with light and air”. The site was nominated for Legacy Open Space (LOS) status. Development Review Staff met with the Department of Parks to analyze the criteria for this nomination and discuss how citizens might be served by such an open space at this location. The Park Planning’s Stewardship Department, which oversees LOS nominations, recommended that the site not be added to the Legacy Open Space program. Instead, Staff has worked with the Applicant to create a plan that satisfies the recommendations of the Sector Plan, the Zoning Ordinance, and the community desire for green, open space.

The current proposal contains a 9% more on-site public use space than is required by the Zoning Ordinance (as well as private on-site green space), but it maintains the density and height limits recommended by the Sector Plan. Further, the commons has more than 3,600 square feet of lawn panels that allow for passive recreation and relaxation in a cool, green space. The plantings within the plaza, the mews, and the commons have been designed to accommodate future transit needs without any loss of vegetation thus ensuring a continual garden theme at the heart of Bethesda’s liveliest intersection. The location and design of this landscaping in concert with the proximity to transit and the LEED Silver rating will make this one of the most environmentally conscious projects in the area.

Density & Traffic Congestion

A final concern brought up before the previous hearing on this project was the amount of density that is already being built or is proposed in the downtown Bethesda area in general. The following discussion is included from the original staff report, because it was not covered during the hearing.



Project, Preliminary Plans and Site Plans under Review or under Construction

The predicted traffic generation of all proposed developments is added to the total “background” calculations that are provided as part of the transportation analysis for all preliminary plan applications. Thus, the transportation review of any proposed development takes into consideration both existing and proposed development. Likewise, the Sector Plan makes specific recommendations for land use based on an initial balancing of the need and capacity for certain land uses. As such, when a proposed development is reviewed for consistency with the density and land use recommendations of the Sector Plan, the contextual analysis is built into the review process.

Notwithstanding the two contextual safeguards just mentioned, Staff is aware that many citizens have concerns about the potential congestion that the seemingly large amount of ongoing development in Bethesda may cause. But the reviews of the Zoning Ordinance, the Sector Plan, Transportation Guidelines, and Environmental Guidelines in place at this time all indicate that

the increased density of this project as proposed can be accommodated. As one can see on the map of Downtown Bethesda, there are numerous plans under review and Staff continues to analyze each on its own merits and in relation to existing and proposed developments in the area.

FINDINGS

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and form the basis for the Board’s consideration of approval. In accordance herewith, the Staff makes the following findings:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

Intents and Purposes of the CBD Zones

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

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

The Project Plan proposes to use the optional method of development and is in conformance with the Bethesda Central Business District Sector Plan. The proposed development is a mixed-use building with residential, hotel, office, and retail uses, all of which are permitted in the CBD-2 Zone.

The proposed building height is 143 feet, which is in conformance with the Montgomery County Zoning Ordinance that permits buildings up to 143 feet in height under the optional method.⁷ The Applicant is requesting a maximum of 250 multi-family dwelling units, a maximum of 225 hotel rooms, 40,350 square feet of general retail use, and 78,300 square feet of office use including existing uses. This is the current maximum allowed by the Preliminary Plan Adequate Public Facilities (APF) review. An increase in the number of units, hotel rooms, or commercial space at site plan submittal may require an amendment to the approved plan and a new APF review. The CBD-2 Zone allows up to a 2.0 residential FAR and a 5.0 total FAR, which the Applicant is requesting.

⁷ In fact, the Planning Board may approve building heights up to 200 feet in the CBD-2 to accommodate workforce housing. This application was received prior to December 1, 2006, so workforce housing is not required.

The Project Plan will accomplish important Sector Plan objectives as outlined in detail in the Analysis Section of the Staff Report. Namely, the proposed project meets the land use and zoning recommendations of the Plan; exceeds the urban design expectations of the Plan; encourages pedestrian and bicycle use with numerous connections and upgrades to trails and sidewalks; expands housing opportunities in the downtown and does so in proximity to transit facilities; proposes a number and diversity of public-use facilities on- and off-site; and increases the amount of biomass and stormwater retention on-site.

- (2) *“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 variety of land uses and activities proposed with this Project Plan are numerous and directly in line with the Sector Plan’s goals and recommendations. These include increased shopping and dining opportunities; recreational opportunities; hotel accommodations to bring visitors to the area; access to public transit; and needed office space downtown. The Project Plan also responds to the need for a variety of housing, including Moderately Priced Dwelling Units, in the Metro Core Area of downtown Bethesda. By creating usable public space, the project will help meet the recreational needs of local residents.

Under the optional method, this project encourages the development of active urban streets by providing public space along street edges and improves the quality of the pedestrian environment within the improved streetscapes. The improved streetscape, along with the public amenities – especially the large urban, green open spaces, addresses the need for increased public interaction to enhance the ambiance of downtown Bethesda. This project will also increase the vitality of downtown Bethesda and add economic infrastructure for commercial and retail businesses.

- (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 Project will provide a compatible and desirable relationship with adjacent and surrounding uses. The design provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian environment due to the upgraded streetscape, public spaces, trail and sidewalk connections, and site amenities. The building and site designs respond to the unique transition space this Project occupies between the center of the Metro Core and the edge of the surrounding CBD.

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

The proposed development is located within blocks of the Bethesda Metro Station and even closer to many bus stops and the Trolley. It is also directly adjacent to the future Purple Line and a connecting Metro Station. This proximity to transit facilities as well as other downtown shopping, restaurants, and cultural establishments will help alleviate the dependency on the automobile for the residents of the development. The public plaza and streetscape improvements along Woodmont Avenue and Elm Street will facilitate the desire for pedestrian connectivity to the metro core areas of Bethesda.

The Applicant will also provide amenities for residents commuting by bicycle and will enter into a traffic mitigation agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Bethesda CBD. The TMA will outline possible transit alternatives, monitoring of the program and commuter display information.

(5) *“To improve pedestrian and vehicular circulation.”*

This Project Plan encourages the development of active urban streets and open spaces and improves the quality of the pedestrian environment by providing enhancements to the streetscape as prescribed by the Sector Plan. Vehicular circulation patterns are largely unchanged, but have been analyzed to minimize any impacts of increased traffic.

The streetscape improvements along Woodmont Avenue and Elm Street facilitate the desire for pedestrian connectivity to the bus and metro station. More importantly the connections from the public plaza to the Discovery Trail and the improvements to the Georgetown Branch Trail will greatly enhance the use of the numerous trails and open spaces downtown. Activation of Elm Street by the condominium lobby is especially needed to integrate the site into its surrounding context.

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

The Project proposes 250 dwelling units and includes 12.5% MPDUs. The unit types provided within the building vary from one- to three-bedroom units. This range of unit types allows for people of various incomes to live in the Central Business District.

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

The Project Plan addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The project is

assembling several lots to make one more functional lot accommodating an appropriately sized multi-use building.

Further Intents of the CBD-2 Zone

Section 59-C-6.213(c) of the Zoning Ordinance states that it is further the intent that the CBD-2 Zone:

- (1) *“To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral area within and adjacent to the districts; and*
- (2) *To provide an incentive for the development of residential uses to meet the needs of those employed with 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 proposed development creates an appropriate transition from the Core area of the CBD to the mixed-use neighborhood to the south through innovative massing and the stepping of its building height. Further, the integration of public spaces between and around the site enhances the feeling of openness as one moves from the tightly-packed Core to the less dense surrounding context.

The proposed residences are within blocks of a large transit station and directly adjacent to future transit as well as literally on top of one of the most widely used trail systems in the County. Both the residential and the employment opportunities provided by the Project Plan encourage travel by mass transit.

Requirements of the CBD-2 Zone

The table on page 22 demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development. The proposed development meets the area, public use space, building height, and density standards of the CBD-2 Zone.

The total on-site public use area is approximately 28,000 square feet or 29 percent of the net lot area of the Property. The total off-site public use and amenity space is 37,278 square feet or 38.7 percent of the net lot area of the Property. The total on-site and off-site public use and amenity area equals 67.8 percent of the entire net lot area of the Property. Staff believes that construction of the easement area for the Purple Line to accommodate any mode MTA decides to pursue is of significant public benefit and may be considered part of the public use space. That is to say, for the small amount of time that the “tail tracks” would house a train, the benefits afforded the transportation network for local and regional travelers is a public use that is balanced against the temporary loss of open space.

While the Project will provide a combination of interior and exterior spaces which will be available only to residents, it will also provide new outdoor areas for certain tenants of the existing Phase I development. The Project will provide an outdoor terrace at the second floor which will accommodate office users in the existing Phase I office building as well as the new residential uses on the Property. Private residential terraces will exist at the eighth, ninth and

fourteenth floors. The Project also provides interior amenity space for the residents and hotel patrons which will be further detailed at the time of site plan review. Through the combination of outdoor private space and the facilities to be provided within the building, the Applicant will satisfy its Recreational Facilities requirement.

Amenities and Facilities Summary

On-Site Improvements

- Public commons with over 3,600 square feet of green area, fountains, seating, and plantings.
- Public plaza and mews with benches, landscaping, water features, lighting.
- Consideration of public artworks within the open space.
- Signage and way finding delineating the numerous trails, open spaces, and parks within the Bethesda CBD.
- Improvements to the Georgetown Branch Trail.
- Connections to the Discovery Trail and Elm Street from the plaza.
- Landscaped terraces and recreational opportunities for residents and office employees.

Off-Site Improvements

- Streetscape improvements along Woodmont Avenue, Elm Street, and Bethesda Avenue.
- Enhancement and renovations to Elm Street Park, including play equipment, landscaping, drainage improvements, and seating.

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

Zoning and Land Use

The subject property is zoned CBD-2, which is recommended by the Sector Plan. The proposed mixed-use development is composed of 250 dwelling units, a 225 room hotel, and approximately 118,650 square feet of commercial space. The proposal will be implemented under the optional method of development and proposes a density of 5.0 FAR. The maximum total density permitted for this site under the optional method of development is 5.0 FAR.

The minimum required on-site public use space for this project is 20 percent of the Net Lot Area and the Project proposes 29 percent. As conditioned, the proposal conforms to the approved and adopted Sector Plan.

Sector Plan Conformance

The Approved and Adopted Bethesda CBD Sector Plan is organized around several goals that the Project satisfies:

- Establishment of a vibrant and diverse downtown,
- Development by infill that complements the existing urban fabric,
- Development of a wide range of housing,

- Creation of employment opportunities,
- Creation of an appealing environment for working, shopping, and entertainment.
- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

The Project will continue the tradition of great urban streets provided along Bethesda Row with diverse open spaces, gathering areas, and a variety of living, working, shopping, and recreational opportunities. The Project is quintessential infill development – creating one lot out of several to accommodate numerous complementary uses and articulated in a fashion that transitions from one adjacent building to another. The project will be within walking distance of the Bethesda Metro Center and other Metrobus and Ride-On bus stops as well as to future mass-transit options.

In order for the Project to function and accommodate the goals of the core area, the design emphasizes distinct volumes and spaces according to use. This unique site at the edge of Bethesda’s Metro Core District allows the Project to concentrate density in two distinct volumes – on the northeast of the Property and along the western edge of the Property – and step down towards the open spaces along Woodmont Avenue and between the buildings. This achieves a “fine-grain” texture and takes advantage of views over the adjacent and confronting buildings, and allows sunlight and air into the space, maintaining a feeling of open space at the intersection. The architectural detailing will create of a strong visual statement at the southwest corner of the Metro Core District to unify and enhance the existing urban fabric. The retail component and lobbies at the ground plane reinforce the existing pedestrian scale.

The proposed development addresses the specific recommendations of the Sector Plan as follows:

Land Use and Zoning

The Project furthers these Sector Plan recommendations by proposing an innovative signature structure to complete the southern end of the Metro Core District. The proposed building will complement existing development on the Block and development in the Arlington Road District along the western side of Woodmont Avenue, as well as the approved development on the Lot 31 site. The building's height and massing have been modified from the Sector Plan's recommendations in order to satisfy community desires for more green area on site, but will serve to concentrate density close to the Metro Core while preserving a reduced scale along Woodmont Avenue. The Project will locate open space in a manner that caters to a high volume of pedestrian activity through the area.

Urban Design

The Project proposes the development of a mix of uses on the Property, including hotel and retail, which will promote an active and lively street environment. It will integrate existing office and retail uses with new retail space to complement similar uses along the western side of Woodmont Avenue, unifying commercial activity throughout the Metro Core. It also proposes a large, rich, and vibrant open space that will serve as a stage for many public activities.

The proposed development achieves a "fine grain" urban form through the use of architectural massing that creates the appearance of two separate buildings connected by a bridge. The tallest portion of the structure will be located adjacent to Elm Street and along the eastern edge of the Property; this placement will allow the structure to reflect the denser development intended for the center of the Metro Core District. The proposed building then steps down towards the Woodmont Avenue commons to provide a more appropriate transition as the building moves to the edge of the Core area. The lowest portion of the building will front Woodmont Avenue and preserve the scale of existing development at that location.

The Project provides a series of open spaces that are both functional and attractive. As previously described, the proposal will create a new commons, public plaza, and mews in this important area of Bethesda that will serve as an attractive community gathering place and make this area of the CBD even more vibrant.

The proposed development will improve the Georgetown Branch Trail and provide a destination for trail users. The Applicant is exploring options for demarking the trail across Woodmont Avenue to create an obvious connection between the Barnes & Noble corner and the Property.

Circulation Systems

The Project will provide streetscape improvements along Woodmont Avenue in accordance with the recommendations of the Bethesda Streetscape Plan, including brick pavers, lighting, benches, and landscaping. Sidewalks on the perimeter of the Property will be improved to widths of approximately 18 feet along Elm Street, approximately 100 feet along Woodmont Avenue, and approximately 8 feet along Bethesda Avenue. These streetscape improvements will tie in with the future streetscaping of the surrounding area, and help to complete the Bethesda network.

Further, important connections between the various trails and open spaces in downtown Bethesda will be created and/or enhanced by the proposed development.

Housing

The Project will provide approximately 250 residential units in Bethesda's Metro Core District. In response to the existing market, it is anticipated that approximately 20% of the units will be one-bedroom or junior one-bedroom units; approximately 20% will be one-bedroom units with a den; approximately 40% will be two-bedroom units; approximately 10% will be two-bedroom units with a den; and approximately 10% will be three-bedroom units. As required, 12.5% of the units will be developed as on-site MPDUs. A mid-block pathway from Elm Street to the Project's Plaza will link the development to existing housing.

Community Facilities

The proposed development includes an expansive commons along Woodmont Avenue, a public plaza, and a mews to be located between the existing building on the northern portion of the Property and the new building to the south. The Applicant is providing well-landscaped sidewalks around the perimeter of the Project and a mid-block connection from the plaza to Elm Street in keeping with the recommendations of the Sector Plan.

Environmental Resources

The Applicant expects the transit-oriented nature of this Project to encourage pedestrian traffic and public-transit use. Additionally, the Project encourages pedestrian circulation throughout the CBD through upgrades to the Georgetown Branch Trail, including the creation of a mid-block pathway and the provision of sufficient area for a potential elevated bicycle platform to connect to the existing Air Rights tunnel in the event the Purple Line is developed.

The redevelopment of the Property will result in a generous amount of overall public use space—approximately 69 percent. In addition, the Applicant will employ state-of-the-art stormwater management techniques and is exploring the possibility of providing a green roof contingent on DPS revising its stormwater management calculations to account for the impacts of such roof systems on overall stormwater management requirements. Further, the Applicant is committed to building a LEED Silver building; this will be the only LEED Silver hotel in the region.

- (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 project has been designed to ensure compatibility with the existing uses and the general neighborhood. The proposed development is in accordance with the Sector Plan and the requirements of the Zone regarding use, setbacks, height, and massing. The mixed-use project has made provisions for generous sidewalks along Woodmont Avenue and Elm Street and created 28,000 square feet of on-site public use space that will enhance the pedestrian activity of the neighborhood. Because vehicular activity is limited to two points, pedestrian and vehicular conflicts are minimized. The scale and design of the massing and the orientation of the proposed building are appropriate relative to the adjacent properties and provides an attractive and interesting architectural design that adds character to the area.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The project proposes a mix of uses on a site that has access to the necessary water and sewer lines. The stormwater design, while still conceptual, hopes to minimize impacts on the existing system through alternatives for quantity control. Full quantity and quality control of stormwater runoff will be included in the final project configuration at site plan review.

The Applicant is promoting smart growth within the urban environment by providing bicycle facilities and developing near the existing Metro Station and will not, therefore, overburden existing public services with the proposed project. In addition, the improvements that are being made to the streetscape and trail connections facilitate and encourage pedestrian accessibility to the metro and encourage the future residents, employees, and retail patrons to take advantage of existing infrastructure.

A traffic study was completed for the proposed development and is detailed in the Preliminary Plan LATR analysis. A Traffic Mitigation Agreement is required of the Applicant.

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

The approval of the Optional Method of Development at this location will permit a greater mixed-use density than allowed under the standard method of development within an area of extensive public transit, entertainment, and shopping opportunities. The higher density also allows for a building that can afford to provide underground parking, extensive renovations to local trails, and a large public plaza.

The proposed development will also provide more on-site public use space and more off-site public amenity space along the pedestrian network than would be achieved under the standard method of development. The proposed optional method development may also provide public art, which is essential to the cultural and aesthetic identity of a downtown.

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

The proposed development provides 12.5% MPDUs on site, in compliance with Chapter 25A of the Montgomery County Code.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

The proposed project will be built on one lot and is entirely within the CBD-2 Zone.

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

The property will satisfy the requirements of the Final Forest Conservation plan through off-site mitigation or by payment of fee-in-lieu.

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

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on October 16, 2007. The stormwater management concept consists of on-site water quality control via green roof and two proprietary flow-through filters. On-site recharge is not required since this is a redevelopment. A waiver of water quality is granted for the lower plaza area because the adjacent storm drain is too shallow to connect to a water quality device.

Channel protection volume for the northern building area is waived due to existing storm drain elevations. Channel protection volume is not required for the southern building area because the one-year post development peak discharge is less than or equal to 2.0 cfs.

STAFF RECOMMENDATION

Approval of Project Plan 920070070 subject to the following conditions:

1. Development Ceiling

The proposed development is limited to a Floor Area Ratio of 5.0, which includes a maximum of 250 multi-family dwelling units, a maximum 225 room hotel, 40,350 square feet of retail space, and 78,300 square feet of office space.

2. Building Height and Mass

The proposed development is limited to 143 feet in height from the measuring point on Elm Street (elevation 334.00).

3. Reed Street Abandonment

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

4. 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.

The Applicant may satisfy this condition by detouring the trail users at the western terminus of the tunnel either north to Elm Street or south to Bethesda Avenue, pursuant to one of the following three alternatives:

- The trail will exit the tunnel through the northern “knock out” panel located along the northwestern corner of the Apex property;
- The trail will exit the tunnel through the existing western terminus and will be temporarily rerouted south through the Artery Property; or
- The trail will exit the tunnel through the existing western terminus onto the northeastern corner of the Woodmont East II Property.

Any detour along Woodmont Avenue must have a sufficient physical barrier to protect bicyclists from moving vehicles in the adjacent travel lane.

The precise route and details regarding the temporary roadway, intersection and streetscape improvements, construction methods, directional signage and other

safety measures must be determined during the time of Site Plan review and prior to the Planning Board hearing on the Site Plan.

- b. Prior to the Planning Board's hearing on the Site Plan, the Applicant must enter into a Memorandum of Understanding (MOU) with the County that identifies the interim and permanent future alignments and sketch level designs for the Georgetown Branch Trail.
- c. At the time of site plan review, the Applicant must provide a pedestrian and bicycle circulation plan for the construction phase for review by the Planning Board, relevant County and State agencies, and the public and for inclusion in the staff packet for their future site review.

This detailed plan must include specific detour routes, adequate barrier to protect Capital Crescent Trail users traveling any on-road detour route against vehicle moving in the adjacent travel lane, proposed way finding signage and pavement markings, and the expected duration of any disturbances to bicycle and pedestrian mobility through and around the site. The Applicant must clearly and convincingly justify any duration(s) for which the Georgetown Branch Trail traffic through the site is closed to bicycle and pedestrian traffic, and make a good faith effort to minimize the duration of these disturbances.

- 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 across the northern Woodmont Avenue leg and western Bethesda Avenue leg must be aligned to provide users of the regional Georgetown Branch Trail a direct connection from the tunnel opening, across this intersection, and to the existing park trail on the south side of Bethesda Avenue. Further the Applicant must consider and submit their findings on providing a physical barrier in the northeastern corner of the Woodmont Avenue/Bethesda Avenue intersection. This barrier is necessary to direct pedestrians to cross at the designated crosswalks and prevent them from crossing through the center of the intersection.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide a minimum of 12.5% MPDUs on-site, 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.
- 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.

6. Public Use Space

- a. The Applicant must provide a minimum of 29% of the Net Lot Area for on-site Public Use Space and a minimum of 38% of the Net Lot Area for off-site Public Amenity Space. The final design and details will be determined during site plan review.

- b. The proposed Public Use Space must be easily and readily accessible to the general public and available for public enjoyment.
- c. The Applicant must provide a way-finding sign along the Georgetown Branch Trail near Woodmont Avenue indicating the locations of local parks and trails.

7. 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.

8. Staging of Amenity Features

- a. The Applicant may construct the proposed development in two phases. A detailed development program will be required prior to approval of the Certified Site Plan.
- b. The Applicant must install the landscaping no later than the next growing season after completion of the building and plaza.
- c. The Applicant must complete the on-site Georgetown Trail improvements prior to issuance of use-and-occupancy permits for the proposed hotel or new retail uses unless modified by the site plan Development Program.

9. Maintenance and Management Organization

Prior to issuance of use-and-occupancy permits, 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.

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

- a. The Applicant must obtain written approval from the Montgomery County Department of Parks for the improvements and enhancements to the Georgetown Branch Trail and Elm Street Park.
- b. The Applicant must obtain written approval from the Montgomery County Department of Public Works and Transportation (DPWT) for the final design and extent of any and all lane and streetscape improvements within the rights-of-way.
- c. The Applicant must obtain written approval from the Maryland Transit Authority for all easements and reservations for the Purple Line Transitway and the Georgetown Branch Trail.
- d. The Applicant must obtain approval from the County Council for the abandonment of the Reed Street right-of-way.

APPENDICES

- A. Sector Plan Citations
- B. Correspondence Received
- C. MCDPWT letter dated August 27, 2007
- D. MCDPS stormwater management approval dated October 16, 2007
- E. Memorandum from Transportation Planning Staff

Appendix A: Sector Plan Citations

Land Use and Zoning

- Maintain a compact development with the tallest buildings concentrated in the center. Development at perimeter locations of the Metro Core should step down in height to achieve a more gradual transition and better compatibility with the adjacent areas (page 61).
- Locate new open space to tie into the existing "Discovery Trail" network and to expand the pedestrian connections. Where appropriate, locate new open space in a manner that reinforces the gateways and provides a transition between districts (page 61).

Urban Design

- Provide street-activating uses, such as retail stores with storefront display windows or building entrances. Activating uses help promote a safe, interesting, and lively environment (page 36).
- Orient storefront retail and/or restaurant uses along Woodmont Avenue to complement existing retail across the street (page 73).
- Achieve an infill character for new development by dividing large projects into several buildings, which will achieve an urban form with a "fine grain" versus a "coarse grain" created by larger, single structures (page 40).
- Focus the highest densities within the Metro Core District to achieve a tightly configured center, while improving transitions to the residential edges (page 40).
- Develop allowable density in several buildings to avoid larger, bulky single structures and to permit phasing. The larger building along Elm Street should be located on the eastern end of the triangular site. A lower building should face Woodmont Avenue (page 72).
- Enhance the pedestrian environment to provide a visually diverse and stimulating experience, maximize social interaction, and encourage walking. Special attention should be given to the design of streetscapes to help maintain human scale, achieve good street definition, and enhance the visual character (page 37).
- Locate onsite open space along Elm Street at the northeastern corner of the site to connect with the "Discovery Trail," the existing series of mid-block open spaces. The open space should also provide a pedestrian connection to the Capital Crescent Trail and a bicycle storage area, as identified in Section 5.5, Bicycle Network Plan (page 73).
- Locate some open space along the Capital Crescent Trail if an optional method project is provided along Woodmont Avenue at Bethesda Avenue (page 73).
- Locate driveway access to rear service areas and underground parking in locations that do not negatively affect traffic flow and pedestrian use of public spaces (page 73).

Circulation Systems

- Encourage walking and the use of transit to reduce reliance on the automobile (page 152).
- Sidewalks within the Metro Core District should be at least 20 feet in width . . . further supported with intersection improvements that enhance safety and convenience for pedestrians (page 152).
- Improve pedestrian crossings at [Bethesda Avenue and Woodmont Avenue] (page 154).

- Expand the network of pathways in a manner that responds to major pedestrian movements. Site buildings to facilitate public access, especially at street corners, and provide street crosswalks where important pedestrian movements occur (page 47).

Housing

- Promote variety and choice in housing of quality design and durable construction in various types of neighborhoods (page 29).
- Provide a sufficient supply of housing to serve Bethesda's existing and planned employment (page 29).
- Promote infill development that complements existing housing and neighborhoods. Ensure that new residential developments are linked with existing housing through open space and pedestrian paths to form neighborhoods (page 31).

Community Facilities

- Expand the existing network of open spaces so that it responds to existing pedestrian movements and, if possible, connect new open spaces to the existing network (page 47).
- Locate street level, activating uses such as storefront retail, restaurants, or office building entrances next to existing and future open spaces to encourage use (page 47).

Environmental Resources

- Reduce dependency on automobile travel by encouraging a mixture of residential, retail, and office uses to increase the opportunities for work and shopping trips on foot, bicycle, or public transit (page 204).
- Allow higher density development in the Metro Core to facilitate the use of transit and carpooling (page 204).
- Create a system of bikeways to provide access to and from the CBD (page 204).
- Require new development and redevelopment to provide onsite water quality controls, where site conditions permit (page 208).

Appendix B: Correspondence

Citizens Coordinating Committee on Friendship Heights, Inc.

December 19, 2007

Council President Michael Knapp
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RECEIVED
DEC 21 2007

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Council President Knapp:

On behalf of the Citizens Coordinating Committee of Friendship Heights (CCCFH), I am writing to express our strong support for the preservation of open space and the creation of an urban park at Woodmont East II in downtown Bethesda. We are hoping you will join your colleagues in expressing public support for an urban park as the development process continues.

As you know, unlike most other projects, this one requires approval from the Montgomery County Council. In addition to the issue of the easement for the Capital Crescent Trail and the Purple Line, the County would need to approve the abandonment of Reed Street. As a result, the County Council will play a critical role in the development of this particular project.

This location is of critical importance as it is at the epicenter of downtown Bethesda. The intersection of Bethesda and Woodmont Aves. is widely acknowledged as the natural hub of the area. Residents throng by the fountain in front of Barnes & Noble near where the trail, the movie theaters and many popular restaurants.

Density will continue to increase at a rapid pace in Bethesda with the completion of Upstairs Bethesda, the new project at Lots 31 & 31A as well as numerous other planned developments. The existing open space in the center of Bethesda is inadequate and it is vital to preserve it in this area where people already like to gather. The presence of such a park would not preclude high-density development at Woodmont East II.

We are pleased that the developers deferred their earlier proposal under pressure from the community, the Planning Board, and several Councilmembers. Planning Board Chairman Royce Hanson acknowledged that the existing open space located across Wisconsin Ave. and Arlington Rd. is of a different character than the urban park desired by residents in his own comments at the Board meeting.

Representing the Citizens Associations of Brookdale, Chevy Chase Village, Chevy Chase West, Drummond, Green Acres-Glen Cove, Kenwood, Kenwood Condominium, Somerset, Somerset House I, Springfield, Sumner, Western Avenue, Westmoreland, Westbard Mews and Westwood Mews

Council Knapp
December 19, 2007
Page 2.

We hope that you will use every tool at your disposal to encourage the developers to come back with a more appropriate public amenity in the form of an urban park in line with the law requiring one for optional method development and in exchange for the County's generous agreement to abandon Reed Street.

Thank you for your consideration.

Sincerely,

Phyllis Edelman

Phyllis Edelman
Chair, CCCFH

cc: Royce Hanson, Montgomery Planning Board Chair

Appendix C: DPWT Letter



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

August 27, 2007

Arthur Holmes, Jr.
Director

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070200
Woodmont East Phase II

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on July 30, 2007. This plan was reviewed by the Development Review Committee at its meeting on May 7, 2007. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show/label all existing planimetric and topographic details specifically storm drainage on the preliminary plan.
2. Necessary dedication for Elm Street, Bethesda Ave and Woodmont Ave in accordance with the Master Plan and truncation at the intersection of Woodmont Ave and Bethesda Ave.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
6. Refund the County driveway easement fee (for the driveway within the Georgetown Branch easement) prior to recordation of the record plat. Contact Tom Reise of the DPWT Property Acquisition Section.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

Division of Operations

8. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be along the site frontage according to associated DPWT standard street section and CBD standards unless the applicant is able to obtain a waiver from the appropriate government agency.
9. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However, driveway curb returns should not cross the property lines. Also provide proper spacing between the driveways curb returns and public utilities features.
10. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy. Deliveries to be the truck loading spaces to be limited to off-peak travel hours; applicants will need to document same prior to approval of the record plat.
11. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
12. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
13. The proposed development is based on the assumption that Reed Street will be abandoned. The applicants will need to provide a copy of the County Council resolution for abandonment of Reed Street prior to recordation of the record plat.
14. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Engineering and Studies Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
16. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.

- Description for the Georgetown Branch Easement area. The descriptions will need to incorporate the following specifications:
 - easement for the Purple Line with the width, as requested by the MTA, of 38+ at the proposed building and the Apex Building (as referenced in the June 5 2007 meeting with DPWT minutes) and
 - the lower elevation is 3 to 4 feet below the top of rail for the Purple Line and the upper elevation is twenty-three (23) feet above the top of rail for the westbound track/lane of the Purple Line. The upper elevation above the eastbound track/lane of the Purple Line will be increased to accommodate the parallel hiker/biker trail.
 - a width of at least thirty-two (32) feet at Woodmont Avenue and 38 feet at the proposed building and the Apex Building is required for the Purple Line. Additional space/widths will be required to accommodate the 14 feet wide hiker/biker trail.

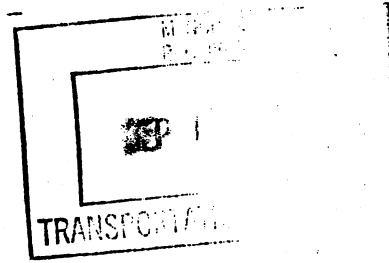
- Interim Georgetown Branch Trail Detour. If the County allows the Georgetown Trail to be temporarily closed, prior to, and as condition of commencement of the construction of the Project, Applicants shall design and construct, and the County shall approve an off-site route for the Interim Georgetown Branch Trail.

- Easement Area Support. In connection with the construction of the Project, Applicants, at their sole expense, will install, maintain, repair, and, as necessary, replace such sheeting, shoring, underpinning, tie-backs, and other supporting structures as may be required by applicable laws, regulations, and ordinances, or by sound engineering practices, in or around the Easement Area, to ensure that upon the completion of the Project, the Easement Area may be safely used for all of the uses intended for it (including the Purple Line). Applicants shall also have the right to locate permanent tiebacks, sheeting and shoring and other structural support systems for the Project within the Easement Area, provided such structural supports do not impair any of the uses intended for the Easement Area. Prior to the issuance of any building permits for the Project, Applicants will provide the County and the MTA the opportunity to review and approve the structural plans in order to ensure the proposed accommodation of the future Purple Line and the hiker/biker trail.

- Use of Easement prior to construction of the Purple Line.
 - The minimum width shall be no less than ten (10) feet, plus an additional 2 foot shoulder on each side of the trail with the precise width to be determined in connection with Site Plan approval of the Project as determined by Montgomery County.
 - With the exception of paving, applicants shall not improve the Interim Georgetown Branch Trail with any improvements or locate any fixtures or furniture whether temporary or permanent; affixed or transportable within said area, or in any other manner impair the use of the Interim Georgetown Branch Trail as well as the Purple Line and the permanent trail.
 - Until such time as the construction of the Purple Line construction commences, Applicants may be permitted to locate temporary elements relating to the Project's Plaza improvements such as paving, benches and landscaping within the remaining Easement Area outside that area devoted to the Interim Georgetown Branch Trail use; provided, however, that the County approve such improvements prior to installation and that in no event shall a fountain, or other such features be provided within the Easement Area, and all /any shall be removed upon request by the County if deemed necessary, at the Applicants' expense.

- Maintenance. After the construction of the Project and so long as the Easement Area is not being used for purposes of the Purple Line, Applicants, at their sole cost and expense, shall assume maintenance and liability responsibilities over the Easement Area.
 - Scheduled activities. The Applicants shall work with the County to reasonably schedule the construction so as to minimize the impact on the residents, employees, guests, occupants, visitors and users of the Project, including safety shielding, pedestrian access and noise reduction measures.
24. The proposed ingress and egress on Bethesda Avenue is based on the applicants' proposal to limit vehicular operations to right in, right out only movements and construct a physical island to channelize those movements. These movements are based on the low turning movement numbers projected by the applicants' traffic engineer. The County reserves the right to further restrict egress if necessary to improve traffic operations on Bethesda Avenue.
25. Crosswalk locations at the intersection of Woodmont and Bethesda Avenues are to be in accordance with the enclosed August 10, 2007 supplemental letter for the Lot 31/31A project.
26. Since this project is being proposed under the Optional Method of development, we recommend the Planning Board require the applicants to extend their Bethesda Avenue improvements east to to the intersection with Wisconsin Ave.
27. We reviewed storm drain capacity/ impact analysis submitted by the applicant's engineer. At this point, the study remains under review. We are not convinced that the proposed design will not result in future problem with existing downstream system. This issue should be addressed with applicant's engineer and DPS during the review of construction drawings.
28. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
- A. Reconstruct the east side of the Woodmont Avenue site frontage (from the northernmost limit of the Capital Crescent Trail through the eastern edge of the east crosswalk on Bethesda Avenue) to provide the intersection choker and a minimum sixteen (16) foot wide shelf to accommodate users of the Georgetown Branch Trail. Provide physical measure(s) along this section of Woodmont Avenue to prevent improper pedestrian/bicyclist crossings of the intersection. If street trees are desired within these limits, the shelf width should be increased to twenty (20) feet [to provide a four (4) foot wide hardscaped panel with street trees in amended soil panels]. Construct necessary paving, curbs and gutters, handicap ramps, storm drainage and appurtenances. Transition the shelf width and amenities to meet existing cross-section between the northernmost limit of the Capital Crescent Trail to the northern property line of this preliminary plan.
 - B. Reconstruct the remaining portion of the Bethesda Avenue north side improvements to result in the modified cross section approved by DPWT for the Lot 31 project {twelve (12) foot wide travel lane and a twenty (20) foot wide shelf [four (4) foot wide hardscaped panel with street trees in amended soil panels, eight (8) foot wide sidewalk, and eight (8) foot wide bike path]}. Construct necessary paving, curbs and gutters, handicap ramps, storm drainage and appurtenances within these limits.


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August 27, 2007
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- C. Provide Bethesda CBD Streetscaping amenities across the Elm Street site frontage.
- D. Additional road improvements may be required as a result of a review of a traffic study if such study is required by the Planning Board staff.
- E. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study.
- F. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- G. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- H. Provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,


for Sam Farhadi, P.E.
Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/ 1-20070200, Woodmont East Phase II, v.3.doc

Enclosures (3)

cc: Chorman Romano, JBG Associates/Street Retail Inc
John Tschiderer; Street Retail, Inc.
Patricia A. Harris; Holland & Knight
Steven Crum, Macris, Hendricks & Glascock, P.A.
Wes Guckert; The Traffic Group, Inc.
Councilmember Roger Berliner
Dolores Kinney; MNCPPC DRD
Shahriar Etemadi; M-NCPPC TP
Edward Axler; M-NCPPC TP
Chuck Kines; M-NCPPC TP
Clifford Royalty, OCA

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Edgar Gonzalez, DPWT DO
Gary Erenrich, DPWT DO
Gail Tait Nouri, DPWT DCD
Jeffrey Riese; DPWT POS
Joseph Y. Cheung; DPS RWPPR
Henry Emery; DPS RWPPR
Sarah Navid; DPS RWPPR
Emil Wolanin; DPWT TEOS
Bruce Mangum; DPWT TEOS
Fred Lees; DPWT TEOS
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book

Appendix D: DPS Letter



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

October 16, 2007

Mr. Pearce C. Wroe
Macris, Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Woodmont East Phase II
Preliminary Plan #: 1-07020
SM File #: 228762
Tract Size/Zone: 2.215 Ac./CBD-2
Total Concept Area: 2.215 Ac.
Lots/Block: Part A & C Miller Addition
Watershed: Little Falls Branch

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via green roof and two proprietary flow through filters. Onsite recharge is not required since this redevelopment. A waiver of water quality is granted for the lower plaza area because the adjacent storm drain is too shallow to connect to a water quality device. Channel protection volume for the northern building area is waived due to existing storm drain elevations. Channel protection volume is not required for the southern building area because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Use the latest MCDPS stormwater design criteria at time of plan submittal.
6. Provide verification of quantity waiver payment for the portion of this site under SM file # NS99042.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6322.

Sincerely,

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN228762 Woodmont East Phase Two.DWK

cc: C. Conlon
S. Federline
SM File # 228762

QN -Waived/Onsite; Acres: 1.18/0.62
QL - Onsite/Waived; Acres: 1.8/0.42
Recharge is not provided

Appendix E: Transportation Planning Memo

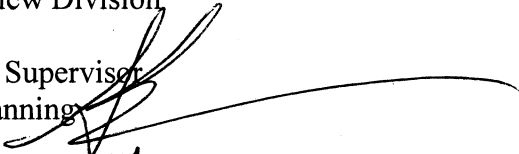


MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 20, 2008

MEMORANDUM

TO: Neil Braunstein, Planner
Joshua Sloan, Site Plan Reviewer
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning 

FROM: Tom Autrey, Supervisor *TA*
Ed Axler, Planner/Coordinator *EA*
Charles S. Kines, Planner/Coordinator *CK*
Transportation Planning

SUBJECT: Woodmont East, Phase II
Project Plan No. 920070070 and Preliminary Plan No. 120070200
Bethesda Central Business District Policy Area

This memorandum updates Transportation Planning staff's October 29, 2007-memorandum that was prepared for the Planning Board's public hearing held on November 8, 2007. The Adequate Public Facilities (APF) review is updated for the subject project plan and preliminary plan to add mixed-use development to the existing retail/office building in downtown Bethesda. The Applicant proposes to maintain the access to the Georgetown Branch Trail and assure right-of-way access for the Purple Line and Georgetown Branch Trail on the site.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the approval of the subject project plan and preliminary plan:

1. The development is limited to a maximum of 250 high-rise apartments, a 225-room hotel, and 12,350 square feet of retail space that is proposed to be added to the existing 28,000 square feet of retail space and 78,300 square feet of office space.
2. The Applicant must satisfy Local Area Transportation Review (LATR) by providing the following operational improvements as required by the Montgomery County Department of Public Works and Transportation (DPWT):
 - a. Construct the frontage improvements along Elm Street, Woodmont Avenue, and Bethesda Avenue.

- b. Design the bicycle and pedestrian facilities, both interim and permanent, to provide a trail crossing of the Bethesda Avenue/Woodmont Avenue intersection that is as straight as possible between the off-road trail segments. Special signalization must allow bicyclists and pedestrians to pass through the intersection from the southwest to the northeast corner in one traffic signal phase.

These improvements must be complete and open to traffic prior to release of the initial use and occupancy permit.

3. The Applicant must satisfy LATR by providing the following operational improvement to accommodate the vehicular queuing under future build-out traffic conditions by:

Construct an exclusive left-turn lane and a shared through/right-turn lane on the westbound approach of Elm Street at the intersection with Woodmont Avenue if and when required by DPWT.

4. 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.

The Applicant may satisfy this condition by detouring the trail users at the western terminus of the tunnel either north to Elm Street or south to Bethesda Avenue, pursuant to one of the following three alternatives:

- a. The trail will exit the tunnel through the northern “knock out” panel located along the northwestern corner of the Apex property;
- b. The trail will exit the tunnel through the existing western terminus and will be temporarily rerouted south through the Artery Property; or
- c. The trail will exit the tunnel through the existing western terminus onto the northeastern corner of the Woodmont East II Property.

Any detour along Woodmont Avenue must have a sufficient physical barrier to protect bicyclists from moving vehicles in the adjacent travel lane.

The precise route and details regarding the temporary roadway, intersection and streetscape improvements, construction methods, directional signage and other safety measures must be determined during the time of Site Plan review and prior to the Planning Board hearing on the Site Plan.

5. The temporary Georgetown Branch Trail connection must be reviewed and approved by Planning Board staff and the relevant County agencies prior to certification of the Site Plan. This temporary route must include adequate signage and markings to help

trail users navigate between the tunnel and the Capital Crescent Trail trailhead at Bethesda Avenue adjacent to Lot 31/Lot 31A.

6. Prior to release of the Record Plat, the Applicant must obtain the Montgomery County Council's approval for the abandonment of the Reed Street right-of-way.
7. Provide a perpetual easement 32 feet in width along or within the Georgetown Branch right of way extending from the western property line to the eastern property line to be finalized at site plan and delineated on the record plat. This easement is for the Purple Line.
8. Place in reservation for a period of no less than 40 years from the date of the plat recordation the following areas for future easements to be granted in perpetuity:
 - a. An area of 514 square feet beginning at the eastern property line and extending west toward Woodmont Avenue adjacent to the 32 foot easement area – this 514 square foot area of reservation necessary to provide a total width of 38 feet for the Purple Line at the eastern property line per the MTA.
 - b. An area of 2,170 square feet parallel to the 32 foot easement area for the Purple Line to accommodate a paved shared use path consistent with American Association of State Highway and Transportation Officials (AASHTO) standards of no less than ten feet in width with two feet of lateral clearance on each side. This area extends from the western property line to the eastern property line and is a total of 14 feet wide the entire length.
 - c. A rectangular area of 1,960 square feet along the property eastern edge to accommodate a future ramp for the Georgetown Branch Trail. The shared use path on the ramp must be a minimum of ten feet wide.

The above three reservation areas are to be finalized at site plan and delineated on the record plat.

9. Provide the following minimum vertical clearances in the area designated for the Purple Line:
 - a. A clear area beginning from any point at the top of the rails (elevation to be designated by the MTA) for the Purple Line to any point within four feet below the top of the rails for the Purple Line.
 - b. A clear area beginning from any point at the top of the rails (elevation to be designated by the MTA) for the westbound Purple Line track to any point within 23 feet above the top of the rails.

10. Prior to the Planning Board's hearing on the Site Plan, the Applicant must enter into a Memorandum of Understanding (MOU) with the County that identifies the interim and permanent future alignments and sketch level designs for the Georgetown Branch Trail.
11. At the time of site plan review, the Applicant must provide a pedestrian and bicycle circulation plan for the construction phase for review by the Planning Board, relevant County and State agencies, and the public and for inclusion in the staff packet for their future site review.

This detailed plan must include specific detour routes, adequate barrier to protect Capital Crescent Trail users traveling any on-road detour route against vehicle moving in the adjacent travel lane, proposed wayfinding signage and pavement markings, and the expected duration of any disturbances to bicycle and pedestrian mobility through and around the site. The Applicant must clearly and convincingly justify any duration(s) for which the Georgetown Branch Trail traffic through the site is closed to bicycle and pedestrian traffic, and make a good faith effort to minimize the duration of these disturbances.

12. At the time of site plan review, the Applicant must provide a detailed intersection design for the Woodmont Avenue/Bethesda Avenue intersection. The crosswalks across the northern Woodmont Avenue leg and western Bethesda Avenue leg must be aligned to provide users of the regional Georgetown Branch Trail a direct connection from the tunnel opening, across this intersection, and to the existing park trail on the south side of Bethesda Avenue. Further the Applicant must consider and submit their findings on providing a physical barrier in the northeastern corner of the Woodmont Avenue/Bethesda Avenue intersection. This barrier is necessary to direct pedestrians to cross at the designated crosswalks and prevent them from crossing through the center of the intersection.
13. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the Site Plan.
14. The Applicant must provide 20 bike lockers for residents, 5 inverted-U bike racks for visitors of the residential apartments, 5 bike lockers for hotel employees, 10 inverted-U bike racks for retail customers, and 2 inverted-U bike racks for hotel patrons. The Applicant must coordinate with the Transportation Planning staff to determine the location and timing of installation of the bicycle parking facilities prior to approval of the certified site plan.

Refer to the attached letters from:

1. DPWT letter of August 27, 2007, Attachment A, for their requirement at the time this memorandum was written for the preliminary plan. DPWT requirements are subject to change between certification of the Site Plan.

2. MTA letter dated October 26, 2007, Attachment B, regarding the Purple Line and the Woodmont East development plan.

DISCUSSION

Site Location and Vehicular Access Points

The subject property is located on the east side of Woodmont Avenue between Elm Street and Bethesda Avenue. The Reed Street right-of-way within this site is to be abandoned as part of the preliminary plan. The Georgetown Branch Trail and the master-planned Purple Line alignment bisect the site from east to west. The vehicular access points to the proposed underground parking garage are from the south side of Elm Street and the north side of Bethesda Avenue.

Pedestrian and Bicycle Circulation

The site's open space on the east side of Woodmont Avenue is heavily used by pedestrians and bicyclists especially on weekends. The surrounding local restaurants and service retails draw a high volume of clientele on late evenings and weekends when area sidewalks, bike paths, and roadways are carrying a heavy volume of pedestrian, bicycle and vehicular traffic.

There is currently a substantial demand for weekend recreational use of the surface parking lot as a loading/unloading area for users of the Capital Crescent Trail to access downtown Washington, DC and the interim Georgetown Branch Trail to access Rock Creek Park and downtown Silver Spring. These Capital Crescent Trail users coming from the tunnel must cross the north leg of Woodmont Avenue and west leg of Bethesda Avenue to reach the Capital Crescent Trail trailhead at Bethesda Avenue adjacent to Lot 31/Lot 31A.

At the Woodmont Avenue/Bethesda Avenue intersection along the Capital Crescent Trail, the observed peak-hour usage in September 2006 was as follows:

Peak Usage in Sept. 2006	Time of Day	Total Users	Percentage of Each Type of User				
			Bicycle	Walking	Jogging	Skating	Infants*
Weekday AM	7:00 a.m.	231	32%	35%	32%	0%	1%
Weekday PM	5:00 p.m.	339	42%	40%	15%	1%	2%
Weekend (Sunday)	11:00 a.m.	565	44%	31%	19%	1%	5%

* The infants are pushed or carried by their with caregiver

These numbers were obtained from the *2006 Capital Crescent Trail Survey* that the Planning Board was briefed on at its public hearing held on July 19, 2007. The 2006 Trail usage given above has increased by 105% between 1996 and 2006.

Sector-Planned Roadways and Bikeways

In accordance with the *Bethesda Central Business District Sector Plan* and the *Countywide Bikeways Functional Master Plan*, roadways and bikeways are designated as follows:

1. Wisconsin Avenue (MD 355) is classified as a major highway, M-6, with a minimum recommended 114-foot right-of-way near the site.
2. A regional shared use path, SP-6, also known as the Georgetown Branch Trail runs from the Silver Spring Metrorail Station to the Woodmont Avenue/Bethesda Avenue intersection, and is contiguous with the Capital Crescent Trail that continues south into the District of Columbia.
3. Woodmont Avenue is classified as an arterial, A-68, with a minimum recommended 80-foot right-of-way. Bike lanes, BL-6, are identified along Woodmont Avenue between Battery Lane and the Capital Crescent Trail.
4. Arlington Road is classified an arterial, A-82, with a minimum recommended 80-foot right-of-way.
5. Bethesda Avenue is classified as a business district street with a minimum recommended 60-foot right-of-way width and a Biker Friendly Area between Arlington Road and Woodmont Avenue. A signed shared roadway, SR-9, is identified along Bethesda Avenue between Exeter Road and Woodmont Avenue. A shared use path, SP-44, is also identified as the above-ground alternative route for the Georgetown Branch Trail along Bethesda Avenue between Woodmont Avenue and Elm Street Park (i.e., located on the east side of Wisconsin Avenue at Elm Street and 44th Street).
6. Elm Street is classified as a business district street with minimum recommended 60-foot right-of-way and a Biker Friendly Area. Bike lanes, BL-7, are identified along Elm Street between Exeter Road and the Capital Crescent Trail.
7. Hampden Lane is classified as a business district street with minimum recommended 60-foot right-of-way and a Biker Friendly Area.

Available Transit Service

The Bethesda Circulator (formally Ride-On route 92 that is now operated by the Bethesda Urban Partnership) operates along Woodmont Avenue between Bethesda Avenue and Old Georgetown Road and along Bethesda Avenue between Woodmont Avenue and Arlington Road. The Bethesda Metrorail Station is approximately 700 feet north of the site.

Bicycling Parking

The following bicycle parking facilities are required due to the proximity of this project to the Georgetown Branch Trail and other numerous nearby bikeways:

1. Twenty (20) bike lockers *for residents of the apartments* in a highly visible, well-lit location of the parking garage within 50 feet of the elevators.
2. Five (5) bike lockers *for hotel employees* in a highly visible, well-lit location of the parking garage within 50 feet of the elevators.
3. Ten (10) inverted-U bike racks *for retail customers* located in a highly visible, well-lit and weather-protected area on the plaza.
4. Five (5) inverted-U bike racks *for visitors of the residential apartments* located in a highly visible, well-lit and weather-protected area near the main public entrances.
5. Two (2) inverted-U bike racks *for hotel patrons* located in a highly visible, well-lit and weather-protected area near the main public entrance.

As discussed in Recommendation No. 13, the ultimate number, location, and timing of installation of the bicycle parking facilities will be determined prior to approval of the certified Site Plan.

Georgetown Branch Trail

The Georgetown Branch Trail refers to the trail east of Woodmont Avenue, while the Capital Crescent Trail refers to the trail west of Woodmont Avenue. The Georgetown Branch Trail passes through the project site.

The Capital Crescent Trail/interim Georgetown Branch Trail is one of the most popular and extensive recreational and commuter trails in the DC Metropolitan region. It provides off-road trail access to downtown DC and Bethesda, as well as to downtown Silver Spring. The interim Georgetown Branch Trail (with crushed stone surface east of the site) offers connection across Montgomery County to Stewart Avenue in the Lyttonsville Area. Future plans continue the Georgetown Branch Trail into and through downtown Silver Spring as part of the Purple Line. The trail connects to the planned Metropolitan Branch Trail at the Silver Spring Transit Center, which ultimately will take users to Union Station in Washington, DC. The trail is a major transportation facility that's use, at times especially in the vicinity of Woodmont Avenue, exceeds the vehicular traffic volumes on the streets approaching the Bethesda Avenue/Woodmont Avenue intersection; it, therefore, needs to be accommodated in the intersection at least as well as the intersecting streets, which are only a local transportation infrastructure.

The Applicant proposes to close the access to the Georgetown Branch Trail tunnel during construction of subject development. As mitigation for closing the tunnel, the Applicant will

develop a temporary connection along adjoining streets to take trail users from the tunnel entrance to the Capital Crescent Trail. As part of this alternative connection, the Applicant will also negotiate a temporary access route to the tunnel either through the Artery Plaza site (garage) or the adjacent property along Elm Street (breaking through tunnel wall). Prior to the Planning Board's hearing on the Site Plan, the proposed interim temporary route must be submitted to Planning Board staff for review by County agencies and the public as specified in Recommendation No. 10.

Georgetown Branch Master Plan Amendment Recommendations Related to the Purple Line

1. *The Georgetown Branch Master Plan Amendment, Approved and Adopted on January 1990* includes the following features or recommendations:
 - a. A terminal point of the "Bethesda & Silver Spring Trolley" within the Georgetown Branch right-of-way is located at Woodmont Avenue (refer to attached Exhibit C, Figure 5 from the *Master Plan*). The planned "Bethesda & Silver Spring Trolley" is now more commonly referred to as the planned "Purple Line"¹. The master-planned right-of-way for the Purple Line as shown in the plan is located under the planned hotel and extends west to Woodmont Avenue where the right-of-way ends.
 - b. The southern entrance to the Bethesda Metrorail Station is to be connected to the trolley facility to provide a convenient, direct transfer from the Bethesda (Purple Line) Terminal Station to the Metrorail system.
 - c. The Bethesda Station design includes an extension of a concourse (that is long enough to accommodate the trail) through the platform area in order to provide adequate trail width and safety."

The Bethesda Terminal Station Concept Plan is depicted as attached Exhibit D, Figure 20 in the *Georgetown Branch Master Plan Amendment*. The plan includes the following features:

- a. The track that extends west of the actual station platform is referred to as a "tail track" and is required at the end-of-line locations to provide operational flexibility (i.e., storing spare or disabled trains, staging equipment for track maintenance in non-operating hours, etc.).
- b. The connection with the Metrorail South entrance is by elevator. More information on the latest concept design for the Bethesda Terminal Station is provided under the section that discusses the Draft Environmental Impact Statement (DEIS) that is now underway.

¹ The Maryland Mass Transit Administration (MTA) is currently developing a Draft Environmental Impact Statement (DEIS) for a Purple Line that would extend from this terminal point in Bethesda to New Carrollton in Prince George's County. The modes under consideration include Light Rail and Bus Rapid Transit.

Bethesda CBD Sector Plan Recommendations related to the Purple Line

In accordance with the *Bethesda Central Business District Sector Plan, Approved and Adopted on July 1994*, the recommendations for the “Bethesda & Silver Spring Trolley” or Purple Line in the vicinity of the Applicant’s project include the following:

1. The construction of a south entrance to the Bethesda Metrorail Station.
2. The connection of a light rail to the Silver Spring CBD using the Georgetown Branch right-of-way with a terminal: This connection is located near the south entrance to Bethesda Metrorail Station in the Bethesda CBD Core.
3. A final trolley alignment and terminal location decision to be made in the context of federal and state requirements: This alignment includes the evaluation of all reasonable alternatives.
4. The introduction of two alternatives (refer to attached Exhibit E) for locating the Bethesda Station terminal point and the deletion of the existing (Georgetown Branch) Master Plan terminal: One alternative is west of the Apex Building and another is north of the Apex Building. Both locations are described as being within the Georgetown Branch right-of-way although the north option is also described as being within the right-of-way of Elm Street at Wisconsin Avenue. The west alternative is described as requiring a tunnel under Elm Street to access the new south entrance to Metrorail. The north alternative would have access to the Metrorail via an elevator. It is this north alternative that has been carried over to the DEIS work (refer to the next section).
5. The recommendation of the hiker-biker trail in the Georgetown Branch Master Plan must be accommodated: The Plan acknowledges the space constraints in the tunnel under the Air Rights and Apex Buildings at Wisconsin Avenue and recommends an on-street bicycle route to either replace or supplement the tunnel route. The route departs the trail at Elm Street Park and is on-street via Willow Lane and Bethesda Avenue.

The Purple Line’s Draft Environmental Impact Statement

The current DEIS is evaluating the following two options at the Bethesda Terminal Station:

1. Light Rail Transit (LRT): The LRT option includes the station platform approximately 200 feet in length within the tunnel and “tail tracks” that would extend out of the tunnel towards Woodmont Avenue through the Applicant’s plaza area (refer to attached Exhibit F). A conceptual drawing of how the Purple Line station would relate to the planned southern entrance to the Bethesda Metrorail Station is shown as attached Exhibit G.
2. Bus Rapid Transit (BRT): The BRT option includes bus routing that could involve buses traveling through the plaza area from Woodmont Avenue into the plaza and tunnel in route eastbound to Silver Spring over the Georgetown Branch right-t-of-way. Whether

LRT or BRT the anticipated peak period service frequencies are expected to be between six and ten minutes.

The important concepts discussed below specifically relate to those being evaluated as part of the DEIS and the Applicant's project:

1. The Trail Connection within the Tunnel: As previously noted, accommodating the trail in the tunnel is a challenge. The current plans call for the trail to enter the tunnel above the LRT/BRT vehicles and for trail users to descend to the surface via a switchback ramp that is to be constructed within an area provided by the Applicant as a condition of project approval. Refer to the attached drawing in Exhibit H of the trail over the right-of-way. The Applicant is reserving space on-site to accommodate a switchback ramp to take trail users from the plaza up to the future trail above the Purple Line. The Applicant assumes that this facility will be constructed by MTA at the time the Purple Line is built.
2. Coordination with MTA: The MTA and the Applicant have been reviewing the respective plans for this area for two years. Please refer to MTA letter dated October 26, 2007. It is anticipated that the conditions outlined in the attached DPWT letter of August 27, 2007, (Attachment A) will meet the MTA requirements. These conditions include the following:
 - a. Establish and record separate easements and reservations to accommodate construction and operation of the following:
 - 1) The proposed Purple Line would traverse through the tunnel under the Apex Building and stop at Woodmont Avenue.
 - 2) The permanent Georgetown Branch Trail in accordance with Montgomery County requirements in the event the Purple Line is constructed.
 - 3) A ramp that would provide access to the elevated portion of the permanent Georgetown Branch Trail to be located in the tunnel in the event the Purple Line is constructed.
 - b. To satisfy MTA requirements, the easement and reservation must include the following:
 - 1) A reservation width for the Purple Line that provides a minimum of 38 feet at the Applicant's building and the Apex Building and an easement width of minimum of 32 feet at Woodmont Avenue.
 - 2) A lower elevation of the easement for the Purple Line that is four feet below the top of the rail for the Purple Line as identified by the MTA.

- 3) An upper elevation of the easement for the Purple Line that is 23 feet above the top of the rail for westbound track/lane of the Purple Line as identified by MTA.
- 4) Additional space/widths as identified by MTA to accommodate the 10 foot wide hiker/biker trail on the ramp west of the tunnel.

Local Area Transportation Review

In accordance with the *Local Area Transportation Review Guidelines*, the Applicant was required to submit a traffic study to analyze the impact of this proposed subject development. The traffic generated by proposed land uses within the weekday morning (7:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods are as follows:

Land Use	Number or Area	Peak-Hour Trips	
		Morning	Evening
Hotel	225 rooms	50	50
Apartments	250 units	113	113
Additional Retail	12,350 square feet	8	32
Total Additional Trips		171	195

Based on the results of the traffic study, the table below gives the calculated Critical Lane Volume (CLV) values at studied intersections in the existing, background, and total traffic conditions:

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
1. Arlington Road & Bethesda Avenue	Morning	948	1,068	1,083
	Evening	1,043	1,273	1,288
2. Woodmont Avenue & Bethesda Avenue	Morning	585	733	745
	Evening	648	973	990
3. Wisconsin Avenue & Bethesda Avenue	Morning	859	976	1,022
	Evening	991	1,198	1,266
4. Wisconsin Avenue & Elm Street	Morning	801	857	926
	Evening	1,057	1,147	1,178
5. Woodmont Avenue & Elm Street	Morning	584	625	640
	Evening	789	914	928
6. Woodmont Avenue & Hampden Lane	Morning	538	560	563
	Evening	707	768	775

After we reviewed the traffic study, a new combination of land uses was proposed that is slightly different than the one that the LATR was based on. The new combination of land uses results in a reduction of 4 trips in the weekday morning peak hour and 3 trips in the evening peak hour. These changes are not significant to alter the results of the CLV values in the table above.

At all six studied intersections, the CLV values are less than the congestion standard of 1,800 CLV for the Bethesda Central Business District Policy Area and, thus, the LATR test is satisfied.

Traffic Operation Analysis in Vicinity of the Site

In response to concerns raised by DPWT and the Planning staff, an operational analysis of the studied intersections above was performed using a traffic simulation program called SYNCHRO. The analysis included the current and future traffic conditions for the proposed intersection improvements. The traffic simulation analysis included the build-out of the private mixed-use developments, composite increase in public parking spaces, and pedestrian/bicycle circulation improvements.

Table 2 below shows in longest average queue length resulting from this analysis with a left-turn lane at westbound Elm Street at the intersection with Woodmont Avenue for the worst-use weekday evening peak hour:

	Intersection Approach			
	Northbound	Southbound	Eastbound	Westbound
Average Length of Queued Vehicles	61	155	100	118
Distance for the Next Upstream Intersection	301	194	68	552
% of Time the Upstream Intersection is Blocked	0%	19%	31%	0%

With the left-turn lane on westbound Elm Street, “the percentage of the time the upstream intersection was blocked” decreased by 40%.

Policy Area Mobility Review

Policy Area Mobility Review (PAMR) is not required under the *FY 2007-2009 Growth Policy* because the preliminary plan was filed before January 1, 2008.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the Bethesda Transportation Management Organization (TMO) to assist in achieving the 37% non-auto-driver mode share goal for employees working in Bethesda Central Business District.

EA:tc

Attachments

cc: Doug Alexander
Larry Cole
Judy Daniel
Marian Elsasser
Gary Erenrich
Wes Guckert
Pat Harris
Mike Madden
Doug Powell
Gail Tait-Nouri

mmo to Braunstein Sloan Woodmont East 120070200 & 920070070.doc



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

August 27, 2007

Arthur Holmes, Jr.
Director

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070200
Woodmont East Phase II

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on July 30, 2007. This plan was reviewed by the Development Review Committee at its meeting on May 7, 2007. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show/label all existing planimetric and topographic details specifically storm drainage on the preliminary plan.
2. Necessary dedication for Elm Street, Bethesda Ave and Woodmont Ave in accordance with the Master Plan and truncation at the intersection of Woodmont Ave and Bethesda Ave.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
6. Refund the County driveway easement fee (for the driveway within the Georgetown Branch easement) prior to recordation of the record plat. Contact Tom Reise of the DPWT Property Acquisition Section.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

Division of Operations

8. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be along the site frontage according to associated DPWT standard street section and CBD standards unless the applicant is able to obtain a waiver from the appropriate government agency.
9. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However, driveway curb returns should not cross the property lines. Also provide proper spacing between the driveways curb returns and public utilities features.
10. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy. Deliveries to be the truck loading spaces to be limited to off-peak travel hours; applicants will need to document same prior to approval of the record plat.
11. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
12. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
13. The proposed development is based on the assumption that Reed Street will be abandoned. The applicants will need to provide a copy of the County Council resolution for abandonment of Reed Street prior to recordation of the record plat.
14. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Engineering and Studies Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
16. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.

18. Prior to approval of the record plat by DPS, the applicants will need to execute and record a Declaration of Covenants (for Maintenance and Liability) for the maintenance of Bethesda CBD Streetscaping amenities in the rights-of-way on Woodmont and Bethesda Avenue - or enter into a separate agreement with the Bethesda Urban District for the maintenance of those items.
19. Please coordinate with the Department of Fire and Rescue Services about their requirements for emergency vehicle access.
20. Provide driveway access for the stormwater management facilities per associated DPS guidelines.
21. The underground stormwater management facility will need to be located outside of Georgetown Branch Trail easement and reservation areas.
22. The applicant must demonstrate that it is not possible and safe to keep the Georgetown Branch Trail open during construction period. If the County allows this closure to occur, the applicant must demonstrate and employ appropriate construction (materials, scheduling, and process) methods to reduce the closure time to the minimum and comply with the following recommendations:

We recommend the Planning Board require the applicant to establish and regularly update an appropriate system to inform the public of the progress of project and time table for reopening of the trail.

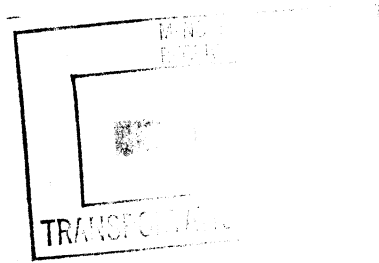
The Traffic Control Plan (TCP) for this project will need to detail the proposed routing of vehicles, pedestrians, and bicyclists during the period of construction. In particular, the TCP will need to detail the route for the relocated Georgetown Branch Trail and measures taken to protect the users' safety. The TCP for this site will need to be coordinated with the TCP being developed for the project to redevelop Lots 31/31A to minimize disruptions.

23. Prior to approval of the record plat by DPS, the applicants will need to execute and record a Memorandum of Understanding or other recordable document that confirms the location of the Georgetown Branch Easement and reservation areas for the permanent Georgetown Branch Trail, as well as the terms related to the temporary and permanent uses of those areas associated with this project. Montgomery County will be a co-executor of this MOU. The deed reference for this MOU is to be provided on the record plat. The document must address, but not be limited to, the following issues:
 - Reservations. Applicants to establish and record three separate reservations for the future grant of three easements to Montgomery County for additional land area to accommodate the following: (1) the construction and operation of the Purple Line as it exits the tunnel under the Apex Building and approaches Woodmont Avenue; (2) construction and operation of the Permanent Georgetown Branch Trail in accordance with Montgomery County requirements in the event the Purple Line is constructed; and (3) a ramp to provide access to the elevated portion of the Permanent Georgetown Branch Trail to be located in the tunnel in the event the Purple Line is constructed.

- Description for the Georgetown Branch Easement area. The descriptions will need to incorporate the following specifications:
 - easement for the Purple Line with the width, as requested by the MTA, of 38+ at the proposed building and the Apex Building (as referenced in the June 5 2007 meeting with DPWT minutes) and
 - the lower elevation is 3 to 4 feet below the top of rail for the Purple Line and the upper elevation is twenty-three (23) feet above the top of rail for the westbound track/lane of the Purple Line. The upper elevation above the eastbound track/lane of the Purple Line will be increased to accommodate the parallel hiker/biker trail.
 - a width of at least thirty-two (32) feet at Woodmont Avenue and 38 feet at the proposed building and the Apex Building is required for the Purple Line. Additional space/widths will be required to accommodate the 14 feet wide hiker/biker trail.
- Interim Georgetown Branch Trail Detour. If the County allows the Georgetown Trail to be temporarily closed, prior to, and as condition of commencement of the construction of the Project, Applicants shall design and construct, and the County shall approve an off-site route for the Interim Georgetown Branch Trail.
- Easement Area Support. In connection with the construction of the Project, Applicants, at their sole expense, will install, maintain, repair, and, as necessary, replace such sheeting, shoring, underpinning, tie-backs, and other supporting structures as may be required by applicable laws, regulations, and ordinances, or by sound engineering practices, in or around the Easement Area, to ensure that upon the completion of the Project, the Easement Area may be safely used for all of the uses intended for it (including the Purple Line). Applicants shall also have the right to locate permanent tiebacks, sheeting and shoring and other structural support systems for the Project within the Easement Area, provided such structural supports do not impair any of the uses intended for the Easement Area. Prior to the issuance of any building permits for the Project, Applicants will provide the County and the MTA the opportunity to review and approve the structural plans in order to ensure the proposed accommodation of the future Purple Line and the hiker/biker trail.
- Use of Easement prior to construction of the Purple Line.
 - The minimum width shall be no less than ten (10) feet, plus an additional 2 foot shoulder on each side of the trail with the precise width to be determined in connection with Site Plan approval of the Project as determined by Montgomery County.
 - With the exception of paving, applicants shall not improve the Interim Georgetown Branch Trail with any improvements or locate any fixtures or furniture whether temporary or permanent; affixed or transportable within said area, or in any other manner impair the use of the Interim Georgetown Branch Trail as well as the Purple Line and the permanent trail.
 - Until such time as the construction of the Purple Line construction commences, Applicants may be permitted to locate temporary elements relating to the Project's Plaza improvements such as paving, benches and landscaping within the remaining Easement Area outside that area devoted to the Interim Georgetown Branch Trail use; provided, however, that the County approve such improvements prior to installation and that in no event shall a fountain, or other such features be provided within the Easement Area, and all /any shall be removed upon request by the County if deemed necessary, at the Applicants' expense.

- Maintenance. After the construction of the Project and so long as the Easement Area is not being used for purposes of the Purple Line, Applicants, at their sole cost and expense, shall assume maintenance and liability responsibilities over the Easement Area.
 - Scheduled activities. The Applicants shall work with the County to reasonably schedule the construction so as to minimize the impact on the residents, employees, guests, occupants, visitors and users of the Project, including safety shielding, pedestrian access and noise reduction measures.
24. The proposed ingress and egress on Bethesda Avenue is based on the applicants' proposal to limit vehicular operations to right in, right out only movements and construct a physical island to channelize those movements. These movements are based on the low turning movement numbers projected by the applicants' traffic engineer. The County reserves the right to further restrict egress if necessary to improve traffic operations on Bethesda Avenue.
 25. Crosswalk locations at the intersection of Woodmont and Bethesda Avenues are to be in accordance with the enclosed August 10, 2007 supplemental letter for the Lot 31/31A project.
 26. Since this project is being proposed under the Optional Method of development, we recommend the Planning Board require the applicants to extend their Bethesda Avenue improvements east to to the intersection with Wisconsin Ave.
 27. We reviewed storm drain capacity/ impact analysis submitted by the applicant's engineer. At this point, the study remains under review. We are not convinced that the proposed design will not result in future problem with existing downstream system. This issue should be addressed with applicant's engineer and DPS during the review of construction drawings.
 28. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Reconstruct the east side of the Woodmont Avenue site frontage (from the northernmost limit of the Capital Crescent Trail through the eastern edge of the east crosswalk on Bethesda Avenue) to provide the intersection choker and a minimum sixteen (16) foot wide shelf to accommodate users of the Georgetown Branch Trail. Provide physical measure(s) along this section of Woodmont Avenue to prevent improper pedestrian/bicyclist crossings of the intersection. If street trees are desired within these limits, the shelf width should be increased to twenty (20) feet [to provide a four (4) foot wide hardscaped panel with street trees in amended soil panels]. Construct necessary paving, curbs and gutters, handicap ramps, storm drainage and appurtenances. Transition the shelf width and amenities to meet existing cross-section between the northernmost limit of the Capital Crescent Trail to the northern property line of this preliminary plan.
 - B. Reconstruct the remaining portion of the Bethesda Avenue north side improvements to result in the modified cross section approved by DPWT for the Lot 31 project {twelve (12) foot wide travel lane and a twenty (20) foot wide shelf [four (4) foot wide hardscaped panel with street trees in amended soil panels, eight (8) foot wide sidewalk, and eight (8) foot wide bike path]}.

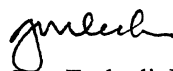
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- C. Provide Bethesda CBD Streetscaping amenities across the Elm Street site frontage.
- D. Additional road improvements may be required as a result of a review of a traffic study if such study is required by the Planning Board staff.
- E. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study.
- F. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- G. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- H. Provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,


for Sam Farhadi, P.E.
Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/ 1-20070200, Woodmont East Phase II, v.3.doc

Enclosures (3)

cc: Chorman Romano, JBG Associates/Street Retail Inc
John Tschiderer; Street Retail, Inc.
Patricia A. Harris; Holland & Knight
Steven Crum, Macris, Hendricks & Glascock, P.A.
Wes Guckert; The Traffic Group, Inc.
Councilmember Roger Berliner
Dolores Kinney; MNCPPC DRD
Shahriar Etemadi; M-NCPPC TP
Edward Axler; M-NCPPC TP
Chuck Kines; M-NCPPC TP
Clifford Royalty, OCA

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Edgar Gonzalez, DPWT DO
Gary Erenrich, DPWT DO
Gail Tait Nouri, DPWT DCD
Jeffrey Riese; DPWT POS
Joseph Y. Cheung; DPS RWPPR
Henry Emery; DPS RWPPR
Sarah Navid; DPS RWPPR
Emil Wolanin; DPWT TEOS
Bruce Mangum; DPWT TEOS
Fred Lees; DPWT TEOS
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book

**MARYLAND TRANSIT ADMINISTRATION****MARYLAND DEPARTMENT OF TRANSPORTATION**

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
John D. Porcari, Secretary • Paul J. Wiedefeld, Administrator

October 26, 2007

Mr. Thomas Autrey
Transportation Planning
Maryland-National Capital Park & Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Dear Mr. Autrey:

As requested, I am writing to inform the Maryland-National Capital Park and Planning (M-NCPPC) of comments from the Maryland Transit Administration (MTA) regarding the proposed Woodmont East II Project Plan and Preliminary Plan, relative to the proposed Purple Line project. The MTA appreciates the opportunity to comment on this proposed development that would be located along the sides, above and below the Georgetown Branch right-of-way (Master Plan alignment).

As you are aware, the MTA's current Purple Line study is continuing to evaluate both light rail (LRT) and bus rapid transit (BRT) alternatives for the 16-mile Purple Line corridor from downtown Bethesda to New Carrollton. Several of the alternatives under consideration would use the Georgetown Branch Master Plan alignment for both the proposed transitway and parallel permanent Capital Crescent Trail, including the portion of the right-of-way that extends through the tunnel area at Bethesda under the existing Air Rights and Apex buildings and ending at Woodmont Avenue. As part of our ongoing study of the Purple Line, we have held several meetings with the Woodmont East developers, JBG Associates and Street Retail, Inc., to coordinate on the two projects (Purple Line and Woodmont East). Our focus in these coordination efforts has been to ensure that sufficient space is provided for designing and constructing the proposed Purple Line transitway and trail alternatives that would use the Georgetown Branch alignment.

Based on the MTA's discussions with the Woodmont East developers as well as on the attached drawing (Exhibit A), the MTA believes that the Woodmont East development plan provides adequate space required for the current conceptual plans of the Purple Line transitway (LRT or BRT). We would request that JBG and Street Retail be required to continue to coordinate with the MTA as both their development plans and the plans for the Purple Line progress to a more detailed level of design. It should be noted that the current dimensions for the Purple Line could change slightly as the project moves into

final design. It is critical that the MTA be given the opportunity to review the Woodmont East development plans during each phase of design.

In addition, based on the attached drawing, it is not clear if sufficient space for the 14-foot parallel hiker/biker trail is accommodated in the Woodmont East development plan. The MTA requests that the Woodmont East development team continue to work with the MTA and Montgomery County to make sure that the hiker/biker trail associated with the Purple Line, as it passes through the tunnel and comes down to grade through the Woodmont East development, is fully accommodated. We feel that a workable solution for accommodating the hiker/biker trail requirements can be achieved with the Woodmont East development team prior to approval of their site plan.

Thank you again for the opportunity to comment on the Woodmont East development plans, and specifically in terms of the proposed Purple Line transitway and trail. We look forward to continue working closely with M-NCPPC and Montgomery County on the planning and design for the Purple Line. Please do not hesitate to contact me at 410-767-3694 or at mmadden@mtamaryland.com, if you have any questions on this matter.

Sincerely,



Michael D. Madden
Chief, Project Development
Office of Planning

cc: Gary Erenrich, Special Assistant to the Director, DPW&T
Robert Kronenberg, M-NCPPC
Joshua Sloan, M-NCPPC
Edward Axler, M-NCPPC

EXHIBIT 'A'

Georgetown Branch Easement
WOODMONT EAST

Scale: 1"=80' Date: October, 2007
MONTGOMERY COUNTY, MARYLAND

MHG
Mearns, Hendricks & Glascock, P.A.
Professional Surveyors
Landscape Architects • Surveyors
5225 Wygreen Road, Suite 100
P.O. Box 100
20846-1270 Hagerstown, Maryland
(EP-45-07)
1993.399.45

GEORGETOWN BRANCH EASEMENT

LINE	BEARING	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
L1	N 31°03'52" W	8.52'				
L2	N 41°13'53" E	81.53'				
L3	S 02°35'00" E	42.48'				
L4	S 45°13'35" W	43.63'				
L5	S 39°20'09" W	38.15'				

CURVE TABLE (1)

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	400.00'	24.88'	53°01'45"	12.88'	N 42°28'45" E	25.80'
C2	1509.50'	181.54'	83°32'20"	80.86'	N 42°48'32" E	181.43'
C3	1109.50'	104.07'	03°11'11"	5.03'	N 48°29'11" E	10.07'
C4	1477.50'	177.89'	83°32'20"	88.95'	S 42°48'32" W	177.58'

RESERVATION AREA 1

LINE	BEARING	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
L7	S 47°01'30" W	31.00'				
L8	N 47°01'30" W	31.00'				
L9	N 48°13'50" E	43.03'				
L10	S 02°35'00" E	8.83'				

CURVE TABLE (2)

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C5	1053.50'	181.12'	02°22'42"	8.08'	S 47°41'17" W	88.15'
C6	1477.50'	171.88'	44°54'48"	81.00'	N 43°31'11" E	171.84'

RESERVATION AREA 2

LINE	BEARING	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
L11	N 31°03'52" W	8.01'				
L12	N 41°22'03" E	122.22'				
L13	S 02°35'00" E	96.43'				
L14	S 02°35'00" E	96.43'				
L15	S 45°58'53" W	7.12'				
L16	S 02°34'53" E	3.96'				
L17	S 48°28'01" W	50.78'				
L18	S 41°22'03" W	12.78'				

CURVE TABLE (3)

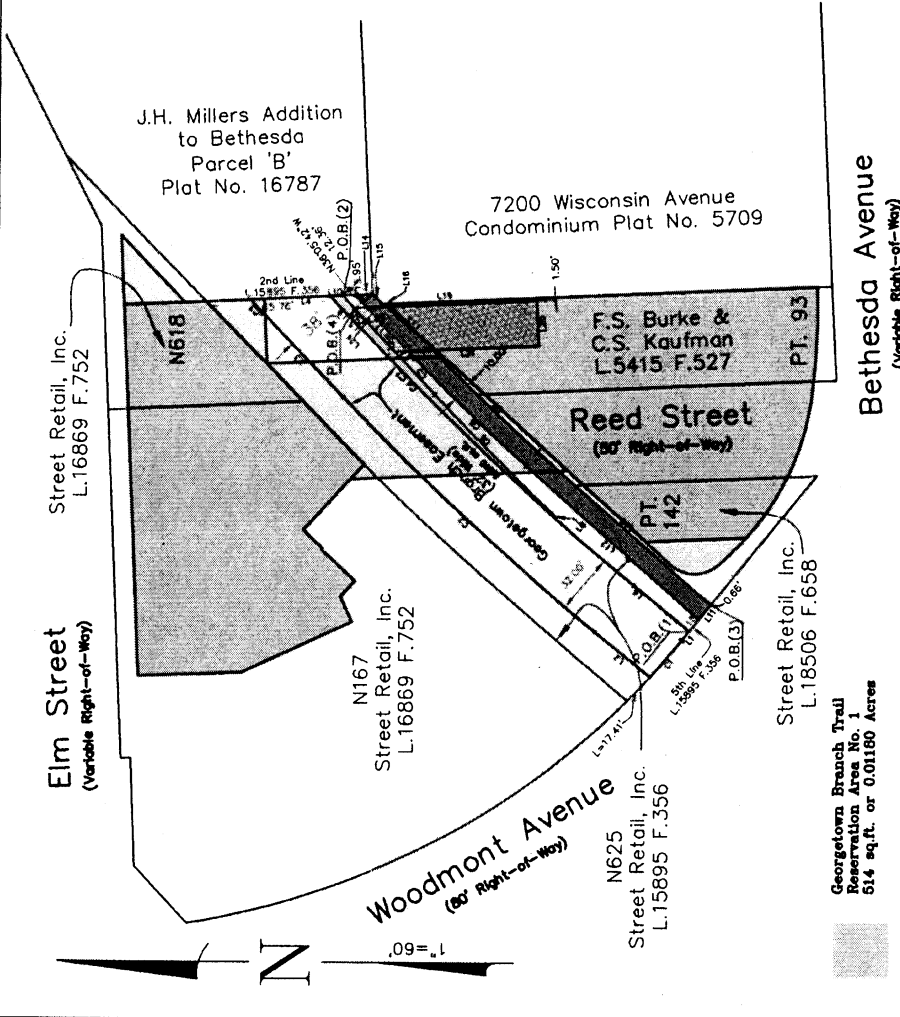
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C8	511.22'	80.11'	53°01'45"	41.08'	N 43°35'01" E	80.19'
C9	801.27'	80.22'	83°32'20"	40.13'	S 43°58'02" W	80.19'

RESERVATION AREA 3

LINE	BEARING	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
L19	S 02°31'35" E	58.43'				
L20	S 87°23'23" W	24.00'				
L21	N 02°34'55" W	78.00'				
L22	N 02°34'55" W	33.82'				
L23	N 02°34'55" W	33.82'				
L24	N 47°01'06" E	1.80'				

CURVE TABLE (4)

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C10	688.71'	9.50'	03°52'32"	4.85'	N 47°01'06" E	9.50'



The accommodations shown in this drawing are intended to incorporate the center line track location and top of rail elevation of LRT tracks as proposed in MTA Bi-County Transitway Conceptual Design Bethesda LRT: Raised Tracks Drawings #1 and #2, dated February 2005.

- Georgetown Branch Trail Reservation Area No. 1
514 sq.ft. or 0.01180 Acres
- Georgetown Branch Trail Reservation Area No. 2
1,852 sq.ft. or 0.04236 Acres
Final location and dimensions are to be determined
- Georgetown Branch Trail Reservation Area No. 3
2,069 sq.ft. or 0.04500 Acres
Final location and dimensions are to be determined

Exhibit C

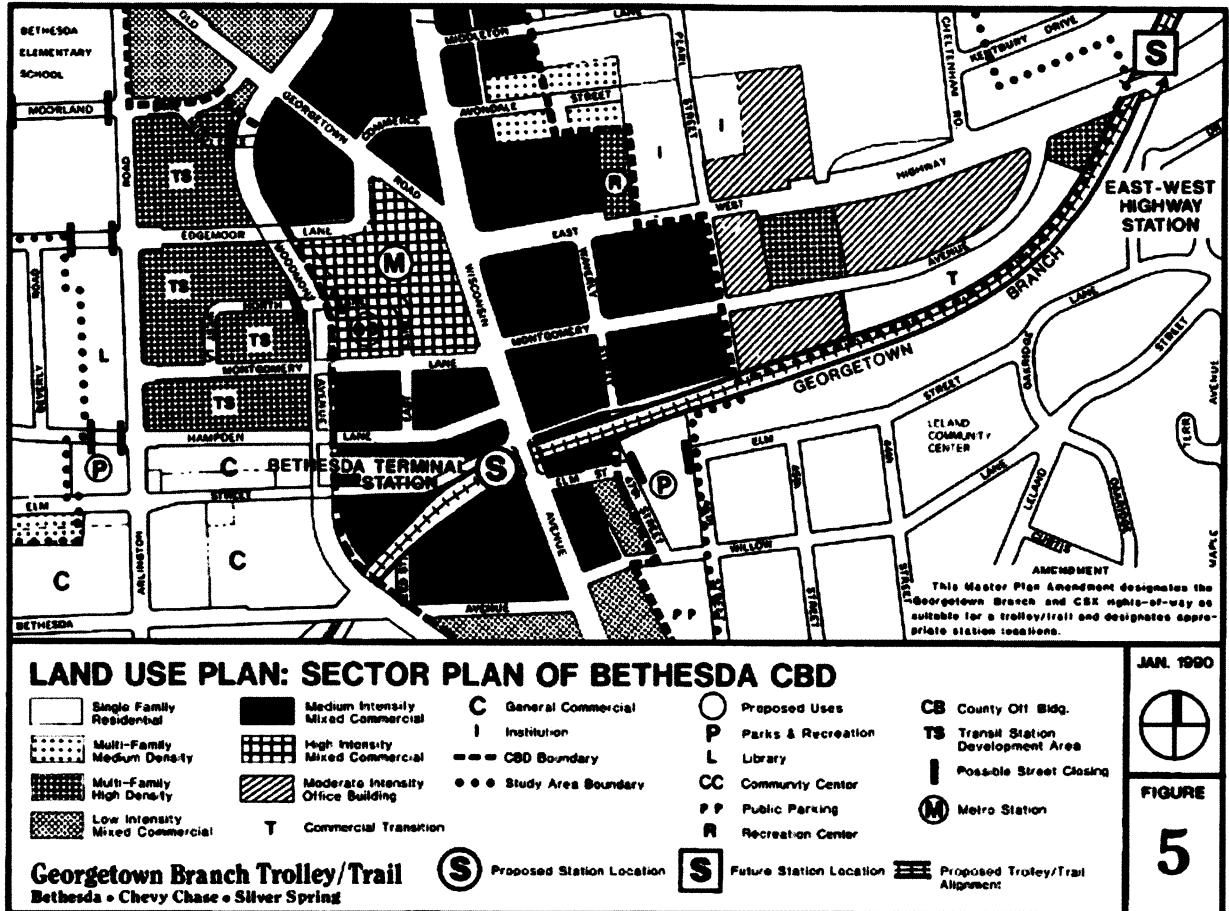
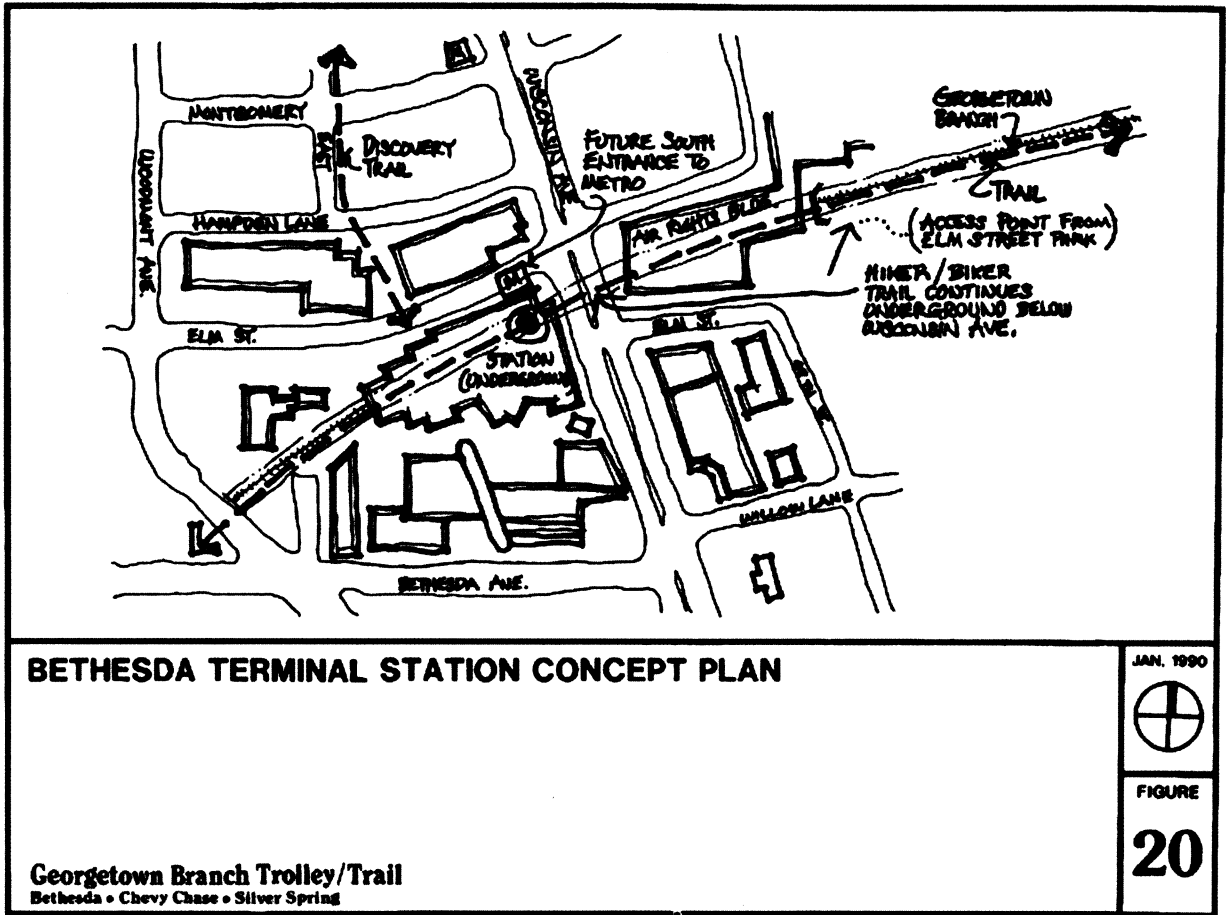


Exhibit D

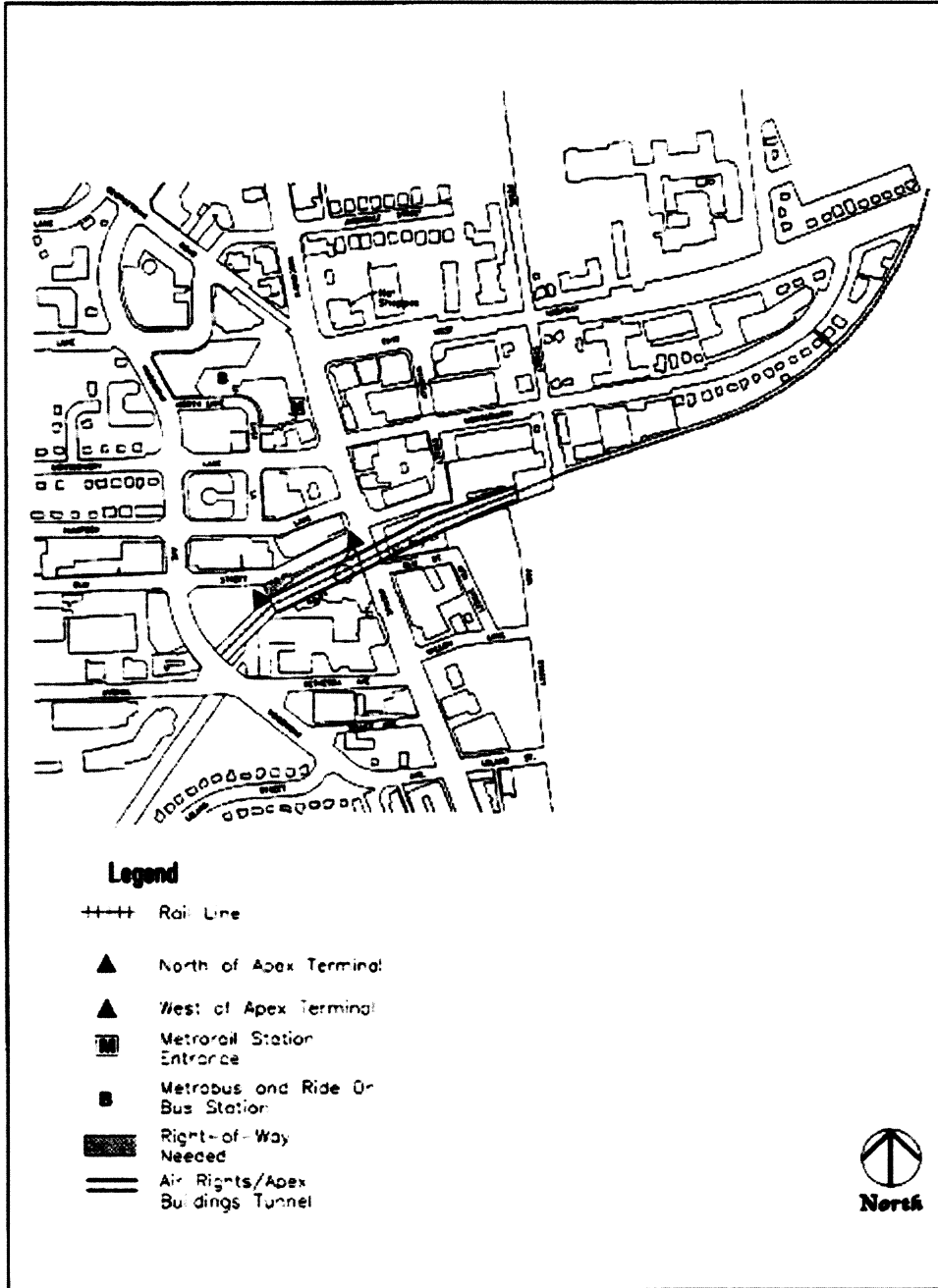


The Maryland - National Capital Park and Planning Commission Montgomery County Planning Board

SOURCE: Montgomery County Planning Board Staff

TROLLEY STATION ALTERNATIVES

FIGURE 5.2



BETHESDA CBD - APPROVED & ADOPTED JULY 1994

Exhibit F – MTA Purple Line DEIS Alternative Alignments and Station Location

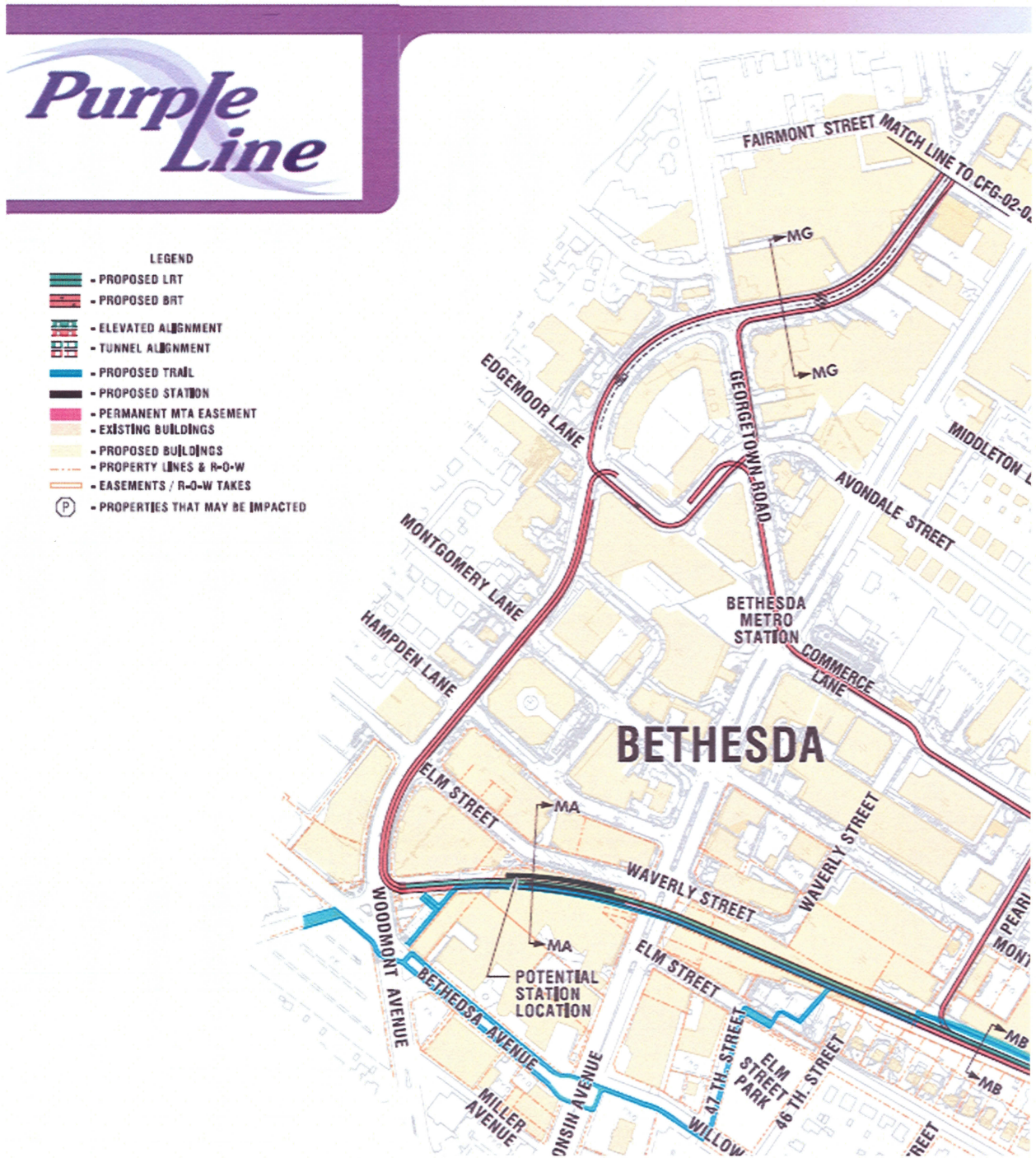
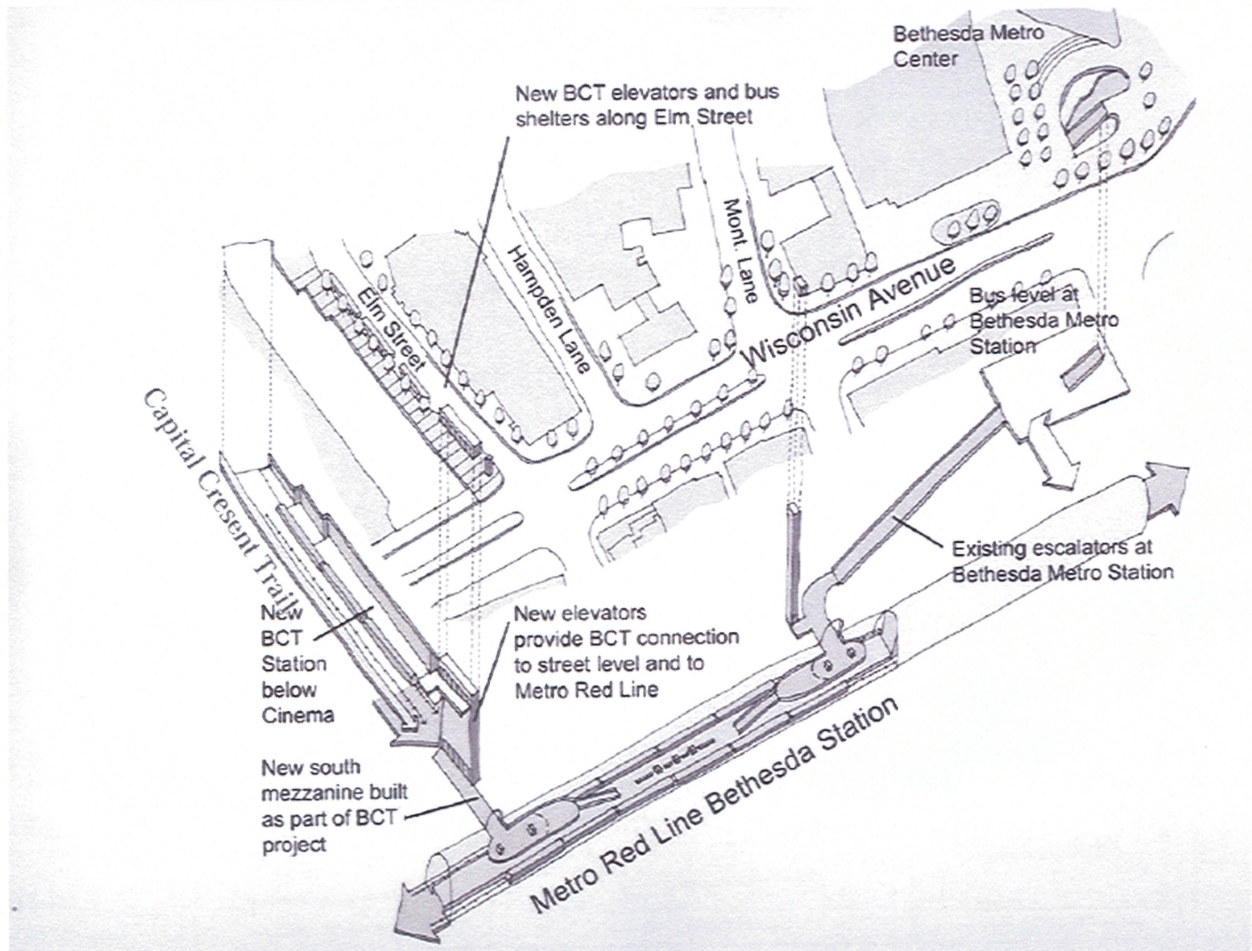
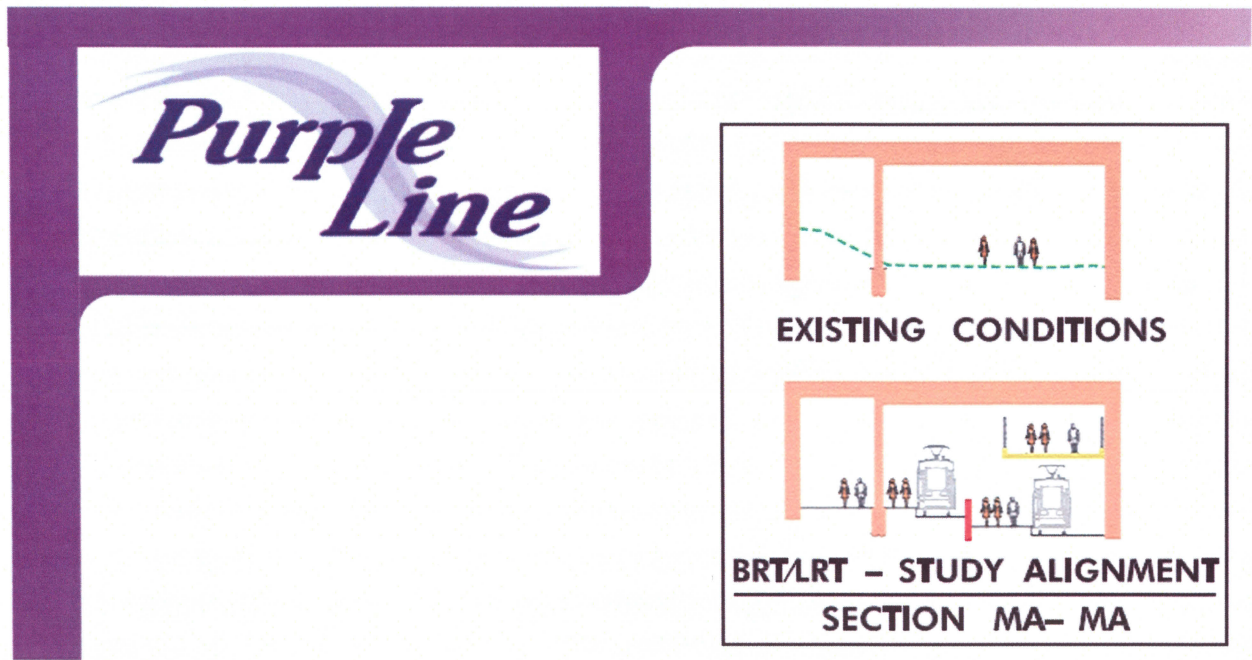


Exhibit G – DEIS Concept of Connection between Purple Line Station and Bethesda Metro
Metrorail Southern Entrance Via Elevator



Source: MTA

Exhibit H – Trail Above The Purple Line Within The Tunnel



Note: See Exhibit E For Location of Section MA-MA
Source: MTA