

M-NCPPC

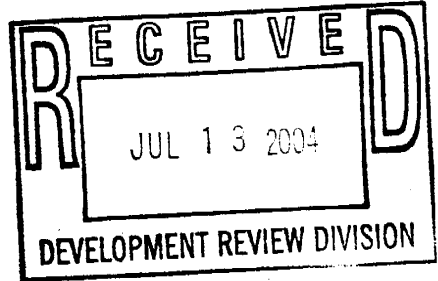


MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

July 8, 2004



MEMORANDUM

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

VIA: Ronald C. Welke, Supervisor
Transportation Planning

FROM: Shahriar Etemadi, Coordinator
Transportation Planning

SUBJECT: Site Plan # 8-04025
Woodmont Corner in Bethesda

This memorandum is Transportation Planning staff's Adequate Public Facilities review of the subject application.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation requirements related to the approval of the subject application.

1. Dedicate 40 feet from the centerline of Old Georgetown Road to provide for 82 feet of right-of-way as recommended in the Bethesda Central Business District (CBD) Sector Plan.
2. Dedicate 40 feet from the centerline of Woodmont Avenue to provide for 80 feet of right-of-way, as recommended in the Bethesda CBD Sector Plan.
3. Provide for minimum eight-foot sidewalks on both Old Georgetown Road and Woodmont Avenue.
4. Provide a marked pedestrian crosswalk on the north side of Old Georgetown Road at Moorland Lane, if approved by the Maryland State Highway Administration.

5. Enter into an access easement with the Department of Public Works and Transportation (DPWT) to use the public alley on adjacent property, N181, that provides access to the County's Parking Garage No. 11.
6. Coordinate the sidewalk reconstruction along Woodmont Avenue with DPWT's CIP Project No. 500102.
8. Install 12 bike lockers in the underground parking garage and six bike racks in accessible above ground space, locations to be determined in cooperation with staff from M-NCPPC and DPWT.

Local Area Transportation Review

A traffic study was submitted at the time of Project and Preliminary Plan review to determine the impact of the proposed development on the local area transportation network. Five intersections in the study area were evaluated. The trips generated from the site were added to existing and background traffic (trips from approved but not built developments in the area) to estimate the total future traffic. The total future traffic was assigned to the local roadway network and the affected intersections were analyzed for their level of performance. All five intersections in the area were determined to operate within the congestion standard of 1800 Critical Lane Volume (CLV) for the Bethesda CBD.

The following table shows the results of the CLV analysis for intersections in the area.

INTERSECTIONS	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
Wisconsin Avenue/East-West Highway	1,311	1,321	1,421	1,457	1,418	1,460
Woodmont Avenue/Montgomery Lane	461	398	514	448	526	444
Woodmont Avenue/Old Georgetown Road	1,170	1,073	1,427	1,268	1,441	1,276
Woodmont Avenue/Battery Lane	1,094	726	1,192	811	1,185	814
Old Georgetown Road/Arlington Road/Wilson Lane/St. Elmo Avenue	1,279	1,472	1,366	1,557	1,363	1,559

Some of the CLVs for total future traffic shown in the above table are slightly lower than the background CLVs. That is due to the fact that the new development generates 25 fewer trips in the peak hour of the weekday morning peak period and 20 fewer trips in the peak hour of the weekday evening peak period when compared with the trips currently generated from the site.

Site Access and Circulation

The site will have two full access points: one from Old Georgetown Road and the second from Woodmont Avenue. The circulation will take place behind the building from a public alley that also provides access to the Montgomery County Parking Garage No. 11. The applicant will enter into an agreement with the County to gain access to the site. The site access and circulation will be safe and adequate.

Pedestrian Impact Analysis

The traffic study evaluated the pedestrian activities in the area and provided diagrams indicating the facilities. Tables provided in the traffic study show the number of pedestrians crossing the intersections during the peak hours of the weekday morning and evening peak periods. There are significant pedestrian activities in the Central Business District. All streets forming intersections provide adequate sidewalks and crosswalks for pedestrians crossing the intersections.

The applicant will coordinate with DPWT for reconstruction of the sidewalk on Woodmont Avenue. The applicant also will provide a marked crosswalk on the north side of Old Georgetown Road at Moorland Lane, if approved by the Maryland State Highway Administration.

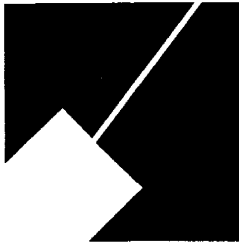
Bike lockers and bike racks are essential to encourage this mode of transportation to the project. Staff recommends a minimum of 12 bike lockers and six bike racks be located on-site as indicated in Recommendation No. 8. The location of these facilities should be coordinated with staff from M-NCPPC and DPWT to optimize their visibility and use.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Bethesda CBD Policy Area, which has a remaining capacity of 706 jobs, and 33 housing units, as of May 31, 2004.

SE:gw

mno to O'Quinn re Woodmont Corner - 8-04025



June 29, 2004

MEMORANDUM

TO: Marybeth O'Quinn
Development Review Division

FROM: Marilyn Clemens *Marilyn Clemens*
Community-Based Planning Division

SUBJECT: Art Panel Review of Art Proposed for
Woodmont Triangle, Site Plan #8-04025

The developer and his consultants met with the Art Panel on June 11, 2004. Sculptor John Dreyfuss has joined their team. Panelists present were Ralph Bennett, Professor of Architecture, Linda DePalma, Artist, and Beverly Denbo, Bethesda resident. Gene Smith, development community representative was absent, but pictures of the proposed art were submitted to him for review. All four panelists have reviewed the proposal and recommend approval.

Two bronze lions will flank the perpendicular access to the building. Providing an interesting twist on the traditional, formal "portal" lions, these bronze animals, with tails extended horizontally and manes elevated like ruffs, will draw attention to the plaza. The lions stand in grasses, reminiscent of a savannah. Panelists suggested a minor difference in the position of the front paws of each lion to provide an element of interest viewers could notice over time. Continuing the animal theme, bronze owl head cap 10 of the wall lights on the building façade around the plaza. The panelists asked that these caps be larger, making them more dominant and visible to passersby. A patina similar to the metal of the animals will be applied to twenty of the benches around the plaza.

The panelists made several other suggestions to improve the visibility and impact of the public art: Large-scale shade trees, which can be limbed up for clear views of the lions and the owl light fixtures, should be used on the plaza. This would also allow sunlight to the grasses in which the lions stand. Another recommendation was to pave the plaza surface with the Bethesda streetscape brick to make the space seem an extension of the public sidewalk.

The panelists recognized the property owner's desire to take a traditional, figurative approach to public art and that it is difficult to define the line between architectural decoration and unique public art. An earlier proposal was not considered sufficient to constitute public art, but the panelists were enthusiastic about John Dreyfuss' sculpture and recommend approval.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan
County Executive

Eltzabeth B. Davison
Director

July 1, 2003

Mr. Derick P. Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Woodmont Corner, Preliminary Plan No. 1-03078 and Project Plan No. 9-03003

Dear Mr. Berlage:

Recently, Eric Larsen and I met with representatives of Woodmont Corner Associates, owners and developers ("Applicant") of a proposed high-rise residential building with ground-floor retail and structured parking (the "Project") to discuss the Project's provision of moderately-priced dwelling units ("MPDUs"). As proposed, the Project will be constructed on approximately 1.3 acres of land at the corner of Woodmont Avenue and Old Georgetown Road in Bethesda. The property is zoned CBD-R2 and will consist of approximately 16,700 square feet of ground floor retail space, and approximately 253 high-rise residential units. The Project also includes significant public use space and other amenities that are provided both on-site and within the adjacent public rights-of-way.

After a careful review and analysis of the financial projections for the Project, we have determined that the provision of all required MPDUs on-site would constitute a hardship for the Applicant. The allowable FAR for the Project has been maximized and the Applicant has no opportunity to increase height or FAR to accommodate more market rate units to offset the cost of the on-site MPDUs. Further, as more fully explained below, in addition to the normal 12.5 percent of units as MPDUs, the Applicant is providing one-third or nineteen (19) units based on the current projection of the fifty-seven (57) units attributable to a right-of-way purchase from the County as MPDUs. All of the projected nineteen (19) of these MPDU units will be provided on-site. Therefore, pursuant to Section 25A-5(e)(1)(c) of the Montgomery County Code (the "Code"), I have approved an alternative agreement to allow a contribution of a fee to the Montgomery County Housing Initiative Fund, in lieu of twelve (12) MPDUs, based on 50 percent of the normal projection, i.e., exclusive of the projected fifty-seven (57) units attributable to the right-of-way purchase that cannot be accommodated on-site.



Office of the Director

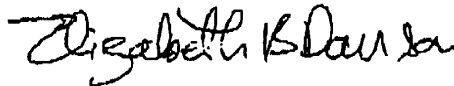
100 Maryland Avenue, 5th Floor - Rockville, Maryland 20850 • 240/777-3600, TDD 240/777-3679, FAX 240/777-3677

Mr. Derick P. Berlage, Chairman
July 1, 2003
Page 2

Therefore, pursuant to Department of Housing and Community Affairs' (DHCA) approval, and excluding the units attributable to the right-of-way purchase, twenty-five (25) MPDUs are required (again based on the normal 12.5 percent requirement, without the additional factor of the right-of-way). Of these, 50 percent will be provided on-site, which would equal thirteen (13) units (based on current unit projection). A contribution to the Housing Initiative Fund for the remaining projected twelve (12) MPDUs would be made by the Applicant. All of the projected nineteen (19) MPDUs generated as a result of the right-of-way acquisition will be provided on-site. We note that the Applicant has previously committed to providing 33 percent of the units achieved as a result of this additional density from the right-of-way rededication as on-site MPDUs. Therefore, as the Project is currently proposed, the total number of on-site MPDUs would be thirty-two (32), and a fee in lieu of providing on-site MPDUs would be paid for twelve (12) MPDU units. In this manner, over 12.5 percent of the total units proposed, or thirty-two (32) of 253, would be MPDUs provided on-site, and a contribution to the Housing Initiative Fund (HIF) for twelve (12) MPDUs will be required. The fee paid to the HIF will provide substantially more MPDUs in the same or an adjoining planning area.

We believe this waiver is fair and reasonable in light of the particular circumstances of this case. If you have any questions or require any additional information, please do not hesitate to contact me at 240-777-3600.

Sincerely,



Elizabeth B. Davison
Director

EBD:tl

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MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
100 Maryland Avenue, 4th Floor, Rockville, Maryland 20850

ALTERNATIVE AGREEMENT UNDER SECTION 25A

THIS AGREEMENT dated the 17th day of June 2004, by and between WOODMONT TRIANGLE LIMITED PARTNERSHIP, (herein "Applicant") and MONTGOMERY COUNTY, MARYLAND, (herein "County").

WHEREAS, Applicant plans to construct 35 or more dwelling units in the subdivision known as Woodmont Corner, located in Montgomery County, Maryland, (the "Project") and to be eligible to receive benefits of the optional density provision afforded by the Zoning Ordinance for Montgomery County, Maryland, Chapter 59, as amended.

WHEREAS, the provisions of Chapter 25A of the Montgomery County Code, 1994, as amended, require that a percentage of the total number of dwelling units in a residential development project be moderately priced dwelling units (MPDUs); and

WHEREAS, by letter dated July 1, 2003, attached hereto as Exhibit "A", the Department of Housing and Community Affairs ("DHCA"), pursuant to Section 25A-5 of the Zoning Ordinance for Montgomery County, Maryland, as amended, approved an alternative agreement ("Alternative Agreement") whereby, based on the anticipated construction of a high-rise building containing 253 dwelling units, Applicant will provide 32 MPDUs on-site and make an alternative payment of \$33,000.00 per unit, if the units are rental units, and a payment equal to 10% of the projected market rate sales price (less any amount paid as an alternate payment if the units are initially established as rental units) for each unit, if sold as condominiums, ("Alternative Payment") for an additional 12 MPDUs to the Montgomery Housing Initiative Fund ("HIF"); and

WHEREAS, the above calculations were based on a projected total number of 253 dwelling units, 57 of which are attributable to a right-of-way purchase from the County. Applicant and the County have agreed that one-third, or 19, of the units attributable to the right-of-way purchase will be on-site MPDUs. The Alternative Agreement therefore pertains only to the projected 25 MPDUs required after the exclusion of the units attributable to the right-of-way purchase; and

WHEREAS, during site plan, the total number of units may be reduced. In such case, the number of units for which an alternate payment will be made under this Alternative Agreement will also be proportionally reduced (i.e. so that 48% of the required MPDUs, not attributable to the right-of-way purchase, will be subject to an alternate payment, as is the case under the current scenario); and

WHEREAS, a separate Agreement to Build Moderately Priced Dwelling Units will be entered into between the Applicant and the County once the site plan for the Project is approved by the Montgomery County Planning Board; and

WHEREAS, the County is willing to issue building permits for the construction of dwelling units under the terms stated in the Alternative Agreement, pursuant to the provisions of

Chapter 25A of the Montgomery County Code, 1994, as amended, and pursuant to a separate Agreement to Build Moderately Priced Dwelling Units to be executed by Applicant, its successors or assigns.

NOW, THEREFORE, in consideration of the mutual promises, conditions, and obligations provided for herein, the parties hereto agree as follows:

1. Unless the total number of units approved is adjusted during site plan approval, Applicant agrees to construct 253 total dwelling units in the subdivision, including 32 MPDUs on-site.
2. The Applicant shall provide 52% of the required MPDUs, not attributable to the density achieved as a result of the right-of-way-purchase*, on-site and, in lieu of providing the other 48% on-site, the Applicant shall make the Alternative Payment to the County pursuant to Paragraph 3 of this Agreement. The Applicant currently anticipates that 32 MPDUs shall be provided on-site based on Code requirements. If the MPDU requirement is reduced pursuant to a reduction in the number of total units in the Project on or before the issuance of building permit(s), then the Applicant shall be permitted to provide 52% of such lesser MPDU requirement on-site.
3. The Alternative Payment for the MPDUs not constructed on-site shall be paid when the occupancy permits for all units in the Project are issued by Montgomery County.
4. Prior to the release of building permits for construction, Applicant, its successors or assigns, shall execute a separate Agreement to Build Moderately Priced Dwelling Units as required under Chapter 25A and in accordance with this Alternative Agreement.
5. A waiver by the County of a specific default must be in writing from the County, and shall not be a waiver of any other subsequent default of similar or different nature.
6. No failure on the part of the County to exercise, and no delay in exercising, any right to remedy permitted by law or pursuant to this Agreement will operate as a waiver thereof.
7. Any notices sent pursuant to this Agreement must be delivered in writing to:
Montgomery County:

Department of Housing and Community Affairs
100 Maryland Avenue, 4th Floor
Rockville, Maryland 20850

Applicant:

Woodmont Triangle Limited Partnership
c/o Marc Dubick

* All of the MPDUs agreed to be provided by the Applicant as a result of the density achieved as a result of the purchase of the right-of-way shall be constructed on-site.

Senior Vice President
Lowe Enterprises Mid-Atlantic, Inc.
1101 Connecticut Avenue, Suite 250
Washington, DC 20036

8. No member, officer, or employee of the County, and no other public official of the County will either exercise any function or responsibility with respect to the subject matter of this Agreement during his or her tenure, or for one year thereafter have any interest, direct or indirect, in the subject matter of this Agreement.

9. This Agreement is assignable in whole or in part without the consent of DHCA.

10. This Agreement is binding upon the agents, successors, heirs, and assigns of the Applicant.

11. The terms of this Agreement will survive the execution and delivery of any deeds or leases, and shall not merge therein.

12. Applicant agrees to abide by and comply with all applicable laws and regulations regarding the subject matter of this Agreement, whether or not such laws or regulations are herein specifically enumerated or referred to, including those amendments described in Montgomery County Council Bill No. 25-88, if applicable, and Applicant agrees to sign such documents as may be required to effectuate the intent and purpose of this Agreement.

IN WITNESS WHEREOF, Applicant has caused these presents to be executed by its General Partner, Lehrco Corporation and its corporate seal to be affixed, and does hereby appoint Lehrco Corporation, General Partner, Samuel Lehrman, President its true and lawful attorney-in-fact to acknowledge and deliver these presents, and Montgomery County, Maryland has, on the day and year hereinabove written, caused these presents to be signed by Elizabeth B. Davison representing the Department of Housing and Community Affairs, and does hereby appoint the said Elizabeth B. Davison its true and lawful attorney-in-fact to acknowledge and deliver these presents.

WITNESS:

APPLICANT:

Margaret C. Dilley

WOODMONT TRIANGLE LIMITED PARTNERSHIP

By: Lehrco Corporation, General Partner

By: *Samuel Lehrman*
Name: Samuel Lehrman
Title: President

WITNESS

MONTGOMERY COUNTY, MARYLAND

Steph Michiedal

BY: Elizabeth B. Davison
Elizabeth B. Davison, Director
Department of Housing and
Community Affairs

STAFF REVIEW BY [Signature]

~~STATE OF MARYLAND~~ District of Columbia
~~COUNTY OF MONTGOMERY~~

I HEREBY CERTIFY that before me, a Notary Public in and for the aforesaid jurisdiction, personally appeared Samuel Lehman, attorney-in-fact for Applicant, who is personally well known to me as the person named as attorney-in-fact in the foregoing instrument, and as attorney-in-fact, as aforesaid executed and acknowledged the foregoing instrument in the name and on behalf of Applicant, for the uses and purposes herein contained.

WITNESS my hand and seal this 6th day of MAY, 2004.

My Comm. Exp: Susan N. Wysocki
Notary Public, District of Columbia
My Commission Expires 07-14-2008

Susan N. Wysocki
NOTARY PUBLIC

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I HEREBY CERTIFY that before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared Elizabeth B. Davison, attorney-in-fact for Montgomery County, Maryland, who is personally well known to me, and as attorney-in-fact as aforesaid, and by virtue of the power vested in him, executed and acknowledged the foregoing instrument to be the act and deed of Montgomery County, Maryland for the uses and purposes herein contained.

WITNESS my hand and seal this 17th day of JUNE, 2004.

My Comm. Exp: 8/1/05

[Signature]
NOTARY PUBLIC

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: January 22, 2004
PROJECT PLAN REVIEW # 9-03002
PROJECT NAME: Woodmont Corner

Action: Project Plan 9-03002: Approval subject to conditions. Motion was made by Commissioner Perdue, seconded by Commissioner Bryant, with a vote of 5-0, Commissioners Berlage, Bryant, Robinson, Perdue and Wellington voting for.

The date of this written opinion is January 22, 2004 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before February 22, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until February 22, 2006 (24 months from the initiation date, provided the applicant has filed a complete site plan application within 18 months of the initiation date), as provided in Section 59-D-2.7.

On September 11, 2003 Project Plan Review #9-03002 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *As conditioned, the proposal complies with all of the intents and requirements of the zone.*
2. *As conditioned, the proposal conforms to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*
3. *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, the proposal is compatible with and not detrimental to existing or potential development in the general neighborhood.*
4. *As conditioned, the proposal does 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.*
5. *The proposal is more efficient and desirable than could be accomplished by the use of the standard method of development.*

6. *The proposal will include moderately priced dwellings units in accordance with Chapter 25A of this code.*
7. *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*
8. *As conditioned, the proposal satisfies any applicable requirements for water quality resource protection under Chapter 19.*

Therefore, the Montgomery County Planning Board APPROVES the Project Plan 9-03002 for: 284,185 square feet of development, including 18,808 sf retail space, 7,050 sf optional mezzanine office space, 253 high rise residential units, including 44 MPDUs of which 32 are MPDUs provided on site, and 250 parking spaces, subject to the following conditions:

1. Development Ceiling and Density

The proposed mixed-use project density is limited to 284,185 square feet of gross floor area (5.0 FAR), including 253 dwelling units, 7,050 square feet of optional mezzanine office space, and up to 18,808 square feet of ground floor retail use. This density is based on the gross tract area of 56,524 square feet, which includes 17,441 square feet of ROW frontage on Woodmont Avenue and Old Georgetown Road ("ROW Frontage"). Planning Board approval is contingent upon Applicant's purchase of 12,065 square feet of Old Georgetown Road ROW frontage from Montgomery County and the subsequent dedication of the ROW Frontage by Applicant, pursuant to Project Plan 9-03002. The Applicant shall submit to Staff, evidence of its acquisition, in fee simple, of the ROW Frontage, prior to record plat.

2. Building Height and Mass

The height of the proposed building must not exceed 122 feet. Building mass articulation and setbacks shall be incorporated into the overall design scheme to provide visual interest at street level and from adjacent structures.

3. On-Site Public Use Space

The proposed on-site public use space must constitute at least 20 percent of the net lot area of the site. The proposed public use spaces are to be easily accessible and readily used for public enjoyment. The public spaces must foster the creation of a discrete character within a unifying theme. The design must create an inviting environment that will promote public activities during the day as well as at night. The Public Use Space shall be reviewed in detail at the time of Site Plan, and shall address the following features:

a. Uses and Square Footage

The uses of the Public Plaza north of the intersection of Woodmont Avenue and Old Georgetown must complement those of the public use spaces within the Bethesda Place developments across Woodmont Avenue. The plaza must be able to accommodate and encourage various public functions, such as outdoor art exhibitions, poetry readings, small performances, and passive recreational uses. Finally, the on site public use space must equal 20% of the net lot area.

b. Public Art

Public Art must be incorporated into the overall design of the public use space, such as the architectural and decorative treatment of the facades that face the plaza. The design of all artwork shall be part of the Site Plan submittal and shall be reviewed and approved by the Planning Board and the Public Art Panel for optional method property.

c. Design Elements

The building facades and retail storefronts that form the public space must be designed to achieve a unified design. The plaza design must incorporate pedestrian amenities, recreational amenities, and the public art, successfully integrating the amenities with high quality materials and landscaping. The design of the building facades and retail windows that form the public streetscape on Old Georgetown

Road and Woodmont Avenue must, in turn, introduce elements of design that integrate the public street facades with the art themes of public amenity space. Particular attention must be given to the design of the building corners.

The design elements to be addressed at Site Plan Review include the following:

- Bethesda Benches and/or benches of special materials, such as stone or mixed metals
- Washington Globe Street Lights or lighting designed for compatibility with the Public Art
- Special Paving for Pedestrian Spaces
- Site Furnishings
- Bicycle Racks
- Night Lighting
- Stone Retaining Walls and Seat Walls
- Railings and Decorative Elements
- Recreational Elements
- Planted Areas
- Seasonal Landscaping
- Plaza Street Trees
- Roof Landscaping as visual amenity or Green Roof suitable for Stormwater Management
- Public Art Program

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

4. Off-Site Public Amenities and Streetscape

Off-site streetscape improvements shall be completed using all elements of the Bethesda Streetscape Standards, including street trees, paving, lighting, furnishings, and fixtures for the following areas:

a. Woodmont Avenue

Streetscaping must be provided on the west side of Woodmont Avenue from the corner of Old Georgetown Road extending northward to Cheltenham Drive. The streetscape treatment must satisfy Sector Plan recommendations for the "Main Street" Level One Streetscape, including:

- Underground utilities;
- Bethesda pavers;
- Bethesda Lantern street lights;
- Zelkova street trees, tightly spaced;
- Furnishings and fixtures, such as Bethesda benches, as determined at Site Plan Review.

b. Old Georgetown Road

Streetscaping must be provided on the north side of Old Georgetown Road from the corner of Woodmont Avenue to the western boundary of the public parking garage. The streetscape treatment must ensure that this segment of Old Georgetown Road reads as part of a continuous, retail, shopping street and satisfies Sector Plan recommendations for the "Urban Boulevard," including:

- Underground utilities;
- Bethesda pavers;
- Bethesda Lantern street lights;
- London Plane trees, tightly spaced;
- Furnishings and fixtures, such as Bethesda benches, as determined at Site Plan Review.

At the time of Site Plan Review, the applicant must:

- c. Provide an arborist's report for existing trees on the above-mentioned streets. Appropriate tree protection measures and provision for replacement and supplemental street trees will be addressed at Site Plan Review;

- d. Provide a Streetscape Plan showing the off-site public amenities. The Streetscape Plan must coordinate site furnishings, materials and standards consistent with retail and other uses;
- e. Ensure continuity of the brick sidewalks across the entrance/exit points for the garage, service area and apartment building; final design of the garage vehicular access drives and garage openings are addressed through details of Site Plan Review.

5. Public Art

A Public Art Program that addresses the public spaces of the project must be incorporated into the overall design of the development. The public art must be provided within the public use space, including the architectural and decorative treatment of the building facades that envelope the public space and extend to the public street frontage. The design of all artwork shall be part of the Site Plan submittal and shall be presented to the Public Art Panel for optional method review prior to the Planning Board hearing for Site Plan approval.

- a. Art features such as sculpture, water fountains, special paving inserts, special planters, or special handrails or fences must be provided on the site, as part of the public space and/or as part of the architectural design of individual buildings;
- b. The artwork must be designed and located as an integral part of the development. The artwork must present a cohesive theme throughout the development that will enhance the quality of the public spaces and enrich the pedestrian experience throughout the site, connecting the major public spaces and major pedestrian entrances on the two street fronts;
- c. The artwork phasing must provide for installation upon the completion of the public space or individual buildings where the artwork is located.

6. Staging of the Public Amenities

The construction or installation of all public amenities, including on-site and off-site features, must be complete prior to occupancy.

7. Moderately Priced Dwelling Units

Moderately Priced Dwelling Units (MPDUs), shall be provided in accordance with Chapter 25A of the Montgomery County Code.

8. Road Rights-of-Way

The applicant must provide or dedicate required road rights-of-way for the following streets, as recommended in the Bethesda CBD Sector Plan:

- a. 40 feet from center of Woodmont Avenue to provide for 80 feet of ROW;
- b. 40 feet from centerline of Old Georgetown Road to provide for 82 feet of ROW.

9. Road and Sidewalk Improvements

The applicant must provide transportation improvements, in accordance with applicable Bethesda CBD Sector Plan recommendations:

- a. A marked pedestrian crosswalk on the north side of Old Georgetown Road at Moorland Lane, subject to approval of the Maryland State Highway Administration;
- b. Construction of a 25-foot radius curb at the intersection of Old Georgetown Road and Woodmont Avenue with reconstruction of the pedestrian refuge island, if necessary, at the southwest corner of the intersection, to limit vehicle-turning speeds and to reduce pedestrian crossing distance.
- c. Coordinate sidewalk construction and streetscape installation along Woodmont Avenue with DPWT Capitol Improvements Project No. 500102;
- d. A signed, curb-side vehicular drop-off area on southbound Woodmont Avenue at the residential entrance, to be provided by the purchase or lease of two metered parking spaces, with no alteration to the consistent curb line, subject to Montgomery County Department of Public Works and Transportation (MCDPWT) Parking Operation Section approval;

10. Access Easement

Prior to record plat, Applicant shall enter into an agreement with DPWT, establishing an access easement that will permit Applicant and users of the proposed development to use the existing access way, which is located between the site and Public Parking Garage #11 and is controlled by the DPWT Division of Parking and Traffic Services, for vehicular access to the site ("Access Easement Agreement").

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: January 22, 2004

**Action: Approved Staff Recommendation
Motion of Comm. Robinson, seconded by
Comm. Bryant with a vote of 5-0;
Comms. Berlage, Bryant, Perdue,
Robinson and Wellington voting in favor**

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-03078

NAME OF PLAN: Woodmont Corner

On 4/01/03, Woodmont Triangle Limited Partnership submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-R2 zone. The application proposed to create 1 lot on 1.30 acres of land. The application was designated Preliminary Plan 1-03078. On 9/11/03, Preliminary Plan 1-03078 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-03078 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-03078.

Approval, Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to 284,185 square feet of gross floor area (5.0 FAR), including 253 dwelling units, 7,050 square feet of optional mezzanine office space, and up to 18,808 square feet of ground floor retail use
- 2) The applicant must provide transportation improvements, in accordance with applicable Bethesda CBD Sector Plan recommendations
- 3) Prior to plat recordation, Applicant shall enter into an agreement with the Montgomery County Department of Public Works and Transportation (DPWT), establishing an access easement that will permit Applicant and users of the proposed development to use the existing access way, which is located between the site and Public Parking Garage #11 and is controlled by the DPWT Division of Parking and Traffic Services, for vehicular access to the site ("Access Easement Agreement")
- 4) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Bethesda Sector Plan unless otherwise designated on the preliminary plan

- 5) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Bethesda Sector Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition
- 6) Record plat to provide for dedication of right-of-way, forty feet from centerline for Old Georgetown Road and forty feet from centerline for Woodmont Avenue
- 7) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 8) Compliance with conditions of MCDPWT letter dated, August 19, 2003 unless otherwise amended
- 9) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) (or MDSHA prior to issuance of access permits)
- 10) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 11) Final approval of the location of buildings, number of dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan
- 12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 13) Final number of MPDU's as per condition #11 above to be determined at the time of site plan
- 14) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 16) Other necessary easements