



JUN 6 2012

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

MCPB No. 12-66
Project Plan No. 92007007B
Project Name: Woodmont/7200
Date of Hearing: April 12, 2012

RESOLUTION

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

WHEREAS, on April 2, 2007, Street Retail, Inc. filed an application for approval of a project plan for a maximum of 250 multi-family dwelling units, 225 hotel rooms, 40,350 square feet of retail use, and 78,300 square feet of office use on 2.48 acres of CBD-2-zoned land; and

WHEREAS, on March 6, 2008, the Planning Board approved the project plan designated Project Plan No. 920070070 (MCPB No. 08-44) for 78,300 square feet of office, 40,350 square feet of retail, a 225-room hotel, and 250 dwelling units on 2.48 acres of land; and

WHEREAS, on April 30, 2009, the Planning Board approved an amendment to the project plan, designated Project Plan No. 92007007A (MCPB No. 09-47), to amend the uses to 286,879 square feet of office, 37,136 square feet of retail and 210 dwelling units; and

WHEREAS, on October 24, 2011, JBG Associates, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved project plan(s) to include additional properties in the application and to amend the uses to 193,036 square feet of multi-family residential use consisting of no more than 210 multi-family dwelling units, 182,950 square feet of hotel use, 81,165 square feet of general retail use, and 755,739 square feet of general office use on 5.8 acres of land in the CBD-2 zone, located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue ("Property"), in the Bethesda CBD Sector Plan ("Sector Plan") area; and

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department

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

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WHEREAS, Applicant's project plan amendment application was designated Project Plan No. 92007007B, Woodmont/7200 ("Project Plan" or "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated March 28, 2012, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on April 12, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on April 12, 2012, the Planning Board approved the Application subject to conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 92007007B for 193,036 square feet of multi-family residential use consisting of no more than 210 multi-family dwelling units, 182,950 square feet of hotel use, 81,165 square feet of general retail use, and 755,739 square feet of general office use, on 5.8 gross acres of land in the CBD-2 zone, subject to the following conditions:

1. Replacement of Original Conditions
All conditions imposed by the approval of Project Plan No. 92007007A in Planning Board Resolution No. 09-47, dated May 29, 2009, are superseded by the conditions contained herein.
2. Development Ceiling
The proposed development is limited to a Floor Area Ratio of 4.79, which includes a maximum of 193,036 square feet of multi-family use consisting of up to 210 multi-family dwelling units, 182,950 square feet of hotel use, 81,165 square feet of general retail use, and 755,739 square feet of general office use.
3. Building Height and Mass
The proposed development is limited to 143 feet in height from the measuring point on Wisconsin Avenue (elevation 348.54 feet).
4. Transportation

- a. The Applicant must not prevent bicycle and pedestrian access to the tunnel located under Wisconsin Avenue, through which the interim Georgetown Branch Trail passes, during and after construction of this development, except as allowed by condition 4.b. below.
- b. Any temporary detour of the trail from the site may not exceed 5 days and must be approved by M-NCPPC and the Montgomery County Department of Transportation ("MCDOT") staff prior to relocation, except in the case of emergency.
- c. The Applicant must identify on the certified site plan the on-site interim and Bethesda Avenue right-of-way permanent future alignments and designs for the Capital Crescent Trail.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide a minimum of 12.5% MPDUs on site for the residential component, consistent with the requirements of Chapter 25A of the Montgomery County Code. The Applicant is not receiving any density bonus with this Project Plan approval. The final number and distribution of MPDUs will be determined at site plan for the residential building.
- b. The Applicant must obtain DHCA approval of the phasing of MPDU provision prior to the issuance of any residential building permit.

6. Public Use Space

- a. The Applicant must provide a minimum of 20% of the net lot area for on-site public use space exclusive of any café reservation areas and a minimum of 23.3% of the net lot area for off-site public amenity space. These areas may be phased with the development as detailed in each site plan approval.
- b. The final design and details of the public use space will be determined during site plan review.
- c. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
- d. The Applicant must provide a way-finding sign along the Capital Crescent Trail near Woodmont Avenue indicating the locations of local parks and trails.

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 phases. A detailed development program will be required prior to approval of each certified site plan.
- b. The Applicant must install the landscaping no later than the next growing season after completion of any open space within any proposed construction phase.
- c. The Applicant must complete the Bethesda Avenue right-of-way Capital Crescent Trail improvements prior to the issuance of any use and occupancy permit for the proposed retail in Phase 3, except that if a full funding grant agreement for the Purple Line is signed between the Maryland Transit Administration and the Federal Transit Administration prior to the construction of the phase 3 retail but after the Applicant has completed construction on the Phase 2 office and hotel the Applicant shall either move forward with the construction of the Bethesda Avenue Capital Crescent Trail improvements once the Lot 31 garage is completed or shall provide the County with the funds to construct the improvements. This condition shall only be applicable upon the Applicant's commencement of development pursuant to the Site Plan.

9. Maintenance and Management Organization

Prior to issuance of the final use-and-occupancy permit for the first office/retail building constructed, the Applicant must 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 Certification of the Site Plan

- a. In connection with the residential phase, the Applicant must obtain written approval from the Montgomery County Department of Parks for the improvements and enhancement of Elm Street Park and the Capital Crescent Trail section within the park.
- b. The Applicant must obtain approval from MCDOT and the Montgomery County Department of Permitting Services ("MCDPS") in consultation with M-NCPPC staff for the final design and extent of any and all non-standard improvements within the rights-of-way.
- c. The Applicant must obtain written approval from the Maryland Transit Authority to ensure compatibility of the site plan designs and proposed improvements with the Purple Line Transit Way and the Capital Crescent Trail.

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

- (a) The proposed development complies with all of the intents and requirements of the CBD-2 zone.**

Intents and Purposes Of The CBD Zones

The Project Plan conforms to the purposes of the CBD zones as follows:

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

The 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 Project Plan will accomplish important Sector Plan objectives as outlined in detail in the Analysis Section of the Staff Report. Namely, the proposal meets the land use and zoning recommendations of the Sector Plan; exceeds the urban design expectations of the Sector 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; and proposes a number and diversity of public-use facilities on- and off-site.

- (2) "To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."

The 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. The Sector Plan identifies the location of the Capital Crescent trail on the north side of Bethesda Avenue, which creates different transportation opportunities in the CBD. However, the location of the trail will eliminate parking on the north side of Bethesda Avenue, requiring potential retail tenants to rely on parking garages rather than on-street parking.

- (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 Plan provides a compatible and desirable relationship with adjacent and surrounding uses. The design and integration of existing and proposed buildings along Bethesda Avenue 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 the Property 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. 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, Bethesda Avenue, Wisconsin Avenue, and Elm Street will facilitate the desire for pedestrian connectivity to the metro core areas of Bethesda. The proposed construction of the Capital Crescent Trail on Bethesda Avenue will enhance pedestrian and bicyclist access within the central business district and to the Bethesda Metrorail station.

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

(5) "To improve pedestrian and vehicular circulation."

The 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 and with the integration of a higher volume of pedestrians and cyclists.

The streetscape improvements along Woodmont Avenue, Bethesda Avenue, Wisconsin Avenue, and Elm Street facilitate the desire for pedestrian connectivity to the Metro station. In addition, construction of the Capital Crescent Trail on Bethesda Avenue will improve pedestrian and bicyclist circulation in the central business district.

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

The Project Plan provides 210 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 Application assembles several lots to make two more functional lots accommodating appropriately sized multi-use buildings. The Application also

combines two separate developments; the Woodmont East site, and the Artery building site, consolidating properties and uses within a key block of the CBD.

Further Intentions 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. 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 less dense surroundings.

The proposed residences are within blocks of a large transit station and directly adjacent to future transit, and integrated with 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 various methods of mass transit.

Requirements of the CBD-2 Zone

The table below 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.

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.
- Provision 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

- Construction of the Capital Crescent Trail along Bethesda Avenue.
- Streetscape improvements along Woodmont Avenue, Wisconsin Avenue, Elm Street, and Bethesda Avenue.
- Enhancement and renovations to Elm Street Park, including play equipment, landscaping, drainage improvements, and seating.

DATA TABLE

Development Standard	Development Standard Approved by the Board and Binding on the Applicant
Gross Tract Area (sf.)	253,363
Previous Dedications (sf.)	40,659
Proposed Dedications (sf.)	856
Net Lot Area ("NLA") (sf.)	211,848
Maximum Density, non-residential (FAR)	3.93
Maximum Density, non-residential (sf.)	1,019,854
Consisting of: Office	755,739
Retail	81,165
Hotel	182,950
Building Height, Maximum (ft.)	143
Building Setback, Minimum	0
Parking Spaces, Maximum	900
On-Site Public Use Space, Minimum (% of NLA)	20
On-Site Public Use Space	42,370

(sf.)	
Off-Site Public Amenity Space (% of NLA)	23.3
Off-Site Public Amenity Space (sf.)	49,519

(b) The proposed development conforms to the Bethesda CBD (Central Business District) Sector Plan approved under Chapter 56.

Zoning and Land Use

The Property is zoned CBD-2, which is recommended by the Sector Plan. The mixed-use development is composed of 210 dwelling units, a 182,950-square-foot hotel with up to 230 rooms, 81,165 square feet of retail space, and 755,739 square feet of office space. The Application will be implemented under the optional method of development with a density of 4.79 FAR. The maximum total density permitted for the Property under the optional method of development is 5.0 FAR.

The minimum required on-site public use space for the Project Plan is 20 percent of the net lot area, and the Application provides 20 percent. As conditioned, the Application 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 Application 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 Application is quintessential infill development – creating two lots out of several to accommodate numerous complementary uses and articulated in a fashion that transitions from one adjacent building to another. The Property is 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 Application to function and accommodate the goals of the core area, the design emphasizes distinct volumes and spaces according to use. This unique site within the Metro Core District provides for a consolidated approach to incorporate building design elements along Woodmont Avenue and Bethesda Avenue. 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 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.

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

The Project Plan has been designed to ensure compatibility with the existing uses and the general neighborhood. The development is in accordance with the Sector Plan and the requirements of the Zone regarding use, setbacks, height, and massing. The mixed-use project provides generous sidewalks along Woodmont Avenue, Bethesda Avenue, Wisconsin Avenue, and Elm Street and created 42,370 square feet of on-site public use space that will enhance the pedestrian activity of the neighborhood. Because vehicular activity is limited, pedestrian and vehicular conflicts are minimized. The scale and design of the massing and the orientation of the proposed buildings are appropriate relative to the adjacent properties and provide an attractive and interesting architectural design that adds character to the area.

- (d) The proposed development 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.**

The Application contains a mix of uses on a site that has access to the necessary water and sewer lines. The stormwater management system is designed 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 Application promotes smart growth within the urban environment by minimizing parking spaces, 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.

(e) The proposed development is 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 permits 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 difference between the permitted density (standard vs. optional method) is 2.0 FAR. The higher density also allows for buildings that can afford to provide underground parking, extensive renovations to local trails, and a large public plaza.

The Application also provides 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 standard method of development requires 10 percent of the net lot area to be attributed to public use space, while the optional method requires a minimum of 20 percent, as well as public amenities to support the increased density. The optional method development will also provide public art, which is essential to the cultural and aesthetic identity of a downtown. The optional method is more desirable to accomplish the goals of the Sector Plan and is a more efficient type of development in the Metro Core.

(f) The proposed development includes moderately priced dwelling units in accordance with Chapter 25A of this Code.

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

(g) The proposed development satisfies any applicable requirements for forest conservation under Chapter 22A.

The Application will satisfy the requirements of the Final Forest Conservation plan by payment of a fee-in-lieu.

(h) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19.

The MCDPS Stormwater Management Section approved the stormwater management concept on September 8, 2011. The stormwater management concept proposes to meet required stormwater management goals via environmental site design to the maximum extent practicable with the use of green roofs and micro-bioretenion.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 92007007B, Woodmont/7200, stamped received by M-NCPPC on January 24, 2012, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

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

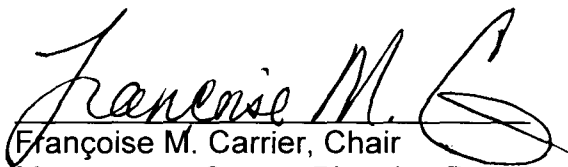
BE IT FURTHER RESOLVED that the date of this Resolution is 2012 JUN 6 2012 (which is the date that this Resolution is mailed to all parties of record); and JUN 6 2012

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 31, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board