

8300 Wisconsin Ave (AKA Trillium), Project/Preliminary/Site Plan Amendment, 92006006A/12006040A/82006036B

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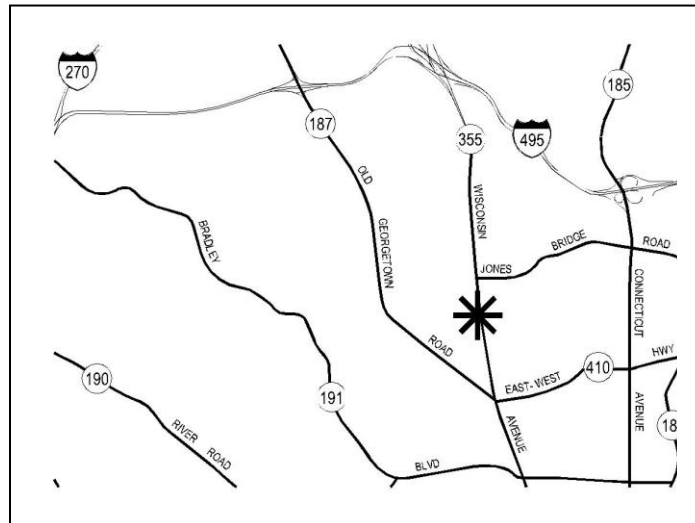
Date of Staff Report: 04/23/2012

Description

- Address: 8320 Wisconsin Avenue
- 1.6 acres, zoned CBD- 1 located in the Bethesda CBD Sector Plan,
- Amendments to Project Plan, Preliminary Plan and Site Plan
- Applicant: Stonebridge Carras, LLC, SC
- Submitted date: February 6, 2012

Staff Recommendation:

Approval with conditions



Summary

Staff recommends **approval with conditions** to amend the Project, Preliminary, and Site Plans to reconfigure the previously approved buildings and associated public use space into a new site design that features one “U” shaped, multi-family residential building with up to 360 dwelling units, and a maximum of 55,000 sf. for non-residential space intended for a grocery store. The consolidated building will form a breezeway over the main access to the public plaza. The public space is activated by the grocery store and the site design, which include water features, works of art, streetscape and access to and from the adjacent open space. Artistic ornamentation will be integrated into the light fixtures and portions of the building facades, further enhancing the public space. The amendment proposes elimination of the arts incubator space, which was originally intended to activate the public use space. The amount of parking is increased to better serve the proposed units and uses, with the balance of spaces to be addressed by payment into the Parking Lot District (PLD) tax. The property occupies 1.6 acres in the CBD-1 Zone; and is located on the north side of Battery Lane between Wisconsin and Woodmont Avenues, within the 1994 Bethesda CBD Sector Plan and the 2006 Woodmont Triangle Amendment.

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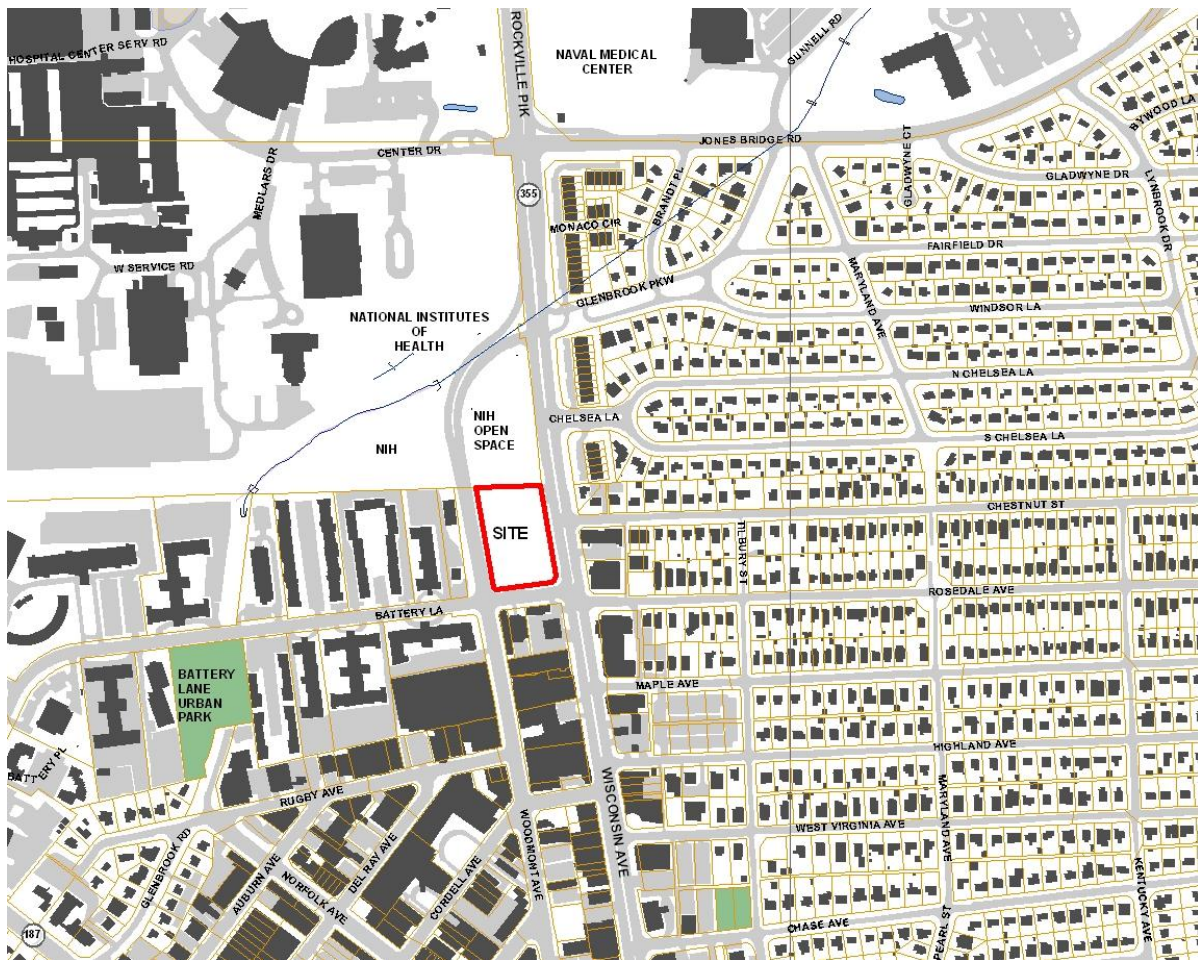
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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The proposed development is peripherally located within the Bethesda Central Business District (CBD) at a gateway location on the north side of Battery Lane, between Wisconsin and Woodmont Avenues. The site, which is zoned CBD-1, is currently vacant. The hotel and associated parking structure which previously occupied the site were demolished in approximately 2009. The site is directly adjacent to an open space area of the National Institutes of Health (NIH) campus. Townhomes in the R-60 zone are located across Wisconsin Avenue towards the northeast. Towards the east and southeast there are additional townhomes, the Rosedale Park condominiums and a one-family home serving as a real estate settlement office. Along Battery Lane to the south there is an existing low-rise office building and a gas station, which currently occupies the Woodmont Central site which was approved for a six story office building with ground floor retail. To the west, further along Battery Lane, there are numerous garden apartments, some of which are proposed for replacement with 5 -11 story multi-family buildings. Due west of the site there is a one-family detached home operating as a philanthropic institution and a three-story office building which will be demolished and replaced with a multi-story residential building with 46 units and a restaurant at the ground floor. The subject property is within 2,000 feet (a six-minute walk) of the Medical Center Metro Station and 3,000 feet from the Bethesda Metro station.



Vicinity Map

Site Analysis

The site is located on the north side of Battery Lane and covers approximately 70,142 square feet, or 1.6 acres. Approximately 14,905 square feet (0.34 acres) were previously dedicated for right-of-way (ROW) and are excluded from the net tract area. Overhead utility wires exist along the north side of Battery Lane and the west side of Wisconsin Avenue. The nearest intersections of Battery Lane with Wisconsin and Woodmont Avenues are both signalized. The site topography slopes with an approximate ten foot decrease in elevation from the east to west and south to north. There are no significant existing trees or shrubs remaining on the site since the 2009 demolition occurred. A grove of mature trees is located on the adjacent NIH property to the north. Vehicular access is proposed from Battery Lane and Woodmont Avenue.



Site Aerial View

PROJECT DESCRIPTION

Previous Approvals

Project Plan

On December 22, 2005, the Planning Board approved Project Plan 920060060 (Resolution date of March 7, 2006), for a maximum of 200 multi-family dwelling units, of which 25 were MPDUs, and approximately 2,000 square feet of arts incubator space within the main building.

Preliminary Plan

On December 22, 2005, the Planning Board approved Preliminary Plan 120060400 (Resolution date of March 7, 2006), for a maximum of 200 multi-family dwelling units, of which 25 were MPDUs, and approximately 2,000 square feet of arts incubator space within the main building.

Site Plan

On July 6, 2006, the Board approved Site Plan 820060360 (Resolution date of August 22, 2006), for a maximum of 198 multi-family dwelling units including 25 MPDUs (12.5 percent) and approximately 2,000 square feet of arts incubator space within the main building.

On May 10, 2007, the Planning Board approved a site plan amendment, 82006036A (Resolution date of June 28, 2007), to reduce the number of parking spaces and correct a typo in the data table for building setbacks along Wisconsin Avenue.

Proposal

The proposed amendments undertake significant redesign of the approved site plan, within the previously approved buildable area, to:

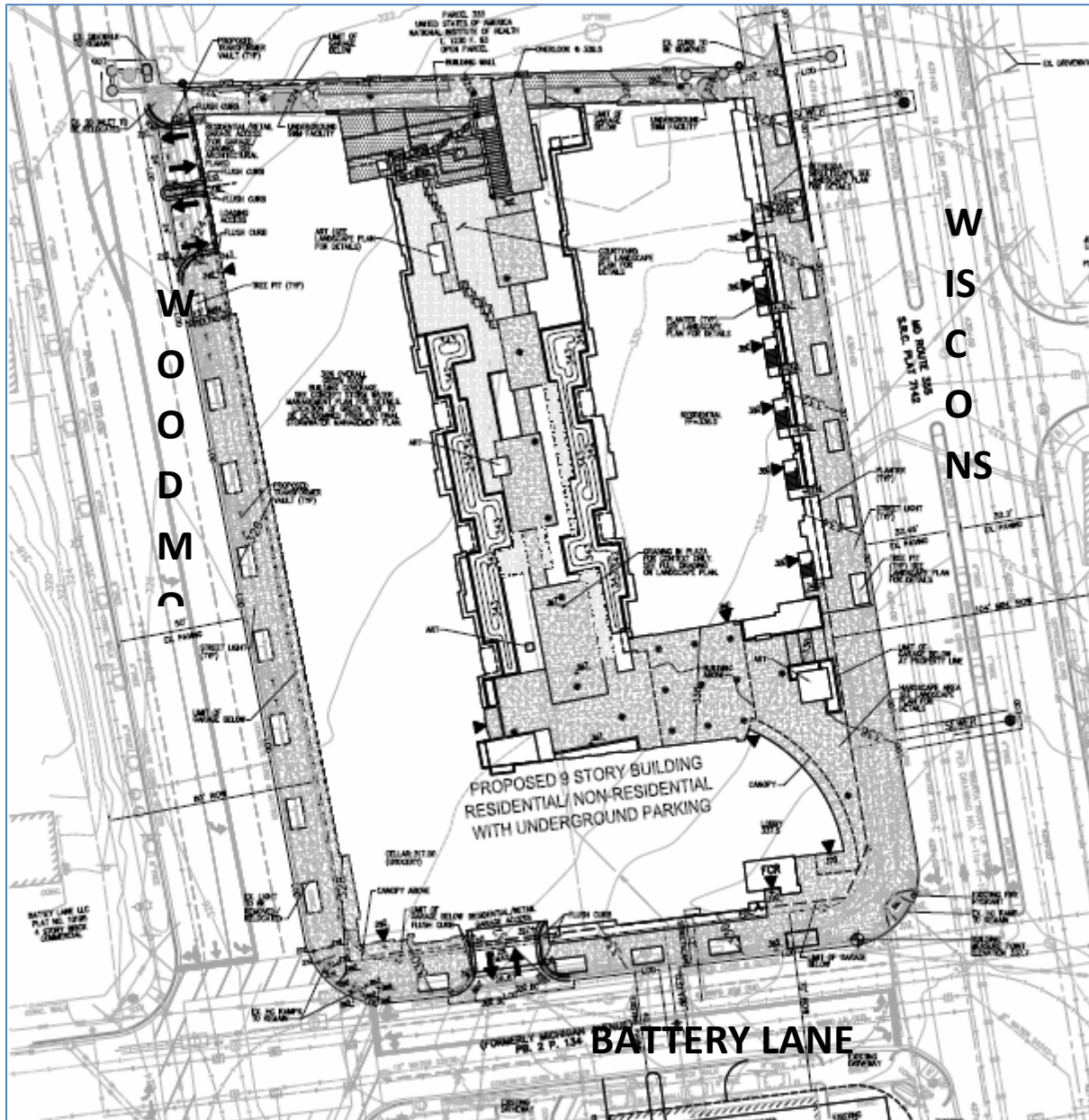
- Increase the maximum number of dwelling units from 198 to 360;
- Add 55,000 square feet of retail space (grocery store) within the overall allowable buildable area, a portion of which is cellar space;
- Consolidate all the residential and newly proposed retail development into one building:
 - A 90' tall building with multi-family units, and non-residential space along Woodmont and a portion of Battery Lane;
- Increase the maximum number of parking spaces from 373 (not including motorcycle spaces) to 599, for the residential units and non-residential space;
 - The deficient spaces would require a payment of the PLD tax for spaces which would otherwise be required.
- Redesign the public use and amenity space to:
 - Provide a significant public plaza area originating at the intersection of Battery Lane and Wisconsin Avenue that leads into the central linear park opening to the NIH open space; provide a connection from the grocery space to the public plaza area;
 - Delete the approved 2,000 square feet of arts incubator space, previously located within one of the buildings;
 - Decrease the amount of off-site public amenity space from 14,787 sf. (21.2% of the net lot area) to 12,000 sf. (17% of net lot area);
 - Increase the total amount of public use space from 19,396 sf. to 22,000 sf.. The total public use and amenity space decreases slightly from 48.7% to 48.0%;
 - Provide a series of water features along central portions of the linear public plaza;
 - Incorporate artwork and artistic ornamentation into portions of the building facades and specific site elements.

Urban Design

The central spine of the site opens up to the NIH property on the northern end, embracing the environmental aspects of the adjacent property, and provides an activated pedestrian plaza that is also accessible from a breezeway connection to Wisconsin Avenue and from the grocery store.

The proposed grocery store is the magnet for activation of the public plaza. The artwork within the plaza and artistic ornamentation of the facades will further aid in attracting the public to the plaza.

The building configuration will define the public space from Wisconsin Avenue and the NIH property.



Proposed Overall Site Plan

Public Use and Amenity Space

This proposal creates a different building footprint than the previous plan, significantly modifying the intent and activation of the public use space. However the percentage of the net lot area devoted to public use space remains equivalent- from 48.7% (34,183 sf.) to 48% (34,000sf.). The public amenity space is decreased by the elimination of the arts incubator space. While important in activating the previously approved public space, the arts incubator space was not viewed as a compliment to the activation of the proposed space. This is replaced through a modified design of the

public space, activation from a new grocery tenant and an art program integrated with the building and surrounding spaces. Furthermore, as conditioned, the current plan provides a higher quality of space which will enhance the experience for the users of the site. Furthermore, the grocery store and associated café (which were not part of the previous approval) will ensure activation of the space.



Approved Site Design for Previous Site Plan 82006036A



Proposed Site Design for Current Site Plan 82006036B

During the review of the current plans, staff expressed concerns about the activation and long-term success of the public plaza space given that the main connections are linked with Wisconsin Avenue and a parcel of open space, both of which have few pedestrians. Furthermore, the artists' studio space is eliminated and the Wisconsin Avenue entry is through an approximately 18' high breezeway with a building overhead. Staff suggested supplemental elements such as artwork, lighting, and other items of visual interest to encourage public entry to the space.

In response the applicant reduced the horizontal projection of the lobby (at the intersection of Wisconsin Avenue and Battery Lane) to help the visual connection into the space. Additionally, the Applicant is now coordinating with Kent Bloomer Studios to provide artwork around the site and artistic expressions on strategic portions of the building facade (<http://www.bloomerstudio.com/>). The final design of the facade treatments will also correspond in design to the site lighting and to the sculpture fronting the breezeway entrance at Wisconsin Avenue. Staff considers the proposed ornamentation as part of the total amenity package. Five additional sculptural pieces by other artists will also be featured within the plaza. Staff has included recommended conditions regarding the type, location, quantity, programming and maintenance to ensure the objectives are achieved.

The original plan contained an area of private outdoor space at the south center plaza. The current proposal removes the open space access from Woodmont Avenue but provides for an access through the grocery to the plaza level. The previous connection from Woodmont Avenue was approximately 10 feet higher in elevation, negating the effectiveness of the public use area and mid-block connection. Therefore the total area of public space is equivalent in area and function to the previous approval. Staff concerns about the disjunction between the surrounding streets and the public space are addressed by the applicants' commitment to improving the public amenity space with the current plans. Given the retail magnet for the site and the high quality landscape/architectural components that will be included, the public space under the current proposal is anticipated to be more successful than the space under the existing approval.



*Perspective looking west from Wisconsin Avenue (Near Battery Lane intersection)
Concept Art in lower center of image*



*Public Use Space Rendering
Looking North towards NIH*

Architecture

The proposed architecture of the building provides a modern appearance but is compatible in design with older, existing buildings in the Bethesda CBD. Parking for both residential and retail uses is provided within the structure, occupying the four levels below the grocery store.

The U-shaped building frames the central spine of open space and visually ties it into the adjacent NIH property on the northern end, embracing the environmental aspects of the park-like setting. The pedestrian plaza is also accessible from a breezeway connection to Wisconsin Avenue and from the retail space.



*Perspective from Wisconsin Avenue, South-facing view (toward CBD)
NIH Open Space in foreground*



Perspective from Wisconsin Avenue, Northwest facing view (toward NIH)



*Perspective from Battery Lane/Woodmont Avenue intersection
Looking Northeast*

DESIGN ISSUES CONSIDERED

During the review of the amendment Staff made a number of recommendations regarding the grocery store entrance on Battery Lane near the intersection with Woodmont Avenue (refer to image above). The entry from this location needs to be prominent, open and public. Staff had suggested that an element of artwork consistent with the overall theme of the public plaza be located near the corner entrance to animate the entryway and also reinforce the pedestrian access connection from this corner entrance, through the interior mezzanine, and into the open public plaza.

The applicant demurred, stating that the grocery store would be a natural draw to the site, and that the store tenant would want to design an entry feature that would attract the public. Part of the grocery store's entrance feature will not likely be the best use of public art resources given that the store itself is the draw.

An additional element of concern to Staff expressed during the review process was the relatively low height of the breezeway over the main connection to the public plaza. The height of the pedestrian passage measures approximately 18'. Although Staff would have preferred a higher entryway to create a more visible and inviting entry into the central plaza area, the applicant was concerned that a higher entryway would cut off access to the units on the associated third floor without providing a greater sense of entry to the plaza. In order to address this problem with the two story opening currently shown, the applicant had to incorporate two story townhome units fronting Wisconsin Avenue along the north side of the breezeway into the design.



Perspectives looking west into main plaza entrance

DEVELOPMENT STANDARDS

The proposed development site is zoned Central Business District 1 (CBD-1). The zone is intended to foster and promote the orderly development of the fringes of the Central Business Districts so that these areas will provide land uses at a density and intensity that will encourage small business enterprises and diverse living accommodations, while complimenting the uses in the interior portions of these districts and provide compatibility with the adjacent land uses outside of the CBDs. The proposed development meets the purpose and requirements of the zone.

The following data table indicates the proposed development's compliance with the Zoning Ordinance.

Project Data Table for the CBD-1 Zone

Development Standard	Approved per Site Plan 82006030A	Proposed for Project, Preliminary, and Site Plans
Gross Lot Area (sf.)	86,806	129,327
Prior Dedications (sf.)	14,905	59,185*
Proposed Dedications (sf.)	1,712	0
Net Lot Area (sf.)	70,189	70,142
Max. Total Density (FAR)	NA	3
Max. Total Density (sf.)	428,000	387,981
Max. Non-Residential Density (sf.)	NA	55,000**
Max. Residential Density (sf.)	99 units per acre (198 units)	376,458 (360 units)
Max. Dwelling Units (du)	198	Up to 360
Efficiency	NA	30
1 Bedroom	18	185
2 Bedroom	160	127
3 Bedroom	20	18
Min. MPDUs % / (du)	12.5/ (25)	12.5 (45)
Max. Building Height (ft.)	90	90
Min. Building Setbacks (ft.)		
Wisconsin Avenue (Front/East)	3' from property line, 20' from curb	20' from curb
Woodmont Avenue (Rear/West)	0' from property line, 15' from curb	0'
NIH property (North)		0'
Battery Lane (South)	0' from property line, 15' from curb	0'
Min. On-Site Public Use Space (%) 20% required per the Zone	27.6	31.0
Min. On-Site Public Use Space (sf.)	19,396	22,000
Min. Public Amenity Space	14,787sf (21.2%)	12,000 (17.0%)
Total Public Use & Amenity Space	34,183 (48.7%)	34,000 (48.0%)
Max. Parking Spaces	373	599***
Residential Uses (Mkt. Rate)		
Efficiency @ 1.00sp x unit	NA	1.00 x 22 = 22 spaces
1 Bedroom @ 1.25sp x unit	1.25 x 16 = 20 spaces	1.25 x 168 = 210 spaces
2 Bedroom @ 1.50sp x unit	1.50 x 137 = 205.5 spaces	1.50 x 107 = 160.5 spaces
3 Bedroom @ 2.00sp x unit	2.00 x 20 = 40 spaces	2.00 x 18 = 36 spaces
Residential Uses (MPDUs)		
Efficiency @ 0.5sp x unit	NA	0.5 x 8 = 4 spaces
1 Bedroom @ 0.625sp x unit	0.625 x 2 = 1.25 spaces	0.625 x 17 = 10.6 spaces
2 Bedroom @ 0.75sp x unit	0.75 x 23 = 17.25 spaces	0.75 x 20 = 15 spaces
Grocery Store 5 spaces per 1000gsf	NA	5 x 55 = 275 spaces
Additional spaces provided by the Applicant	87	NA
<p>*Refer to lotting exhibit on Preliminary Plan 12006040A ** 43,447sf. of cellar space is not included in the FAR *** Final unit count /type and parking spaces to be determined at certified site plan; Mixed-use parking requirement is ≈ 688 spaces; reductions in spaces are subject to payment of Parking Lot District (PLD) tax.</p>		

COMMUNITY OUTREACH

The Applicant has complied with all submission and noticing requirements. As of the date of this report, Staff has received three letters regarding the proposal. Each of the letters expressed opposition to the removal of the artist workspace. The letter from the East Bethesda Citizens Association (EBCA) which represents over 1,200 households in Bethesda, states that the EBCA participated in the development of the Woodmont Triangle Sector Plan amendment and requests that the artist workspace be retained consistent with the Sector Plan amendment (on page 16). The letter also asks that a careful review be performed in consideration of the increased traffic associated with the site plan amendment. A letter from the Downtown Bethesda Condominium Association (DBCA), representing more than 830 condominiums in the downtown Bethesda area, expresses similar concerns regarding continued support of the artist workspace. The third letter, sent by the director of the Fraser Gallery in downtown Bethesda, also requests retention of the artist workspace and emphasizes the benefits to the artists and the community.

The applicant's position is that the artists' space has no purpose or connection to the public amenity plaza now proposed and that the artist workspace would be significantly out of place if included now. Furthermore the applicant stated that the studio space would not accomplish the objectives intended for the particular amenity described in the Woodmont Triangle amendment to the Bethesda CBD Sector plan. The applicant believes the grocery store and the associated plaza amenities will draw the public to use the site. Staff concurs with applicant's position, but with conditions for the appropriate development and execution of the integrated artwork and facade ornamentation previously described. (See Appendix C for copies of letters received to date).

SECTION 2: PROJECT PLAN AMENDMENT REVIEW

FINDINGS

The proposed amendments to the Project Plan are consistent with the purposes, intents, and requirements of the CBD-1 zone, as well as with the Bethesda CBD Sector Plan, and, as conditioned, are compatible with the existing and proposed development adjacent to the site. The proposed modifications satisfy the Adequate Public Facilities requirements as identified in the preliminary plan amendment, as well as the requirements of Forest Conservation, water quality and MPDUs (as conditioned in the DHCA 4/13/2012 letter).

The proposal continues to provide development of a quality greater than that of the standard method, while providing higher density and even more attractive buildings and open spaces than the previously approved proposal.

The Project Plan amendment is supported by the findings evaluated below:

- (a) *The Project Plan complies with all of the intents and requirements of the zone.*

Purpose Clause (§ 59-C-6.212)

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 amendment proposes to use the Optional Method of Development. It is in conformance with the 1994 Sector Plan for the Bethesda Central Business District and the Planning Board’s 2006 Wisconsin Triangle Amendment to the Sector Plan.

The amendment consists of a 9-story apartment building containing up to 360 multi-family dwelling units and a maximum of 55,000 square feet of non-residential use. High-density residential uses are permitted in the CBD-1 Zone. The U-shaped building is one structure with 4-levels of parking below grade. The central spine of the site opens up to the NIH property on the northern end, embracing the environmental aspects of the adjacent property. The activated pedestrian plaza is also accessible from a breezeway connection to Wisconsin Avenue and from the retail space. Ninety foot building height is recommended for this site in the 1994 Sector Plan and in the Woodmont Triangle Amendment. The amendment provides up to 160 more residential units than the previous approval and a 55,000 sq. ft. a non-residential component for a maximum 3.0 FAR, in lieu of the units per acre development previously approved.

The amendment will accomplish Bethesda CBD Sector Plan and Woodmont Triangle Amendment objectives by providing more housing near transit and MPDUs on-site. The project upgrades the physical environment around the site and provides the Bethesda streetscape. The proposal greatly improves the area by replacing an existing vacant site and previous unattractive two-story open parking deck, multiple curb cuts and older mid-rise hotel with an attractive mixed-use building and a large public gathering area.

- (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 Amendment responds to the need for a variety of housing near metro in the Bethesda CBD by significantly increasing the number of units and providing a grocery on the ground floor to meet the needs of workers, shoppers and residents. Although the previous approval was providing a public arts workspace, contributing to the Bethesda Arts and Entertainment District’s network of art venues, the current applicant has instead pursued an art program on the site and on the building itself.

Under the Optional Method, this amendment continues to encourage pedestrian activity by providing improved, widened sidewalks, a public plaza connecting the adjacent streets and bus stops, which contributes to the attractiveness and liveliness of the public spaces in the Woodmont Triangle.

(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.”*

As conditioned, the amendment contributes to the northern gateway of the Bethesda CBD by emphasizing the architecture and artistic impressions on the building. The amendment is similar to the previously approved plan in that the 9-story building provides a transition from the lower densities and heights north and east of the site into the CBD and from the low rise rental apartments on the west to Wisconsin Avenue. Older high-rise buildings up to 170 feet in height are located in the next block south of Battery Lane.

The access points to the project will not conflict with the curb cuts on the opposite side of the adjacent streets.

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

The site is located 2,000 feet from the Medical Center Metro Station and 3,000 feet from the Bethesda Metro Station. Bus stops for six bus routes are located adjacent to the site, and the Bethesda Circulator stops one block away. Residents will be able to walk to the numerous places of employment and restaurant, retail, service, and arts uses within the Woodmont Triangle and along Wisconsin Avenue.

The applicant will enter into a traffic mitigation agreement (TMAg) with the Planning Board.

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

The project provides a variety of pedestrian choices in walking through or around the site to encourage pedestrian activity. The project provides a new midblock connector at the north end of the site and provides improved streetscape and widened sidewalks on the other three frontages. These modifications will contribute to an improved pedestrian environment. The public use space entering the site from the Battery Lane and Wisconsin Avenue

intersection provides a gathering space and street level access to the residential lobby, outdoor seating areas and to the grocery at the mezzanine level.

The garage and loading entrance from Woodmont Avenue will not impede the flow of traffic. The primary pedestrian access to the grocery is located at the intersection with Battery Lane and Woodmont Avenue. The Amendment continues to have access from Battery Lane, which is a short block approximately 210 feet in length and an important connection between Wisconsin Avenue and Woodmont Avenue.

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

One of the main goals of the Woodmont Triangle Amendment to the 1994 Bethesda Sector Plan is to provide housing near metro for a variety of income levels. The amendment provides up to 315 market rate units and 45 MPDUs on-site. Under the Woodmont Triangle Amendment, only projects with MPDUs on-site are permitted to use the Optional Method of Development. Consistent with Chapter 25A, the applicant is committed to providing all MPDUs within the building.

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

The Amendment allows for a more desirable use of the land, adding additional residents who will use the businesses and services of the area and provide pedestrian activity on the street in a part of the CBD that has been underutilized. The amendment responds to the need for more housing in the CBD, addresses smart growth policies and contributes to the variety and size of the open space network in the Woodmont Triangle.

(8) *The Project Plan also meets the provisions of § 59-C-6.213, which states that it is further the intent in the CBD-1 Zone:*

(1) *to foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*

(2) *to provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.*

The amendment proposes additional residential uses and a grocery use at the edge of the CBD at an appropriate density. The site provides a transition from the lower density to the north and east to the greater density of the Bethesda CBD core.

(9) The Project Plan meets all of the development standards of the CBD-1 zone as set forth in the Data Table shown on page 15:

(10) The following is a summary of the amenities and facilities that will be provided by the Applicant:

On-Site Improvements:

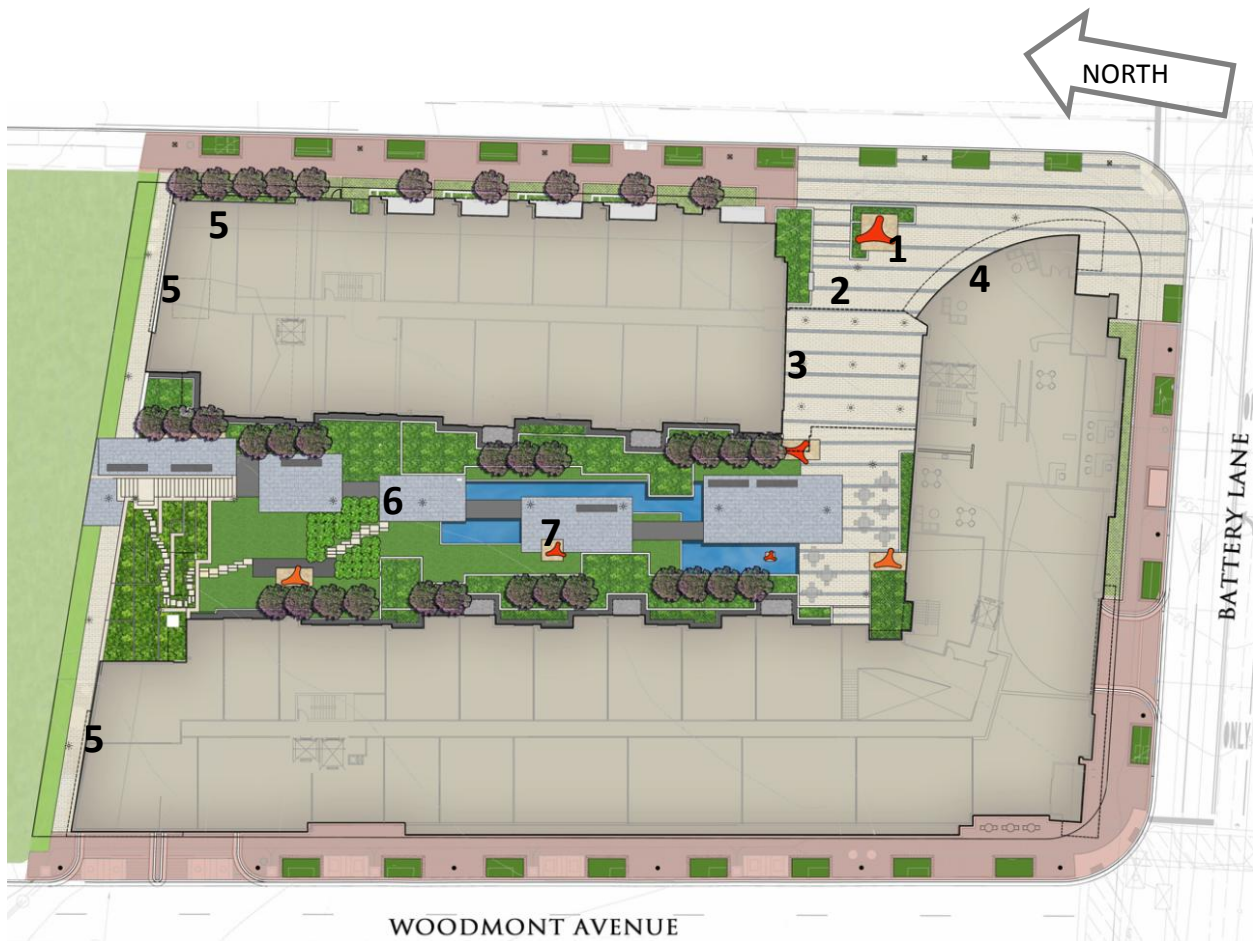
An on-site public plaza of approximately 22,000 square feet is provided. The plaza connects to the public sidewalk at Wisconsin Avenue and leads through the site via a graceful interior stairway to Battery Lane on the west and via a meandering path and stairs to the NIH green space north of the site. Every effort will be made to draw the public into the site via signage and focal points.

The public plaza will be improved with paving, a linear water feature, landscaping, and a variety of seating areas and benches and plinths to display outdoor art. The design and landscape treatment of the plaza is “gardenesque” rather than formal, in keeping with the residential nature of the project and its location at the north end of the CBD. Adequate drainage and soil depth must be assured for all plantings.

There will be sufficient shady areas on the plaza, given the orientation and height of the buildings.

A condition in the report addresses the type, location, quantity, programming and maintenance of the artwork and building ornamentations to ensure the associated objectives are achieved.

Refer to exhibit and associated descriptions on following pages for further information.



*Exhibit showing types and general locations of artwork to be incorporate within project
(The numbers correspond with text below)*

Refer to the image above for general locations of artworks to be incorporated within project as described below:

- 1 Metal Sculpture by Kent Bloomer Studios at the entrance plaza near the southeast corner of the site. The sculpture is to relate to the metal trellis work described in item 2;
- 2 Metal Trellis Work by Kent Bloomer Studios on the glass facade over the public plaza entrance, to relate in design with the metal sculpture in item 1;
- 3 Precast concrete panels by Kent Bloomer Studios decorating the wall beneath the bridge into the public plaza;
- 4 Select glass etching by Kent Bloomer Studios on the residential lobby façade in keeping with the principal focal points of the art described in items 1-3 above;
- 5 Precast concrete panels by Kent Bloomer Studios decorating the wall on the north elevation and portion of the east elevation of the building and include signage identifying the property name and the grocery store. The panel decoration at this location will extend around the building onto Wisconsin Avenue at the northeast building corner. These treatments also create pedestrian interest along the path connecting Wisconsin and Woodmont Avenues along the NIH property.

- 6 Approximately 17 lighting fixtures by Kent Bloomer Studios placed to create a visual design connection with art at the entrance plaza at the southeast corner of the site and the art along the pedestrian east west walkway at the northern end of the site.
- 7 A minimum of five sculptural works of art by other artist(s) located throughout plaza interior.

The final designs of all artwork and sculptures to be approved by the art panel in coordination with M-NCPPC staff. Final locations, type quantities to be determined prior to certified site plan.

Off-Site Improvements:

(a) The Wisconsin Avenue Right-of-Way (104 foot ROW)

Wisconsin Avenue is a six lane major divided highway with a narrow planted median. The full Bethesda CBD streetscape will be provided along Wisconsin Avenue for the extent of the property. Utility lines will be placed underground; the sidewalk will be paved with the Bethesda paver and be a minimum of 20 feet in width, the Bethesda Lantern will be installed at 60 feet on center, and London plane street trees consistent with the Master plan recommendations will be planted at approximately 30 feet on center in improved tree pits.

(b) The Battery Lane Right-of-Way (70 foot ROW)

Battery Lane is a four lane roadway connecting Wisconsin Avenue to the east with the Woodmont Triangle area and to Old Georgetown Road further west.

The full Bethesda CBD streetscape will be provided along the north side of Battery Lane, including the Washington Globe street lamp at approximately 60 feet on center, the Bethesda paver, bike racks, and trash receptacles. Utilities will be placed underground. The paved sidewalk will be a minimum of 15 feet in width. Street trees shall be planted at approximately 30 feet on center. The submitted plan proposes sugar maples along Battery Lane which corresponds with species recommended by the Master Plan for Rosedale Avenue (to the east of Battery Lane).

(c) The Woodmont Avenue Right-of-Way (80 foot ROW)

Woodmont Avenue is a four lane arterial and is an alternative north-south route to Wisconsin Avenue.

Zelkova street trees will be planted along Woodmont Avenue consistent with the Master plan recommendations at approximately 30 feet on center in improved tree pits. The Applicant will provide a minimum 15-foot wide sidewalk and planting area, the Bethesda paver, Washington Globe lamps along the site, and install all utilities underground.

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

Zoning, Land Use and Sector Plan Conformance:

The Approved and Adopted 1994 Bethesda CBD Sector Plan recommends the CBD-1 zoning for this site. The 1994 Plan assumed a hotel would remain on the site. Included in the Woodmont Triangle Amendment Study Area, no changes were made to the zoning or the development standards for the site. The Woodmont Amendment encourages a variety of housing throughout the area and only permits the Optional Method of Development if MPDUs are built on site. The 2006 Woodmont Triangle Amendment builds on the goals of the 1994 Sector Plan and seeks to spur the development of a variety of housing in the Woodmont Triangle, promotes revitalization by having more people living, walking and working in the Triangle, promotes additional streetscape in the area and seeks to support the Arts and Entertainment District by implementing a series of amenity features described in the Amendment (on page 16). This project is well-served by transit and will contribute to the variety of outdoor public spaces in the Woodmont Triangle.

Conformance with the Purpose of the Woodmont Triangle Amendment:

The project advances several goals of the Woodmont Triangle Amendment, as stated above. In addition to the grocery use, the project Amendment provides additional housing units including up to 45 MPDUs, provides public art features, improves the public right-of-way, and adds another link to the open space system connecting the Woodmont Triangle District. The project helps revitalize the Woodmont Triangle District by bringing more residents to the area who will contribute to the local economy. The project is also well-served by transit.

- (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 proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the buildings and public spaces, intensity of the development and operational characteristics.

- (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 amendment will not overburden existing public services nor those programmed for availability concurrently with each stage of construction. The Applicant will enter into a

traffic mitigation agreement with the Planning Board as specified. The residential project will not severely impact the adjacent intersections. The site is within the Bethesda parking lot district (PLD). Payment of the PLD tax is proposed in addition to the creation of new parking spaces. School facility payments will be required to satisfy adequate public facilities for schools.

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

The Optional Method of Development permits a more efficient and desirable product than the standard method of development. As part of the Woodmont Triangle Study Area, the amendment can use the Optional Method only by providing MPDUs on-site and contributing to the priority amenities outlined by the Woodmont Triangle Amendment. The project is in conformance with the recommendations of Woodmont Triangle Amendment.

Under the standard method of development, the project could achieve 85 dwelling units and would provide only 11 MPDUs. Up to forty-five MPDUs are provided with this amendment, as well as a grocery use, streetscape, a public plaza and amenity improvements. The aggregate amount of public use space and amenities is 48% of the net lot area. Under the standard method of development, 10% public use space, a minimal amount of streetscape and no amenity space would be achieved. The Applicant is maximizing the potential density of 3.0 FAR as opposed to the dwelling units per acre previously approved for the site.

- (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 is providing the required MPDUs, up to 45 units, or 12.5 percent of the total number of units on site, in accordance with the provisions of Chapter 25A of the Montgomery County Code.

- (g) ***The proposal satisfies any applicable requirements for forest conservation under Chapter 22A.***

The Final Forest Conservation Plan (FFCP) # 820060360A approved on August 10, 2007 identified an afforestation planting requirement of 0.24 acres (10,454 square feet). The planting requirement was satisfied per plan, by a \$9,409 fee-in-lieu payment which was received on August 16, 2007. The forest conservation plan was originally approved by the Planning Board before the effective date of variance requirements. Therefore no forest conservation variance is required for the onsite activity or for impacts to the critical root zones (CRZ's) of the offsite trees associated with the NIH campus. The proposed limits of

disturbance (LOD) for the current proposal do not trigger any further requirements related to forest conservation.

- (h) *The proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The site has a new Stormwater Management Concept Plan approved on February 17, 2012 by the Department of Permitting Services (DPS). The approved concept proposes to meet required stormwater management goals by the use of green roofs (30% minimum), micro biofiltration, and a waiver of quantity control.

- (i) *The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.*

The arts incubator space from the previous approval is not included with this application, creating opposition to the loss of artist space in the Bethesda CBD. While important in activating the previously approved public space, the arts incubator space was not viewed as a complement to the activation of the proposed public space. The amendment activates the public space through a modified design, activation from a new grocery tenant and an art program integrated with the building and surrounding spaces.

RECOMMENDATION

Staff recommends approval of Project Plan 92006006A, 8300 Wisconsin Avenue, for the amendments delineated above. All site development elements shown on the project plans stamped "Received" by the M-NCPPC on April 2, 2012 are required except as modified by the conditions contained below.

1. Development Ceiling

The proposed development shall be limited to 360 units and 55,000 square feet of non-residential development.

2. Building Height/Mass

The height of the proposed building elements shall not exceed 90 feet as measured from the building height measuring point as shown on the plans near the corner of Wisconsin Avenue and Battery Lane.

3. Transportation Improvements

- a. Enter into a traffic mitigation agreement with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD)
- b. Provide four bike racks around the site and sixteen bicycle lockers in the proposed structured parking garage as determined at certified site plan review.

4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 12.5% of the total number of units as on-site MPDUs to be finalized at certified site plan, consistent with the requirements of Chapter 25A.

5. Public Use and Amenity Space

- a. The Applicant shall provide 34,000 square feet or 48% of the net site area as on and off-site public use and amenity space.
- b. The proposed on-site public use space must be easily and readily accessible to the general public.
- c. The Applicant shall provide art elements by Kent Bloomer in the plaza area near the breezeway and on the connector, on the northern facade of the building wrapping around on a portion of the eastern facade on Wisconsin Avenue, and artistic light elements within the courtyard area and throughout the site. The locations of the art elements shall be provided on the certified site plan.

6. Streetscape

- a. The Applicant shall provide the full Bethesda streetscape along the property's frontages on Wisconsin Avenue, Battery Lane and Woodmont Avenue.
- b. Utilities shall be placed underground along the property's perimeter on Wisconsin Avenue, Battery Lane and Woodmont Avenue.
- c. Streetscape improvements shall be in accordance with the 1992 Bethesda CBD Streetscape Technical Manual as amended. The streetscape includes the Bethesda paver, the Bethesda Lantern on Wisconsin Avenue, the Washington Globe on Battery Lane and Woodmont Avenue, trash receptacles, bike racks and street trees along Wisconsin Avenue Battery Lane and Woodmont Avenue.

7. Staging of Amenity Features

- a. The proposed project shall be developed in one phase.
- b. Landscaping is to be installed no later than the next growing season after completion of the buildings and public plaza.
- c. The commissioned art work must be completed prior to issuance of the final use and occupancy permit for the residential units.
- d. All streetscape improvements shall be installed prior to issuance of the final use and occupancy permit for the building.

8. Maintenance and Management Organization

The Applicant must insure adequate maintenance and management of the public open spaces in coordination with the Bethesda Urban Partnership (BUP).

SECTION 3: PRELIMINARY PLAN REVIEW

FINDINGS

Sector Plan

The Sector Plan has specific recommendations for the site and also provides numerous recommendations regarding general development guidelines, treatments for the gateway/focal points of the CBD and for streetscape enhancements.

The land use proposed for this site in the Bethesda CBD Sector Plan (p. 104) shows “high rise or garden apartment” on half the site and “hotel” on half the site. However, the use of this property for 100% residential with no hotel was found to be consistent with that recommendation as part of the previous plan approval and remains so. Although the addition of the grocery store was not anticipated in the plan, it is consistent with the overall objective to provide activating retail in the CBD.

Height: The building will be 90 feet tall, which is consistent with the Woodmont Triangle Amendment (Page 39).

An increase in housing is an objective for the Bethesda CBD (Sector plan page 95-B.2., C, 103 B.2., C,) especially for a site located in the north end of the CBD overlapping with the Woodmont Triangle District and the Wisconsin North Corridor boundaries. The Sector Plan details numerous and varied benefits to maximizing the dwelling units and MPDUs within the CBD:

- Need for Affordable housing (Pages 3, 30)
 - “# 3. *“Housing and Neighborhoods....Provide an adequate supply of housing, including affordable units, to reinforce Bethesda as a place to live and work...”*
- Concentrated development in suitable areas (Page 9 item 1)
- More units increase County revenue base (Page 20)
- House CBD employees/lessen commuter traffic congestion (page 50)
- Enhance 24 hour vitality of the CBD (page 50)
- Metro access allows efficient use of the multi-billion dollar Metro system (Page 27, 146)
- Increase use of non-auto driver travel (page 143 A.1)
- More housing closer to transit-Table of sector plan strategies for improving transportation (Page 145)

This project is generally consistent with the Sector Plan, in that additional housing is being provided, even though it does not take advantage of incentives that would allow additional density to be provided with the inclusion of additional MPDUs.

Gateway: The project is consistent with the Sector Plan. However, recommended conditions are included to refine the building features to emphasize the gateway in keeping with master plan recommendations. The refinements to the building will fully realize the intent of a gateway feature into the Bethesda CBD from Woodmont Avenue and Wisconsin Avenue.

Zoning Ordinance and Subdivision Regulations

This application was previously reviewed for compliance with the Montgomery County Code, Chapter 50, of the Subdivision Regulations. The proposed size, width, shape and orientation of the lot was previously found appropriate by the Planning Board for the location of the subdivision as it is consistent with recorded lots in the surrounding area.

The lot was reviewed for compliance with the dimensional requirements for the CBD-1 zone as specified in the Zoning Ordinance. The lot, as previously approved, was found to meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The application had been reviewed by other applicable county agencies, all of whom had recommended approval of the plan.

The current proposal does not alter the previous findings related to the Zoning Ordinance and Subdivision Regulations.

Adequate Public Facilities

Master Plan Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* has the following recommended transportation facilities:

1. Battery Lane, as a two-lane business street with the minimum right-of-way width of 70 feet between Woodmont Avenue and Wisconsin Avenue and as a two-lane primary residential street with a minimum right-of-way width of 70-80 feet between Old Georgetown Road and Woodmont Avenue.
2. Woodmont Avenue, as a two-lane arterial (A-68) with a minimum right-of-way width of 80 feet for its entire length.
3. Wisconsin Avenue, as a six- to eight-lane major highway (M-6) with a minimum right-of-way width of 104 feet along site frontage.

The 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan* also recommends bikeway facilities along Battery Lane (Countywide signed shared roadway SR-10 between Glenbrook Road and Woodmont Avenue), Woodmont Avenue (Countywide shared-use path SP-62 to the north of Battery Lane and Countywide bike lanes BL-6 to the south of Battery Lane), and the Battery Lane Urban Park Bike Path (Countywide shared-use path SP-3 between Battery Lane and NIH Campus).

Transportation

A traffic study (dated April 2, 2012) was submitted by the consultant for the Applicant for the subject application per the *LATR/PAMR Guidelines* since the proposed development was estimated to generate **30** or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

- **Trip Generation**

The peak-hour trip generation estimate for the proposed 8300 Wisconsin Avenue development was based on trip generation rates included in the *LATR/PAMR Guidelines*. A site trip generation summary is provided in Table 1 below, which shows that the development would generate 115 peak-hour trips during weekday morning peak period and 389 peak-hour trips during the weekday evening peak period.

TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 8300 WISCONSIN AVENUE DEVELOPMENT (CURRENT AMENDMENT)

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed: 160 High-Rise Dwelling Units	10	38	48	32	16	48
Proposed 55,000 SF Grocery Store	47	20	67	171	170	341
Net "New" Trips	57	58	115	203	186	389

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. April 2, 2012.

Note: Trip generation as above reflects only the density increment being proposed on the site as part of this amendment.

- **Local Area Transportation Review**

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

As shown in Table 2 below, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the respective policy area congestion standards (1,600 CLV for the Bethesda-Chevy Chase Policy Area and 1,800 CLV for the Bethesda CBD Policy Area). Based on the analysis presented in the traffic study, the subject application will satisfies the LATR requirements of the APF test.

TABLE 2

SUMMARY OF CAPACITY CALCULATIONS

PROPOSED 8300 WISCONSIN AVENUE DEVELOPMENT (CURRENT AMENDMENT)

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Wisconsin Ave/Jones Bridge Rd ¹						
Existing Lane Configurations	1,253	1,174	1,563	1,579	--	--
With Proposed BRAC Improvements	--	--	1,509	1,383	1,523	1,449
Wisconsin Ave/Woodmont Ave ¹	746	908	930	1,072	948	1,124
Wisconsin Ave/Battery Ln ²	851	708	997	837	1,019	877
Wisconsin Ave/Cordell Ave ²	693	577	832	683	835	688
Woodmont Ave/Battery Ln ²	876	692	998	839	1,014	889
Woodmont Ave/Cordell Ave ²	426	380	458	440	461	443
Old Georgetown Rd/Battery Ln ²	1,104	1,251	1,211	1,412	1,222	1,521
Old Georgetown Rd/Auburn Ave ²	762	955	852	1,054	852	1,054

Source: Wells and Associates, Inc. LATR/PAMR Traffic Study. April 2, 2012.

¹ Bethesda-Chevy Chase Policy Area Congestion Standard: 1,600 CLV

² Bethesda CBD Policy Area Congestion Standard: 1,800 CLV

• **Policy Area Mobility Review**

To satisfy the PAMR requirements of the APF test, and per the policy in place that offers a PAMR trip credit for CBD developments, a development located within the Bethesda CBD Policy Area is required to mitigate 25 percent (25%) of “new” peak-hour trips generated by the development using Countywide trip generation rates, and is then offered a credit on the PAMR trip mitigation requirement equivalent to any reduction in peak-hour trips achieved by the development as a result of its location within the CBD.

As shown in Table 3, this amendment would generate 254 “new” peak-hour trips during the weekday morning peak period and 449 “new” peak-hour trips during the weekday evening peak period (Line A1), using Countywide trip generation rates,. With the requirement to mitigate 25% of the “new” peak-hour trips, the PAMR mitigation requirement for the development is 64 peak-hour trips during the weekday morning peak period and 112 peak-hour trips during the weekday evening peak period (Line B1).

Using the Bethesda CBD trip generation rates, as shown in Table 3 and Table 1, this amendment would generate 115 “new” peak-hour trips during the weekday morning peak period and 389 “new” peak-hour trips during the weekday evening peak period (Line C1).

The PAMR CBD trip credit, which is the difference in “new” trips between the Countywide and CBD trip generation for the density proposed on the site, is 139 peak-hour trips during the weekday morning peak period and 60 peak-hour trips during the weekday evening peak period (Line D1). With the above credits, the PAMR mitigation requirement is fully mitigated during the morning peak-hour (64 trip PAMR mitigation requirement vs. 139 trip CBD PAMR credit) and is partially mitigated during the evening peak-hour (112 trip PAMR mitigation requirement vs. 60 trip CBD PAMR credit, for a mitigation requirement of 52 peak-hour trips) (Line E1).

The applicant is proposing to satisfy the PAMR mitigation requirements of the APF test by reducing 52 peak-hour trips on the site by entering in to a binding Trip Reduction Agreement (“Agreement”) with the Planning Board and MCDOT. Staff recommends that the Applicant execute the Agreement and record the Agreement in the Land Records of Montgomery County prior to the release of a building permit associated with any development on the site.

TABLE 3

PAMR MITIGATION REQUIREMENT CALCULATION

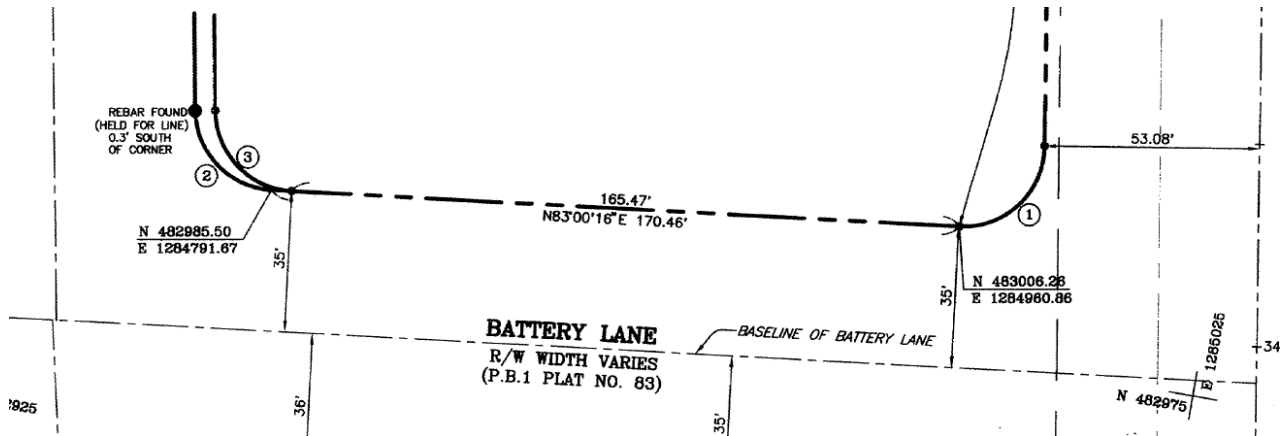
PROPOSED 8300 WISCONSIN AVENUE DEVELOPMENT (CURRENT AMENDMENT)

	Morning Peak-Hour	Evening Peak-Hour
A. Proposed Density – (Countywide Rates)		
Residential – 160 HRDU’s	57	66
Supermarket – 55,000 SF	197	599
Pass-by trips (36% of retail)	--	216
Primary trips (64% of retail)	197	383
Total Trips (A1)	254	449
B. PAMR Mitigation Requirement (B1 = A1 x 0.25)	64	112
C. Proposed Density – (CBD Rates)		
Residential – 160 HRDU’s	48	48
Supermarket – 55,000 SF	67	341
Total Trips (C1)	115	389
D. Trip Credit for CBD Location		
Trip Credit (D1 = A1 – C1)	139	60
E. Adjusted PAMR Mitigation Requirement		
(E1 = D1 – B1)	75	-52
[PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]	(Pass PAMR)	(Fail PAMR)

Truncation

Pursuant to Section 50-26(c)(3) of the Subdivision Regulations, a 25 foot truncation at the corners must be shown, unless the Planning Board determines that a different amount is needed for safe site

distance or traffic channelization. As a result of the original application, the truncation was not required and the property corners relative to the intersections were platted with an approximately 20' radius as shown in the image below.



However, there are numerous factors in both the proposed design and County policy/goals which now would warrant full truncation of the intersections. However, an alternate design concept has been proposed by the applicant which provides a similar function as the truncation, and is acceptable to Staff.

Design changes:

- The addition of a large retail component (grocery store) and the mix of uses in the current proposal will increase the number of pedestrians at the Battery Lane intersections.
- The previous layout incorporated three separate buildings allowing for pedestrians to readily pass through the site, diverting pedestrian access away from the intersections. The current design eliminates the mid-block crossing and places a greater importance on the intersections.

New County policy issues:

- Bus Rapid Transit (BRT) - Staff has identified the corner of Woodmont Avenue and Battery Lane as potential future BRT/transit stop. The preliminary space requirement is approximately 22.5 feet from the face of curb to the ROW line.
- Bike share stations were also not under consideration during the previous approval. The prominent gateway location of this project as an appropriate location for a bike share station is consistent with current transportation goals.

The truncation was recommended by staff at both Wisconsin Ave/Battery Lane and Woodmont Ave/Battery Lane intersections. The truncations would facilitate safe and adequate pedestrian movement through the intersections associated with the building. The truncations would also retain area which may accommodate future transportation uses, further benefiting the residents of this site and the public in general. However, the applicant proposed an alternative design to set back the building at the first and second floors with no alteration in the current property/ROW line. The building setback will correspond with the same location that would otherwise have been dictated by full truncation. This scenario would provide a clear area from the ground to approximately the third floor, accommodating the future BRT, bike share facility and pedestrian circulation. Staff accepts this approach in lieu of formal truncation.

Other Public Facilities

The findings for adequate Public facilities still apply to the previous approval. However, a number of changes have occurred in the availability of public facilities under the proposed plan. The original plan approval for 200 units occurred in 2006, which was prior to the current APF requirements for schools (effective in 2007). The previously approved units are still valid per Council resolution, and are not subject to the schools test as part of the current amendments. The 200 units were already captured in the pipeline of approved development which Montgomery County Public Schools (MCPS) uses in estimating projected enrollment.

Since all three school levels in the Bethesda Chevy-Chase (BCC) cluster (elementary, middle and high school) are currently operating above capacity, the additional students generated by the amendment (an increase of up to 160 dwelling units) are not covered under the current APF. Therefore, the development will be required to make a School Facility Payment for each unit exceeding the previous approval.

Other public facilities and services such as police stations, firehouses, water and sewer service, utilities and health services are available and will be adequate to serve the proposed development. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles.

ENVIRONMENT

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420053100 for the site was approved on May 24, 2005. The urban site is located within the Bethesda Mainstem of Lower Rock Creek, a use I watershed¹.

The site is not otherwise associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains, steep slopes or significant trees. There were a number of minor onsite trees and street trees in the vicinity, ranging from 3” to 18” diameter at breast height (DBH). However the onsite trees and surrounding street trees have since been cleared as part of the demolition activities which occurred under previous approvals in approximately 2009. A grove of mature trees associated with the NIH property to the north is still present.

Forest Conservation

The Final Forest Conservation Plan (FFCP) # 820060360A approved on August 10, 2007 identified an afforestation planting requirement of 0.24 acres (10,454square feet). The planting requirement was

¹ Use I:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.

satisfied per plan, by a \$9,409 fee-in-lieu payment which was received on August 16, 2007. The forest conservation plan was originally approved by the Planning Board before the effective date of variance requirements. Therefore no forest conservation variance is required for the onsite activity within the critical root zones (CRZ's) of the offsite trees associated with the NIH campus.

Stormwater Management

The site has a new Stormwater Management Concept Plan approved on February 17, 2012 by the Department of Permitting Services (DPS). The approved concept proposes to meet required stormwater management goals by the use of green roofs (30% minimum), micro biofiltration, and a waiver of quantity control. Planning Department Staff and DPS Staff requested the applicant to consider increasing the green roof area beyond the 30 percent proposed. The applicant has indicated that they will evaluate whether the green roof area can be increased at the time of final roof design.

Noise

Previous plan approvals included conditions to appropriately mitigate the noise levels to acceptable levels for the residents and occupants of the site. The current design further encloses the public space and should therefore help in buffering the public plaza from noises associated with surrounding streets. The applicant will take the appropriate measures for complying with noise migration requirements. The necessary conditions of approval to satisfy the requirements are included following section of this report.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

The following conditions of approval supersede the previous conditions of approval for preliminary plan No. 12006040A in their entirety:

- 1) Approval under this Preliminary Plan is limited to a maximum of 360 high-rise, multi-family residential units, including a minimum of 12.5% moderately priced dwelling units (MPDUs), and up to 55,000 square feet of retail.
- 2) The Applicant must show on the plan the following rights-of-way along property frontage consistent with the 1994 Approved and Adopted Bethesda CBD Sector Plan:
 - a. Wisconsin Avenue – minimum of 52 feet from the roadway right-of-way centerline or 104 feet from the opposite roadway right-of-way line.
 - b. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline or 80 feet from the roadway right-of-way line.
 - c. Battery Lane – minimum of 35 feet from the roadway right-of-way centerline or 70 feet from the roadway right-of-way line.
- 3) The Applicant must set back the building within the southwest corner of the site at Woodmont Avenue and Battery Lane intersection and within the southeast corner of the property at Wisconsin Avenue and Battery Lane intersection to the locations which would

be dictated by full truncation. In lieu of truncation first and second floors of the building must not project into the setback area.

- 4) The Applicant, to satisfy the PAMR requirement of the APF test of mitigating 53 peak-hour trips, must enter into a binding Trip Reduction Agreement (“Agreement”) with the Planning Board and Montgomery County Department of Transportation (MCDOT). The Applicant must execute the Agreement and record the Agreement in the Land Records for Montgomery County prior to the release of a building permit associated with any development on the site, exclusive of the sheeting and shoring permit.
- 5) The Applicant must enter into a Traffic Mitigation Agreement (“TMAg”) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and must execute the TMAg prior to the release of any building permit for development on the site. The TMAg must include trip mitigation measures recommended by MCDOT.
- 6) The Applicant, as part of the TMAg or separately, must coordinate with MCDOT to accommodate an area for a future bikeshare station on the site, or within the county right-of-way, preferably with orientation towards Woodmont Avenue. The location of the bikeshare station and execution of any access/maintenance easement agreement that may be required with MCDOT for the proposed bikeshare station must be finalized prior to the release of any building permit for development on the site.
- 7) The Applicant must comply with the conditions of the MCDOT letters dated April 23, 2012 regarding preliminary plan review and traffic impact study review. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 8) The Applicant must align the handicap ramps with the pedestrian crossings across the streets.
- 9) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated February 17, 2012. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 10) Prior to approval of the certified site plan, the Applicant must submit a revised noise analysis prepared by an engineer specializing in acoustics that addresses details and locations of noise mitigation techniques to appropriately attenuate noise levels for the affected dwelling units and areas of common outdoor activity in the public plaza.
- 11) No clearing or grading prior to certified site plan approval, except as may be necessary for the undergrounding of utilities in advance of the onsite work.
- 12) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks, will be determined at site plan.
- 13) Final number of MPDU’s as per condition #1 above to be determined at the time of certified site plan.

- 14) Applicant must comply with the conditions of the DHCA letter dated April 13, 2012 unless amended.
- 15) The Adequate Public Facility (APF) review for the preliminary plan for 360 residential dwelling units, and up to 55,000 square feet of retail use will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

SECTION 4: SITE PLAN REVIEW

FINDINGS

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

The Site Plan complies with project plan amendment 92006006A, with respect to density, height, land use and public use space.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed use is allowed in the CBD-1 Zone and the site plan fulfills the purposes of the zone by providing a retail component along with a housing component.

As the project data table on page 15 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to public use space, the proposed development provides 22 percent of the net lot area, which is a 2 percent increase above the minimum 20 percent requirement. The total public use and amenity space comes to 48 percent and includes on-site community areas, streetscape, and an integrated art program.

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

The buildings and structures of the proposed development are located to hold the street edge, which is appropriate for the character envisioned by the Master Plan. The U-shaped building provides for a central spine linking the NIH open space to the north to the public plaza area at the intersection of Wisconsin Avenue and Battery Lane. The intersection of these two areas is activated by the mezzanine level entrance to the grocery store. Outdoor seating will further activate the space. The primary entrance to the grocery store is located at the Battery Lane and Woodmont Avenue intersection and the primary residential lobby area is located near the intersection of Battery Lane and Wisconsin Avenue. The breezeway connector provides for a break in the overall massing of the building with glass facades on the eastern perimeter of the

breezeway. The locations of the buildings and structures are found to be adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space that is provided is centrally located, originating from the intersection of Wisconsin Avenue and Battery Lane as a hardscaped plaza to a passive opening at the northern edge of the property with NIH. The open space is landscaped to provide a subtle buffer for the ground floor units while creating a welcoming atmosphere for the public with artistic expressions, water features, outdoor seating and varying paving patterns. Landscaping is integrated into the stormwater management facilities for the site. Street trees and lighting are provided along all street frontages to enhance the pedestrian environment and will be in conformance with the Bethesda CBD streetscape standards. Kent Bloomer has been chosen as the artist to provide sculptural lighting, artistic panels on the building facades and an art piece to complement the panels. Other pieces of art will be provided on plinths throughout the plaza area to accent the space. In addition to the outdoor seating areas and public use space, recreation facilities have been provided within the building to serve the residents. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Additional pedestrian access is provided from the intersection of Battery Lane and Woodmont Avenue for the primary entrance to the grocery store, which also provides a third entry in the public space from the mezzanine level. Vehicular circulation to the below grade parking structure is provided from Woodmont Avenue and from Battery Lane. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. As designed, the paved area for both pedestrians and vehicles reduces imperviousness on site from the existing conditions and is set as far from protected trees as possible. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development. The proposed 9-story mixed-use building is compatible with the adjacent and confronting uses as well as pending plans to the south and west. The additional residential density and grocery compliment the density at the edge of the CBD. The building provides a transition from lower densities to the north and east to the greater density of the Bethesda CBD core.

The structure itself is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses.

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

The site has a new Stormwater Management Concept Plan approved on February 17, 2012 by the Department of Permitting Services (DPS). The approved concept proposes to meet required stormwater management goals by the use of green roofs (30% minimum), micro biofiltration, and a waiver of quantity control. Planning Department Staff and DPS Staff requested the applicant to consider increasing the green roof area beyond the 30 percent

proposed. The applicant has indicated that they will evaluate whether the green roof area can be increased at the time of final roof design.

The proposed amendments to the Site Plan are consistent with the amended Project Plan, as well as the requirements of the CBD-1 zone, and remain compatible with the existing and proposed development adjacent to the site. The proposed elements of the site design, including all buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems, remain more than adequate, safe, and efficient. The amended site plan satisfies Forest Conservation, water quality, and other applicable regulatory requirements.

SITE PLAN RECOMMENDATION AND CONDITIONS

The proposed modifications to the site plan significantly increase the number of dwelling units and improve the overall design character of the development in relation to the original approval and the site remains compatible with existing and proposed development adjacent to the site. Staff recommends approval of Site Plan 82006030B, 8300 Wisconsin Avenue (AKA Trillium), for the amendments delineated above. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on April 2, are required except as modified by the following conditions:

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan 92006006A.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 12006040A unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

3. Public Art

a. The Applicant must install the public art concept designed by artist Kent Bloomer, as presented to the Planning Department’s Art Review Panel on April 10, 2012, and illustrated in the Certified Site Plan. The final location, quantity, design and function of the artwork will be provided on the certified site plan. At a minimum, the art program by Kent Bloomer will consist of the following elements:

- 1) Facade treatments on the north side of the breezeway, north side of the building adjacent to the NIH property and wrapping around on a portion of the facade on Wisconsin Avenue;
- 2) Sculptural light features within the public use space and adjacent to the NIH boundary;
- 3) Artwork on the breezeway and on the plinth in the public plaza near the breezeway.

b. The extent of artwork that is provided on the individual plinths within the public use space will be presented to the Art Review Panel and illustrated in the Certified Site Plan. This artwork can be designed by other artists and must be complimentary to the other artwork on the building facades and around the site.

c. Final details of the art concept must be presented to the Art Review Panel and approved by Area 1 staff before Certified Site Plan.

4. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide 12.5 percent of the total number of dwelling units (up to 45 with the maximum 360 du) on-site as MPDUs, in accordance with Chapter 25A of the Montgomery County Code.
- b. The Applicant must comply with all conditions of The Department of Housing and Community Affairs (DHCA's") letter dated April 13, 2012 unless amended
- c. The Applicant must execute an Agreement to Build with the DHCA prior to the release of the first residential building permit.

6. Architecture

- a. By Certified Site Plan, the Applicant must revise for M-NCPPC Area 1 staff approval the north building elevations to provide a more pronounced building-scale architectural gateway feature, particularly at the corner of the buildings on Wisconsin Avenue and Woodmont Avenue.
- b. The minimum clear distance between the exterior finish grade of the breezeway and the underside of the building above must be 17 feet 2 inches.
- c. Except as described above, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on sheets A.01, through A.10 of the submitted architectural drawings, as determined by M-NCPPC Area 1 staff at time of Building Permit.

7. Noise Analysis and Mitigation

Prior to approval of the certified site plan, the applicant must submit a revised noise analysis prepared by an engineer specializing in acoustics that addresses (to the satisfaction of staff) the following:

- a. Details for and location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity in the public plaza.
- b. Specifications for the design of the building shells for all residential dwelling units being constructed within the projected 65 dBA Ldn noise contour to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

- c. The builder must provide a signed commitment at time of certified site plan to construct the impacted units in accord with the acoustical design specifications. Any changes to the building shell construction that may affect acoustical performance after issuance of building permit must be approved by an engineer specializing in acoustics prior to their implementation, to ensure the attenuation requirements will be met.
 - d. The builder must provide certification from an engineer specializing in acoustics that interior noise levels do not exceed 45 dBA Ldn. Certification to occur after construction is complete, and before occupancy.
8. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated February 17, 2012 unless amended and approved by the Montgomery County Department of Permitting Services.
9. Public Use and Amenity Space
 - a. The Applicant must provide a minimum of 48 percent of the net lot area as on and off-site public use and amenity space.
 - b. The Public Use Space must be accessible and open to the public.
10. Recreation Facilities
 - a. The Applicant shall meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
 - b. The Applicant shall provide the following onsite recreation facilities: swimming pool, pedestrian system, indoor community space and an indoor fitness facility.
11. Maintenance of Public Amenities
 - a. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscape, art, water features, and seating areas.
 - b. The Applicant shall coordinate with Area 1 Staff to develop an enforceable maintenance program regarding the upkeep of lighting, artwork, sculptures and water features.
12. Landscape Surety
The Applicant shall provide a surety (letter of credit, performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:
 - a. The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant portion of development. Surety to be posted prior to issuance of first building permit of development and shall be tied to the development program, exclusive of the sheeting and shoring permit.
 - b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
 - c. Completion of plantings to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
 - d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit, excluding the sheeting and shoring permit.

13. Development Program

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

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

14. Certified Site Plan

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

- a. Include the stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Modify data table to reflect development standards enumerated in the staff report.
- c. The parking calculations, bike racks, and recreational amenities shall be re-evaluated to ensure the provisions are appropriate relative to the final unit types and quantities.
- d. Ensure consistency of all tables, details and layout between site plan, landscape plan and architectural plans.
- e. Additional architectural or landscape details, as necessary.
- f. Provide details of the art work.

APPENDICES

- A. Prior Resolutions
- B. Agency Letters
- C. Correspondence

Appendix A: Prior Resolutions

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: **MAR 07 2006**

Date of Hearing: December 22, 2005

Action: Approval with conditions

Motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4 to 0; Chairman Berlage and Commissioners Perdue, Bryant, and Robinson voting in favor. Commissioner Wellington was absent.

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Project Plan No.: 920060060
Project: 8400 Wisconsin Avenue

The date of this written opinion is **MAR 07 2006** (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 in Circuit Court within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions (Rule 7-203, Maryland Rules).

INTRODUCTION

On October 3, 2005, the applicant, Crimson 8400 Bethesda, L.L.C. ("Applicant"), filed an application with the Planning Board for approval of 415,825 gross square feet of residential development, consisting of approximately 200 multi-family dwelling units including 25 moderately priced dwelling units ("MPDUs"). The application was captioned Project Plan No. 920060060 ("Project Plan"). On December 22, 2005, the Project Plan was brought before the Montgomery County Planning Board for a public hearing.¹ At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

¹The Planning Board considered Preliminary Plan No. 120060400 (formerly 1-06040) concurrently with this Project Plan at the December 22, 2005 hearing.

THE SUBJECT PROPERTY

The site is located at 8400 Wisconsin Avenue at the northwest corner of Wisconsin Avenue and Battery Lane, just east of Woodmont Avenue and is comprised of part of Lots 19 and 20, Block 2, Northwest Park, totaling 71,901 square feet ("Property" or "Subject Property"). Approximately 14,905 square feet of land has been previously dedicated for roadways. Therefore, the gross tract area for computation of density is 86,806 square feet. The former Sheraton Hotel, now operated by Clarion, currently occupies the site.

The Property is within the CBD-1 Zone near the northern edge of the Central Business District boundary for Bethesda. The National Institute of Health's ("NIH") gateway green space is directly north of the site. To the north and east are residential townhouses in the R-60/TDR zone. Across Wisconsin Avenue to the east are properties in the CBD-1 zone, including older low-rise offices and the new Rosedale Park residential complex at the intersection of Wisconsin Avenue and Rosedale Avenue. The East Bethesda residential neighborhood is further to the east. To the south across Battery Lane are a gas station, the Monocle office building and a 3-story retail and office building, all in the CBD-1 zone. The site directly to the west is zoned PD-75; currently occupied by a large single family home and a 3-story office building, it is the subject of a pending zoning case. Further to the west and southwest are older 3-4 story brick apartment buildings in the Battery Lane District of the CBD.

The Subject Property is within the Woodmont Triangle Amendment Study Area, before the County Council for final approval, and is the northern-most parcel in the "Wisconsin North Corridor District" of the 1994 Bethesda CBD Sector Plan.

PROPOSED DEVELOPMENT

The Applicant, proposes replacement of the existing 5-story Clarion Hotel and its two-level parking deck with three residential condominium elements over a three and one-half story below-grade parking structure. The 9-story, 200-unit residential project includes 25 MPDUs and a public arts incubator space located at the plaza along Wisconsin Avenue.

Building Design

Three separate 9-story glass and steel building elements frame the public plaza. Each has a separate entrance from an adjacent street. The largest building component, fronting along Battery Lane, has the main lobby of the complex and the more public of the interior areas, such as the party room. A two-car drop-off and an entrance to the parking garage are provided along Battery Lane. Approximately 120 feet north from the corner of Wisconsin Avenue and Battery Lane is the 60-foot wide opening to the public plaza. This

is an accessible, at-grade entrance leading through a landscaped and paved open space framed by the three buildings. The arts incubator space is located at the plaza and Wisconsin Avenue and will open out onto the plaza. The two northern residential building elements frame a fifty-foot wide public space with a view north to the NIH green space. A series of landscaped spaces and steps lead west down to Woodmont Avenue.

Vehicular and Pedestrian Access/Parking

The site is conveniently located for residents to walk to the Medical Center Metro Station (1,500 feet), take one of 6 buses stopping at the site or catch the Bethesda trolley to get to the Bethesda Metro or the many shops and restaurants in the Woodmont Triangle. The public will be able to use the plaza and stairs as a pleasant alternative passage from Wisconsin Avenue to Woodmont Avenue or to the NIH.

A minimum 10 feet width of sidewalk is required along Battery Lane at the drop off area, with the sidewalk widening to 17 feet either side of the drop-off. The public sidewalk will be 20 feet wide along Wisconsin Avenue and 15 feet wide along Woodmont Avenue, except where planted. The new brick sidewalks will improve the pedestrian access around the site.

The main access to the garage is provided off Battery lane via a two-way entrance. A 52- foot long lay by or drop off is provided at the main lobby entrance on Battery Lane as well. Vehicles may also enter and exit the parking structure via Woodmont Avenue where a separate loading dock is also located. Bike lockers, rack and parking will be provided in the garage. The existing curb-cut on Wisconsin Avenue will be removed.

Public Use Space

The Project Plan proposes 27% of the net lot area as on-site public use space. An additional 18.6% is provided as public amenity space in streetscape behind the public right-of-way and in the arts incubator space. Landscaping, seating, plantings, water and ornamental trees are laid out to draw passersby into the space. The arts incubator space will have several entrances onto the plaza and will have outdoor displays in good weather. The plaza will occasionally feature other outdoor activities in connection with the festivals and fairs organized by the Bethesda Urban Partnership ("BUP") but will mainly provide an attractive, passive outdoor public space and an alternative route for pedestrians walking between the NIH, Battery Lane and Wisconsin Avenue.

The Arts Incubator

The Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District contains a list of prioritized amenities desired by the greater Woodmont

community. An arts incubator, a space where "emerging" artists who do not have their own studios can work and exhibit, was the amenity considered most suitable for this residential project on the edge of the CBD. Many of the specific features of the incubator space and the selection process for the artists will be worked out before site plan review. A selection panel will also be set up, composed of members of the Board of the Bethesda Arts and Entertainment District, BUP, the Montgomery County Arts and Humanities Council and Planning Staff and finalized prior to site plan review.

In concept, artists will enter a selection process to work and exhibit in the incubator space for a specific number of months. In exchange for use of the space, artists will be required to have the studio open to the public during certain hours, participate in Woodmont Triangle and Bethesda art events and have a specific number of exhibits during their tenure. The approximately 2,000 square feet will accommodate about four artists, depending on their art form. BUP will provide overall management of the space and may charge the artists a nominal fee to cover insurance. Artists will benefit from the free studio space and exposure to the public.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff recommended approval of the Project Plan in its Staff Report and presented a PowerPoint presentation describing the elements outlined in the Staff Report. Staff described various features of the proposed development, including traffic studies, site access, density calculations, right-of-way dedications, and forest conservation.

The Applicant appeared at the hearing represented by legal counsel. Counsel for the Applicant stated that the Applicant accepted the Staff recommendation and conditions regarding the Preliminary Plan and Project Plan. Applicant's counsel outlined the use of the optional method of development for the site and expressed the benefits of redeveloping the hotel building currently on the site, including providing a more attractive streetscape.

The Planning Board questioned the Applicant and Staff regarding various aspects of the plan for the arts incubator space. The Board expressed concern with the allocation of utility costs to the future condominium association, as set forth in proposed Condition No. 9(c) of the Staff Recommendations. The Planning Board decided to combine Conditions No. 9(c) and 9(d) and amend them to require that BUP and the Applicant reach an agreement, to be reviewed at the time of site plan, on operation and management of the arts incubator space. This agreement will ultimately become part of the condominium association documents.

The Board further questioned why the Applicant had not maximized permitted density by building more units. The Applicant testified that its objective in designing the

development was to create the highest quality project with more than the minimum required green space so that almost every unit would look over the green space.

No other speakers testified at the public hearing.

FINDINGS

Based on all of the testimony and uncontested evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

- (a) ***The Project Plan complies with all of the intents and requirements of the zone.***

Purpose Clause (§ 59-C-6.212)

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. It is in conformance with the 1994 Sector Plan for the Bethesda Central Business District and the Planning Board's Draft 2004 Wisconsin Triangle Amendment to the Sector Plan (under final County Council review). This project is the first to be reviewed since the Planning Board sent the draft Amendment to the County Council

The proposed development consists of one, 9-story condominium building containing approximately 200 dwelling units. High-density residential uses are permitted in the CBD-1 Zone. The 3 residential towers are 90 feet in height, measured from Battery Lane, and are technically considered one structure joined by a plaza and the parking structure. Since Wisconsin Avenue is at a higher elevation, the building would measure higher along that frontage. Under 59-C-6.23, up to 143 feet is permitted in the CBD-1 zone under certain conditions and when 22% MPDUs are provided on-site. Ninety feet is recommended for this site in the 1994 Sector Plan and in the Woodmont Triangle Amendment. The recent Woodmont Triangle Amendment requires MPDUs be built on-site in all residential projects using the Optional Method of Development. The project proposes 200

dwelling units, including 25 (12.5%) MPDUs. The proposal uses "units per acre" rather than floor area ratio (FAR) to calculate its density, as is permitted for an entirely residential project. The permitted density is 125 units per acre, and the Applicant is proposing approximately 100 units per acre.

The Project Plan will accomplish Sector Plan and Woodmont Triangle Amendment objectives by providing more housing near transit, MPDUs on-site and the first arts incubator space in the Bethesda CBD. The project upgrades the physical environment around the site and provides the Bethesda streetscape. The proposal greatly improves the area by replacing an unattractive 2-story open parking deck, multiple curb cuts and an older mid-rise hotel with attractive residential buildings and a large public plaza.

(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 Project Plan responds to the need for a variety of housing near metro in the Bethesda CBD and provides a unique public arts facility, contributing to the Bethesda Arts and Entertainment District's network of art venues.

Under the Optional Method, this project encourages pedestrian activities by providing improved, widened sidewalks, a public plaza connecting the adjacent streets and bus stops, and contributes to the attractiveness and liveliness of public spaces in the Woodmont Triangle.

(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 contributes to the northern gateway to the Bethesda CBD with this residential complex, the third to be built along Wisconsin Avenue in the last 10 years. A two-car pedestrian drop-off is provided at the curb on Battery Lane. The 9-story building complex provides a transition from the lower densities and heights north and east of the site into the CBD and from the lower rise rental apartments on the west to Wisconsin Avenue. Older high-rise buildings up to 170 in height are located in the next block south of Battery Lane.

The access points to the project will not conflict with the curb cuts on the opposite side of the adjacent streets.

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

The site is located 1,500 feet from the Medical Center Metro Station and approximately 2,500 feet from the Bethesda Metro Station. Bus stops for six bus routes are located adjacent to the site, and the Bethesda Circulator stops one block away. Residents will be able to walk to the numerous places of employment and restaurant, retail, service, and arts uses within the Woodmont Triangle and along Wisconsin Avenue.

The applicant will enter into a traffic mitigation agreement (TMA) with the Planning Board.

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

The project provides pedestrians choices in walking through or around the site where the previous project presented a long impenetrable building mass, narrow sidewalks and numerous curb cuts that did not encourage pedestrian activity. The improved streetscape on all frontages of the project and the widened sidewalks will contribute to the improved pedestrian environment.

The Wisconsin Avenue frontage is improved by the removal of the former hotel access. Wisconsin and Woodmont Avenues constitute primary access points into the Bethesda CBD, and the location of the two garage entrance to this project will not impede the flow of traffic along Woodmont Avenue, Wisconsin Avenue or Battery Lane. The residential complex is a single building joined below grade and divided into separate towers at the plaza level. Three and a half floors of below grade parking are provided for residents and visitors with a total of 375 parking spaces, and parking for motorcycles and bicycles.

Because Battery Lane is a short block, approximately 210 feet in length and an important connection between Wisconsin Avenue, Woodmont Avenue and the Woodmont Triangle, much consideration was given to the location of the full service driveway on Battery Lane. In the review process, it was moved further east for greater distance from the intersection of Battery Lane and Woodmont Avenue, and the lay by was shortened and moved east as well. The full service driveway on Woodmont Avenue will not conflict with traffic flow around the site.

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

One of the main goals of the Woodmont Triangle Amendment to the 1994 Bethesda Sector Plan is to provide housing near metro for a variety of income levels. This project provides 175 market rate units and 25 MPDUs on-site. Under the Woodmont Triangle Amendment, only projects with MPDUs on-site are permitted to use the Optional Method of Development. Consistent with Chapter 25A, the applicant is committed to providing all 25 MPDUs within the building.

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

The project replaces an outdated building and parking deck with an attractive residential building complex and public plaza. This is a more desirable use of the land, adding residents who will use the businesses and services of the area and provide pedestrian activity on the street in a part of the CBD that has been underutilized. The Project Plan responds to the need for more housing in the CBD, addresses smart growth policies and contributes to the variety and size of the open space network in the Woodmont Triangle.

- (8) *The Project Plan also meets the provisions of § 59-C-6.213, which states that it is further the intent in the CBD-1 Zone:*

(1) *to foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*

(2) *to provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.*

The 8400 Wisconsin project proposes additional residential uses for the edge of the CBD at an appropriate density. The site provides a transition from lower density to the north and east and the greater density of the Bethesda CBD core.

- (9) *The Project Plan meets all of the development standards of the CBD-1 zone as set forth in the following Project Plan Data Table:*

PROJECT PLAN DATA TABLE

	Zoning Ordinance Development Standard for the CBD-1 zone	Development Standard Approved by the Planning Board and Binding on the Applicant
Gross Tract Area (s.f.):	22,000	86,806 s.f.+
Net Lot Area (s.f.):		71,521 s.f.
Gross Floor Area (s.f.):	Residential Including Public arts incubator space	413,825 s.f.* 2,000 s.f.*
<u>Density</u>		
Dwelling Units (per acre)	125 d.u.	100 d.u.
Public Use Space (% s.f.):		
On-site:	20% min.net lot (14,304 s.f.)	27% net lot (19,301 s.f.)
Public Amenity Space (arts incubator) on-site		2,000 s.f.
Amenity Space Off-Site	-	18.6% net lot (13,320 s.f.)
Max. Building Height (ft.)	90	90
(measured from center line Battery Lane, approx. elevation 334.37)		
Parking:		
Residential Uses(Mkt. Rate)		
1 BR @ 1.25 sp/unit(33 x 1.25)	42	42
2 BR @ 1.50 sp/unit (114 x 1.5)	171	171
3 BR @ 1.5p sp/unit (28 x 1.5)	56	56
Residential Uses (MPDUs)		
1 BR @ 0.625 sp/unit (5 x 0.625)	4	4
2 BR @ 0.75 sp/unit (20 x 0.75)	15	15
Additional spaces provided by <u>the Applicant</u>		87
Total spaces provided	288	375

Note: Applicant is providing 375 spaces based on marketing needs. Site is within the limits of the Bethesda Parking Lot district and not required to provide any parking spaces pursuant to Section. 59-E-3 of the Montgomery County Zoning Ordinance. Parking credits

are applicable pursuant to Section 59-E-3.3 for residential uses in the CBD and proximity to the Metro.

+14,905 s.f. previously dedicated; new r.o.w. dedication at Woodmont Avenue = 380 s.f.

*Exact size of the arts incubator space will be determined at site plan.

(10) *The following is a summary of the amenities and facilities that will be provided by the Applicant:*

On-Site Improvements:

An on-site public plaza of approximately 16,827 square feet is provided. The plaza connects to the public sidewalk at Wisconsin Avenue and leads through the site via a graceful stairway to Battery Lane on the west and via a meandering path and stairs to the NIH green space north of the site. Every effort will be made to draw the public into the site via signage and focal points.

The arts incubator space will open on to Wisconsin Avenue and the public plaza with clear exhibit space and seating nearby.

The public plaza will be improved with paving, a water feature, landscaping, a variety of seating areas and benches and an area near the arts incubator for outdoor art shows. The plaza will be finished with paving to be selected prior to site plan review that complements both the Bethesda streetscape pavers and the building materials.

The design and landscape treatment of the plaza is "gardenesque" rather than formal, in keeping with the residential nature of the project and its location at the north end of the CBD. Trees on this north facing plaza are ornamental in scale, as they are planted over structure and must be placed on load bearing columns. Adequate drainage and soil depth must be assured for all plantings.

There will be sufficient shady areas on the plaza, given the orientation of the buildings.

The south courtyard will be a private outdoor space for residents, but it will join the public plaza at grade and appear to be part of the space.

Off-Site Improvements:

(a) The Wisconsin Avenue Right-of-Way (104 foot r.o.w.)

Wisconsin Avenue is a six lane major divided highway with a narrow planted median.

The full Bethesda CBD streetscape will be provided along Wisconsin Avenue for the extent of the property. Utility lines will be placed underground, the sidewalk will be paved with the Bethesda paver and be a minimum of 20 feet in width, the Bethesda Lantern will be installed at 60 feet on center, and London Plane street trees will be planted at approximately 30 feet on center in improved tree pits.

(b) The Battery Lane Right-of-Way (70 foot r.o.w.)

Battery Lane is a four lane roadway connecting Wisconsin Avenue to the east with the Woodmont Triangle area and to Old Georgetown Road further west.

The full Bethesda CBD streetscape will be provided along the north side of Battery Lane, including the Washington Globe street lamp at approximately 60 feet on center, the Bethesda paver, bike racks, and trash receptacles. Utilities will be placed underground. The paved sidewalk will be a minimum of 10 feet in width at the lay by, which shall not exceed 52 feet in length. No fixed objects shall be placed in the 10-foot clear sidewalk area. The sidewalk shall be a minimum of 17 feet in width along the frontage exterior to the 7-foot wide lay by area. Street trees shall be planted at approximately 30 feet on center, and the species will be determined prior to site plan review. The Applicant wants a "full service" garage entrance on Battery lane, but DPWT will only permit "right-in/right-out" turning movements. This issue will be resolved before site plan review. The driveway entrance shall be a maximum width of 24 feet and shall be built no closer than 64 feet from the intersection of Battery Lane and Woodmont Avenue.

(c) The Woodmont Avenue Right-of-Way (80 foot r.o.w.)

Woodmont Avenue is a four lane arterial and is an alternative north-south route to Wisconsin Avenue.

All attempts will be made to retain the existing mature, healthy Zelkova street trees planted along Woodmont Avenue. The Applicant will provide a minimum 15-foot wide sidewalk and planting area, the Bethesda paver, Washington Globe lamps along the site, and place the utilities underground.

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

Zoning, Land Use and Sector Plan Conformance:

The Approved and Adopted 1994 Bethesda CBD Sector Plan recommends the CBD-1 zoning for this site. The 1994 Plan assumed a hotel would remain on the site. Included in the Woodmont Triangle Amendment Study Area, no changes were made to the zoning or the development standards for the site. The recent Woodmont Amendment encourages a variety of housing throughout the area and only permits the Optional Method of Development if MPDUs are built on site. The pending Woodmont Triangle Amendment builds on the goals of the 1994 Plan and seeks to spur the development of a variety of housing in the Woodmont Triangle, promotes revitalization by having more people living, walking and working in the Triangle, promotes additional streetscape in the area and seeks to support the Arts and Entertainment District by implementing a series of amenity features described in the Amendment. This project is well-served by transit, will provide the first arts incubator in the Bethesda area and will contribute to the variety of outdoor public spaces in the Woodmont Triangle.

Conformance with the Purpose of the Woodmont Triangle Amendment:

The project advances several goals of the Woodmont Triangle Amendment, as stated above. The project provides additional housing units including 25 MPDUs, provides a public arts feature, improves the public right-of-way, and adds another link to the open space system linking the Woodmont Triangle District. The project helps revitalize the Woodmont Triangle District by bringing more residents to the area that will contribute to the local economy. The project is also well-served by transit.

- (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 proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the buildings and public spaces, intensity of the development and operational characteristics.

- (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 proposed development will not overburden existing public services nor those programmed for availability concurrently with each stage of construction. The Applicant will enter into a traffic mitigation agreement with the Planning Board as specified. The residential project will not severely impact the adjacent intersections. Regarding local circulation, the DPWT has permitted only right-in/right-out access to the Battery Lane garage entrance. The site is within the Bethesda parking district.

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

The Optional Method of Development permits a more efficient and desirable product than the standard method of development. As part of the Woodmont Triangle Study Area, the Project Plan can use the Optional Method only by providing MPDUs on-site and contributing to the priority amenities outlined by the Woodmont Triangle Amendment. The project is in conformance with the recommendations of the pending Woodmont Triangle Amendment.

Under the standard method of development, the project could achieve 85 dwelling units and would provide only 11 MPDUs. Twenty-five MPDUs are provided by this project as well as streetscape, a public plaza and amenity improvements. The aggregate amount of public use space and amenities is 45.6% of the net lot area. Under the standard method of development, 10% public use space, a minimal amount of streetscape and no amenity space would be achieved. The Applicant is not maximizing the potential density of 125 dwelling units per acre nor building to the

maximum height that could be achieved under all the provisions of the Montgomery County Code.

- (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 is providing the required 25 MPDUs, or 12.5 percent of the total number of units on site, in accordance with the provision of Chapter 25A of the Montgomery County Code.

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

The Applicant submitted a preliminary forest conservation plan on November 9, 2005. Environmental Planning recommends conditional approval. Final conditions will be on the site plan.

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

A stormwater management concept plan has been submitted for review to the Department of Permitting Services. The application proposes on-site management.

- (i) ***The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.***

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Project Plan No. 920060060 for approximately 415,825 gross square feet of development, including a maximum of 200 residential multi-family condominium units, of which 25 will be MPDUs, and approximately 2,000 square feet of arts incubator space on 1.64 acres in the CBD-1 zone. All site elements of the 8400 Wisconsin Avenue Project Plan 9-06006 dated December 1, 2005, shall be required except as modified by the following conditions:

1. Development Ceiling

The proposed development shall be limited to 200 units in 415,825 (maximum) gross square feet of residential development.

2. Building Height/Mass

The height of the three proposed building elements shall not exceed 90 feet as measured from Battery Lane.

3. Transportation Improvements

- a. Enter into a traffic mitigation agreement to participate in the Bethesda Transportation Mitigation Organization.
- b. Provide four bike racks around the site as determined at site plan review; provide sixteen bicycle lockers in the proposed structured parking garage.

4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 25 MPDUs (or 12.5% of the total number of units) on-site, consistent with the requirements of Chapter 25A.

5. Public Use Space

- a. The Applicant shall provide 19,301 square feet or 27% of the net site area of on-site public use space.
- b. The proposed on-site public use space must be easily and readily accessible to the general public.

6. Streetscape

- a. The Applicant shall provide the full Bethesda streetscape along the property's frontages on Wisconsin Avenue, Battery Lane and Woodmont Avenue.
- b. Utilities shall be placed underground along the property's perimeter on Wisconsin Avenue, Battery Lane and Woodmont Avenue.
- c. Streetscape improvements shall be in accordance with the 1992 Bethesda CBD Streetscape Technical Manual as amended. The streetscape includes the Bethesda paver, the Bethesda Lantern on Wisconsin Avenue, the Washington Globe on Battery Lane and

Woodmont Avenue, trash receptacles, bike racks and street trees along Wisconsin Avenue and Battery Lane. All best efforts shall be made during demolition and construction to save the existing street trees on Battery Lane.

7. Staging of Amenity Features

- a. The proposed project shall be developed in one phase.
- b. Landscaping is to be installed no later than the next growing season after completion of the buildings and public plaza.
- c. The arts incubator space is to be completed prior to occupancy of the residential units.
- d. All streetscape improvements shall be installed prior to occupancy of the buildings.

8. Maintenance and Management Organization

Initially, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Bethesda Urban Partnership for the purpose of maintaining off-site public open spaces.

9. The Arts Incubator

- a. An arts incubator space of approximately 2,000 square feet shall be provided within the building facing onto Wisconsin Avenue and the public plaza; the space will be dedicated to studio and exhibit space for emerging artists selected by a local arts panel, for a specific time period.
- b. The selection of the artists, their length of tenure in the arts space, required exhibits, hours of public operation, and rules of participation in the program shall be determined prior to site plan review but shall not delay the Applicant's approvals; composition of the selection panel will be determined by members of the Board of the Bethesda Arts and Entertainment District, the Montgomery County Arts and Humanities Council, and Park and Planning Staff prior to site plan review.

- c. In conjunction with site plan review, the operation and management of the Arts Incubator space must be set forth in a complete agreement in draft form between the Bethesda Urban Partnership (BUP) and the Applicant. This agreement will be subject to Planning Board review at site plan and the final signed agreement will be incorporated into the documents governing the condominium association for the project. The Bethesda Urban Partnership (BUP) will manage the arts incubator space; BUP may charge a nominal fee to the artists for supplemental insurance on the arts space not covered by the condominium association.

In accordance with Montgomery County Code § 59-D-2.7, this project plan will remain valid for 24 months from the Initiation Date, as defined in § 59-D-2.7(a), provided that a complete site plan application is filed within 18 months of the Initiation Date.

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY

 DYN 2/24/06
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, March 2, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for 8400 Wisconsin Avenue, Project Plan Number 920060060 Commissioner Wellington abstained.



Certification As To Vote of Adoption
Technical Writer



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

OFFICE OF
THE GENERAL COUNSEL

(301) 495-4646
FAX (301) 495-2173

Date Mailed: MAR 07 2006
Hearing Date: December 22, 2005
Action: Approved Staff Recommendation.
Motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4-0; Chairman Berlage and Commissioners Bryant, Perdue and Robinson voting in favor. Commissioner Wellington was absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan No. 120060400 (formerly 1-06040)
NAME OF PLAN: 8400 Wisconsin Avenue

The date of this written opinion is MAR 07 2006 (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 within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

I. INTRODUCTION

On October 3, 2005, Crimson 8400 Bethesda, L.L.C. ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the CBD zone. The application proposed to create 1 lot on 1.99 acres of land located at Northeastern quadrant of the intersection of Wisconsin Avenue (MD 355) and Battery Lane, in the Bethesda CBD master plan area ("Property" or "Subject Property"). The application was designated Preliminary Plan 120060400 (formerly 1-060401) ("Preliminary Plan"). The Applicant filed a concurrent Project Plan application with the Planning Board. On December 22, 2005, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE AND PROJECT DESCRIPTION

The Subject Property consists of Lots 19 and 20 of the Northwest Park subdivision, originally recorded in 1910. The Property is located on the west side of Wisconsin Avenue (MD 355) at the northern edge of the Bethesda Central Business District. The site is bordered by Battery Lane to the south and Woodmont Avenue to the east. The NIH campus and a large NIH green space are contiguous to the northern property line. Town homes abut the Property to the east, with a mixture of residential, office, retail and service station uses to the west and south. The former Sheraton Hotel, now operated by Clarion, currently occupies the site.

This Preliminary Plan is being reviewed under the optional method of development in the CBD-1 zone.¹ The Application proposes to create one (1) lot of 1.65 acres for the construction of three buildings, which will be nine stories tall but may not exceed the ninety (90) foot height limitation established under the CBD-1 zone optional method. The buildings will consist of a total of 200 multi-family dwelling units, including 25 MPDUs, and 375 underground parking spaces. Access to the underground parking will be provided exclusively via Battery Lane and Woodmont Avenue, as the State Highway Administration has denied access via Wisconsin Avenue. Staff reviewed and approved full vehicular movements in and out of the underground parking lot at the locations specified on the Preliminary Plan drawings.

The Preliminary Plan proposes new public open spaces and extensive streetscape improvements. The Preliminary Plan also proposes a 2,000 square foot arts incubator site to provide workspace for "emerging artists."

¹ Project Plan No. 920060060 was submitted and reviewed concurrently with the Preliminary Plan.

III. MASTER PLAN COMPLIANCE

The Preliminary Plan is in conformance with the 1994 Bethesda Central Business District Plan ("CBD Plan") and the pending Woodmont Triangle Amendment ("Amendment") to the 1994 Sector Plan. The Amendment does not propose changes for this site. The proposal conforms to the goals of the 1994 Bethesda CBD Plan by providing housing near the METRO station and locating MPDUs on site. It provides significant aesthetic and pedestrian-friendly upgrades when compared to the aging hotel complex currently located on the Property.

IV. SUBDIVISION REGULATIONS

The Preliminary Plan complies with all applicable provisions of Chapter 50 of the Montgomery County Code, Subdivision Regulations. The plan was reviewed by the agencies comprising the Development Review Committee and has been found to be adequate with respect to all public facilities, safety, and pedestrian circulation.

V. TRANSPORTATION

A. Site Location, Access, Circulation, and Parking

The Subject Property is located at the corner of Wisconsin Avenue and Battery Lane in Bethesda. It is currently developed as a hotel with 186 guest rooms. The development proposed by the Preliminary Plan occupies the northwest corner of the intersection and is bounded by Woodmont Avenue to the west, Battery Lane to the south, and Wisconsin Avenue to the east. Access to the Property will be provided from Battery Lane and Woodmont Avenue; there will be no future access from Wisconsin Avenue.

B. Local Area Transportation Review

The proposed development of 208 residential units is anticipated to generate 68 AM peak hour trips and 68 PM peak hour trips during a regular weekday peak periods. An LATR study was performed to determine the impact the proposed development would have upon the adjacent transportation infrastructure. Five signalized intersections adjacent to the development were selected for analysis: Wisconsin Avenue (MD 355) at Woodmont Avenue, Wisconsin Avenue (MD 355) at Battery Lane, Wisconsin Avenue (MD 355) at Cordell Avenue, Woodmont Avenue at Battery Lane and Woodmont Avenue at Cordell Avenue. All studied intersections are estimated to operate within the established Bethesda Central Business (CBD) District Critical Lane Volume (CLV) threshold of 1800 vehicles.

C. Master Plan Roadways and Bikeways

Wisconsin Avenue (MD 355) is a six-lane, major divided highway within 104 feet right-of-way. Wisconsin Avenue serves as a major conduit between the Capital Beltway (1.5 miles north of the Property) and downtown Washington, DC. Woodmont Avenue is a major arterial road serving as an alternate north-south route to Wisconsin Avenue. In the vicinity of the site, Woodmont Avenue is a four-lane arterial road consisting of 80 feet of right-of-way. Battery Lane is a four-lane roadway connecting Wisconsin Avenue to the east with Old Georgetown Road (MD 187) to the south. Battery Lane runs along the southern frontage of the Subject Property with 70 feet of right-of-way. Access to the Property will consist of one full service driveway from Battery Lane and another full service driveway on Woodmont Avenue. Service vehicles (refuse and delivery trucks) will use a reserved access drive on Woodmont Avenue.

According to the Countywide Bikeways Functional Master Plan, two bicycle facilities exist in the vicinity of the proposed development: a shared-use path (SP-62) alongside Woodmont Avenue from Wisconsin Avenue to Battery Lane and a proposed shared road bikeway (SR - 10) along Battery Lane between the National Institute of Health campus and the Capital Crescent Trail.

VI. PEDESTRIAN ACCESS

The adjacent signalized intersections have pedestrian crosswalks on most approaches. There are three marked crosswalks except for the northern side at the intersection of Wisconsin Avenue (MD 355) and Battery Lane. A marked pedestrian crosswalk was not provided on the northern side in order to allow for more efficient traffic circulation onto Wisconsin Avenue. Intersection signal timing and signage is adequate for pedestrians at all intersections studied. The Preliminary Plan proposes to tie into the existing network of pedestrian facilities within the Bethesda CBD, incorporating pedestrian access across the development from Wisconsin Avenue to Woodmont Avenue for improved pedestrian connectivity.

VII. ENVIRONMENTAL

The forest conservation requirements shall be met by use of offsite forest planting or banking. Site plan shall demonstrate the continuing commitment to noise and air quality compatibility by minimizing the potential negative effects of the surrounding parking garages to the north and west through site design and architectural measures.

VIII. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff recommended approval of the Project Plan in its Staff Report and presented a PowerPoint presentation describing the elements outlined in

the Staff Report. Staff described various features of the proposed development, including traffic studies, site access, density calculations, right-of-way dedications, and forest conservation.

The Applicant appeared at the hearing represented by legal counsel. Counsel for the Applicant stated that the Applicant accepted the Staff recommendation and conditions regarding the Preliminary Plan and Project Plan. Applicant's counsel outlined the use of the optional method of development for the site and expressed the benefits of redeveloping the hotel building currently on the site, including providing a more attractive streetscape.

As part of the Project Plan review, the Planning Board discussed with the Applicant and Staff various aspects of the arts incubator space as set forth more fully in the Planning Board's Opinion for the Project Plan No. 920060060.

The Board further questioned why the Applicant had not maximized permitted density by building more units. The Applicant testified that its objective in designing the development was to create the highest quality project with more than the minimum required green space so that almost every unit would look over the green space.

No other speakers testified at the public hearing.

IX. FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies²; the Applicant's position; and other uncontested evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, with the conditions of approval, that:

- a) The Preliminary Plan No. 120060400 (formerly 1-06040) substantially conforms to the 1994 Bethesda CBD Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.

² The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

X. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060400 (formerly 1-06040) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060400. All site elements of 8400 Wisconsin Avenue Preliminary Plan No. 1-06040 dated December, 2005; referenced as Attachment "B" in the staff report, are required except as modified by the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 200 residential units, including 25 MPDUs and a 2,000 square foot arts incubator space.
- 2) Prior to approval of the site plan signature set, enter into a traffic mitigation agreement to participate in the Bethesda Transportation Mitigation Organization.
- 3) Provide four bike racks in proximity to the Battery Lane entrance and sixteen bicycle lockers in the proposed structured parking garage, near stairwell or elevator shaft, location to be shown on the site plan.
- 4) Record plat to contain a note, "Access to Wisconsin Avenue Denied".
- 5) Compliance with conditions of approval for Project Plan No. 920060060 (Formerly 9-06006).
- 6) Prior to approval of the site plan, the Applicant must provide a noise study prepared by a professional engineer with competency in acoustical analysis of projected transportation noise levels affecting the site.
 - a) At site plan review, minimize noise impacts to outdoor spaces through noise-effective site and building design, with focus on plaza and balcony areas. All residential units exposed to exterior noise levels exceeding 65

dBA, Ldn shall be subject to interior noise mitigation conditions to be applied at time of site plan approval.

- 7) Compliance with the conditions of approval of the preliminary forest conservation plan, including documentation for use of approved forest bank, or location of offsite forestation prior to recordation of plat. The Applicant shall satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 8) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 9) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 10) Final number of MPDUs as per condition No. 8 above to be determined at the time of site plan.
- 11) Compliance with conditions of MCDPWT letter dated, December 2, 2005 unless otherwise amended.
- 12) Compliance with the conditions of approval of the MCDPS stormwater management approval dated December 8, 2005.
- 13) 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.
- 14) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

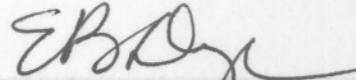
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
DyD 2/23/06
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, March 2, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for 8400 Wisconsin Avenue, Preliminary Plan Number 120060400 (formerly 1-06040). Commissioner Wellington abstained.



Certification As To Vote of Adoption
Technical Writer

AUG 22 2006

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

MCPB Resolution No. 06-70
Site Plan No. 820060360
8400 Wisconsin Avenue

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

WHEREAS, on March 31, 2006, a site plan application was submitted by Crimson 8400 Bethesda LLC ("Applicant") to construct a 9-story, 198-unit residential project composed of three building towers on a slab over a three and one-half story underground garage along with a public plaza and approximately 2,000 square feet of artists' studio space ("Site Plan"); and

WHEREAS, following review and analysis of the Site Plan application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 6, 2006, Staff presented this application to the Planning Board at a public hearing for its review and action ("Hearing"); and

WHEREAS, prior to the Hearing, on June 23, 2006, Staff issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of the application subject to certain conditions ("Staff Report" or "Report"); and

WHEREAS, the subject property of the Site Plan is located on the west side of Wisconsin Avenue at the north end of the Bethesda Central Business District (CBD), with Battery Lane immediately south of the site and The National Institutes of Health (NIH)'s green space directly to the north ("Subject Property"); and

WHEREAS, the Subject Property is comprised of part of Lots 19 and 20, Block 2, Northwest Park, totaling 86,806 gross square feet and occupies 1.99 acres between Woodmont and Wisconsin Avenues north of Battery Lane; and

WHEREAS, Preliminary Plan No. 120060400 (formerly 1-06040) for this project was approved by the Planning Board on December 22, 2005 (Opinion issued March 7, 2006) for a maximum of 200 multi-family dwelling units; and

WHEREAS, Project Plan 920060060 (formerly 9-06001) for this project was approved by the Planning Board on December 22, 2005 (Opinion issued March 7, 2006) for a maximum of 200 multi-family dwelling units; and

WHEREAS, Applicant's application for this Site Plan was designated Case No. 820060360, 8400 Wisconsin Avenue; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on this Site Plan application and approved the application on the motion of Commissioner Wellington, seconded by Commissioner Purdue, with Commissioners Berlage, Perdue and Wellington voting in favor of the motion and Commissioners Bryant and Robinson absent, at its regular meeting held on July 6, 2006, in Silver Spring, Maryland.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820060360, based on the uncontested evidence of record, with the following conditions:

1. Preliminary Plan Conformance

The development shall comply with the conditions of approval for Preliminary Plan #120060400 as listed in the Planning Board opinion dated March 7, 2006, (Appendix A of the Staff Report), except and to the extent expressly modified by this application.

2. Project Plan Conformance

The development shall comply with the conditions of approval for Project Plan #920060060 as stated in the Project Plan Opinion dated March 7, 2006, (Appendix B of the Staff Report), except and to the extent expressly modified by this application.

3. Public Use Space

The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment. The Applicant shall provide no less than 27.6% (19,396 s.f.) of on-site public use space and no less than 21.2% (14,787 s.f.) additional on and off-site public amenity space, for a total public use and amenity space of 48.7% (34,183 s.f.) of on and off-site public amenity space.

4. Public Amenity Space on Site

The Applicant shall provide no less than 2,000 gross square feet of artist studio space open to the public within the building; the space shall be operated by the

Bethesda Urban Partnership (BUP) in accordance with the Operation and Maintenance Agreement between the Applicant and BUP. A copy of the final Agreement shall be submitted to Staff prior to building permit. Changes to this Agreement will not require an amendment to the certified site plan.

5. Streetscape

The Applicant shall provide the full streetscape improvements along Wisconsin Avenue, Battery Lane and Woodmont Avenue frontages, including the undergrounding of utilities. All streetscape improvements shall be in accordance with the *April 1992 Bethesda Streetscape Plan* as amended. Landscape plans shall be revised to reflect the correct spacing of streetlights and street trees, and the materials specified in the *Bethesda Streetscape Plan*. Revised plans shall be incorporated into the certified site plan. The Applicant shall get the authorization of BUP before installing the Hanover Architectural paver in the public right-of-way.

6. Moderately Priced Dwelling Units

- a. The Applicant shall provide all 25 (12.5% of the total number of units) MPDUs on site, consistent with Chapter 25A. If any MPDUs are not provided on site, the Applicant must come back before the Planning Board for an amendment to this Site Plan.
- b. The MPDU agreement shall be executed prior to the issuance of the first building permit.

7. Building Height

The height of the building shall not exceed 90 feet. It shall be measured from elevation 334.01 ± 0.25 above sea level, at the centerline of Battery Lane as shown on Site Plan sheet S-1 dated June 20, 2006.

8. Architectural Features

Removable architectural features including slicing walls, canopies and trellises, shall extend no more than seven feet across any property/right-of-way line on any frontage subject to approval by the Montgomery County Department of Permitting Services (DPS) and by the Maryland State Highway Administration (SHA), (Appendices C and F of the Staff Report).

9. Environmental

The Applicant shall comply with the following conditions from the Environmental Planning Division (Appendix D of the Staff Report):

- a. The proposed development shall comply with the conditions of the final forest conservation plan.

- b. The Applicant shall satisfy all conditions in Environmental Planning memo dated June 16, 2006 prior to recording of plat(s) or Montgomery County Department of Permitting Services (MDCPS) issuance of sediment and erosion control permit.
- c. Prior to building permit release, submit fee-in-lieu payment of \$9,409 to meet 0.24 acre (10,454 square feet) afforestation requirement.
- d. The Applicant shall construct the buildings in accord with the acoustical performance recommendations (STC ratings) from the Polysonics Traffic Noise report dated March 20, 2006. Any changes in the building shell which may negatively affect overall acoustic performance must be re-certified for conformance with the 45 dBA Ldn interior noise standard by the acoustical engineer.
- e. The Applicant shall agree in writing to comply with the Polysonics recommendations cited above in Condition 9(d). Such acceptance letter shall be provided to M-NCPPC Environmental Planning staff prior to issuance of any building permits.

10. Stormwater Management

The proposed development is subject to Stormwater management Concept approval conditions dated May 4, 2006 (Appendix E of the Staff Report), unless amended and approved by DPS.

11. Transportation

The Applicant shall comply with the conditions of the June 16, 2006 Memorandum from Transportation Planning (Appendix G of the Staff Report) as follows:

- a. Limit the development to 225 high-rise residential units.
- b. Enter into a traffic mitigation agreement to participate in the Bethesda Transportation Management Organization.
- c. Provide three bike racks, one in front of each entrance and sixteen bicycle lockers in the proposed structured parking garage.
- d. Finalize location and operation of proposed entrances on Battery Lane according to comments from Department of Public Works and Transportation dated December 2, 2005, including any amendments up to time of the issuance of any building permits.
- e. Dedicate and show on the record plat a radial truncation for the corner of Battery Lane and Wisconsin Avenue (MD 355), subject to the approval by the Maryland State Highway Administration.

- f. Dedicate and show on the record plat sufficient right-of-way at the corner of Battery Lane and Woodmont Avenue, to provide necessary pedestrian access and public infrastructure, in accordance with comments from department of Permitting Services (DPS) (email received June 16, 2006).
 - g. Submit analysis of the capacity of the public storm system to DPS for approval prior to record plat.
 - h. Submit a revised Stopping Sight Distances evaluation form for the proposed entrances along Battery Lane and Woodmont Avenue. These forms must be received and approved by DPS prior to approval of the record plat.
12. Clearing and Grading
No clearing or grading prior to M-NCPPC approval of the certified plans.
13. Development Program
Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of certified site plan. The Development Program shall include a phasing schedule as follows:
- a. Streetscape improvements including utility work, paving, lighting, street furniture and tree planting for Wisconsin Avenue, Battery Lane and Woodmont Avenue to be complete prior to first occupancy permit for the first building tower.
 - b. Interior recreation facilities for residents to be complete prior to first occupancy permit for the first building tower.
 - c. Art studio space to be complete prior to first occupancy permit for building C.
 - d. Internal courtyard and public plaza to be complete prior to first occupancy permit for the third and last building tower.
 - e. Clearing and grading shall correspond to the construction phasing to minimize soil erosion.
 - f. Phasing of dedications, storm water management, sediment/erosion control, pedestrian paths, trip mitigation or other features.
14. Certified Site Plan
Prior to approval of certified site and landscape/lighting plans, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule and Site Plan Resolution.
- b. A note stating that prior to clearing and grading the applicant must complete a pre-construction meeting with the M-NCPPC staff.
- c. Landscape Plans shall be corrected to reflect the materials specified in the 1992 Bethesda Streetscape Plan as amended.
- d. Final copy of signed "Operation and Maintenance Agreement" between the Applicant and the Bethesda Urban Partnership (BUP) regarding the artist workspace shall be provided prior to issuance of any building permits.
- e. Authorization from BUP to include the Hanover paver in the sidewalks of the public rights-of-way on Wisconsin Avenue, Battery Lane and Woodmont Avenue.
- f. A note indicating need for approval by DPS for the proposed removable architectural features that extend across any property/right-of-way line through issuance of a revocable permit.

BE IT FURTHER RESOLVED THAT, the Planning Board's decision is based on the following findings proposed by Staff, in its Report, which is supported by the uncontested evidence of record:

1. The proposed development is consistent with approved project plan (920060060) in land use, density, location, building height, and development guidelines.
2. The Site Plan meets all of the requirements of the CBD-1 Zone as demonstrated in the following table.

	Site Plan as Approved by The Board
<hr/>	
Gross Tract Area (s.f.):	86,806
Previous Dedication (s.f.):	14,905
Proposed Dedication (s.f.):	1,712
Net Lot Area (s.f.):	70,189
 Dwelling Units Per Acre:	 99
Unit Mix:	
Residential Uses (Mkt. Rate)	

1 BR Units	16
2 BR Units	137
3 BR Units	20
Residential Uses (MPDUs)	
1 BR Units	2
2 BR Units	23

Total Number of Units: 198

Public Use Space (%/s.f.): (20%) 14,037s.f.

On-site public use space	(27.6%) 19,396 s.f.
On-site and off-site amenity space	(21.2%) 14,787 s.f.*
*art studio space/amenity space included	.
Total public use and amenity space:	(48.8%) 34,183 s.f.

Max. Building Height (ft.): 90
 Measured from Battery Lane
 Number of Floors: 9 stories

Total Parking Spaces Required: 378
 (Based on unit mix proposed at site plan)

Loading 1 space/25,000s.f.
 1 space/100,000s.f. above 3**

**approved by DPS based on minimal anticipated use

Building Setbacks:

Wisconsin Avenue - set at project plan:	4 feet from r-o-w
Battery Lane	0 feet from r-o-w
Woodmont Avenue	0 feet from r-o-w

3. The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

a. Buildings and Structures

The proposed building is composed of 3 tower elements grouped around a central public plaza. The proposed height is 90 feet, measured from elevation 334 above sea level on the centerline of Battery Lane. The main residential lobby entrance is on Battery Lane, and additional entrances are provided on Wisconsin and Woodmont Avenues. The main public entrance to the plaza

and the art studio space is from Wisconsin Avenue. The public plaza also leads to Woodmont Avenue on the west and the NIH green space on the north.

The residential complex is equipped with three and one half levels of parking containing 378 parking spaces, motorcycle and bicycle parking.

The location of the proposed building is adequate, safe and efficient and does not adversely affect the surrounding development.

b. Open Space

The open space is adequate, safe and efficient. The proposed project will provide a 19,396 square foot public plaza with a 60 foot wide opening off Wisconsin Avenue. The proposed landscaping, seat walls, lights, and water features are attractive and appropriate to a passive urban outdoor space. The changes in grade add to the interest of the space. Two handicap ramps are provided at corners in the CBD's unless, in unusual situations, such as at the crossing of Wisconsin Avenue at Battery Lane, there is only one crosswalk. Streetlights frame the crosswalks and are spaced at approximately 60 feet on center. The Applicant must get the authorization of BUP before installing the Hanover Paver in the public right-of-way. Three additional benches with backs should be provided outside the art studio space.

c. Landscaping

The landscaping is adequate, safe and efficient. The proposed landscaping, seat walls, lighting, and water features are appropriate for the location. The conditions of approval require that the landscape plan for the streetscape in the public right-of-way be revised to conform to the spacing, materials and configuration of the 1992 Bethesda Streetscape Plan as amended.

d. Art Studio Space

In conformance with the project plan conditions, the Applicant is providing 2,002 square feet of art studio space for emerging artists. The selection of the artists, their length of tenure in the arts space, and all other particulars of the operation and management of the art space, which will be regularly open to the public, is being finalized in an agreement between BUP and the Applicant. BUP will charge a fee to the artists for the maintenance of the space. The agreement is nearly finalized and will be included in the certified site plan documents. A letter from Carol Trawick, Chair of the Bethesda Arts & Entertainment District Board, dated June 16, 2006 (Appendix I of the Staff

Report) attests to the progress of the agreement. The studio space will accommodate 4 artists, will have individual lockable storage spaces, movable walls, a wash room and four separate doors opening out onto the public plaza.

e. Recreation

The recreation facilities are adequate, safe and efficient. Recreation demand and supply are shown in the recreation calculations table included in the Staff Report. The recreation provided is appropriate for a high-rise residential project and includes an indoor pool, a fitness center, 2 indoor community spaces and picnic and sitting areas. The site is also close to the Battery Lane Urban Park and the NIH green space and bike trail. Walking will be an important activity for the residents, because they can walk from the site to a great variety of services, entertainment and transit.

f. Vehicular and Pedestrian Circulation

The vehicular and pedestrian circulation is safe, adequate and efficient.

This site plan contributes to an improved pedestrian environment by providing wider, brick-paved sidewalks around the periphery of the site, attractive lighting and shade trees. In addition, pedestrians may pass through the plaza on their way from Wisconsin Avenue to Woodmont Avenue via an attractive, landscaped plaza away from the busy Battery Lane roadway.

Wisconsin Avenue (MD 355) is a major six lane divided highway and has a right-of-way of 104 feet adjacent to the site. Battery Lane has a 70-foot right-of-way, and Woodmont Avenue is an arterial roadway with 80 feet of right-of-way. The Applicant has made the necessary dedications and has set the building 20 feet back from the curb along Wisconsin Avenue as called for in the 1994 Sector Plan. The other required setbacks are 17 feet from the building to the curb along Battery Lane, and 15 feet minimum from the building to the curb along Woodmont Avenue. The Applicant will provide sufficient right-of-way at the corner of Battery Lane and Woodmont Avenue to provide necessary pedestrian access and public infrastructure in accordance with the June 16, 2006 communication from the DPS (Appendix C of the Staff Report). The driveway locations and widths are acceptable to DPS.

4. The proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the building and public spaces, intensity of the development and operational characteristics. The Woodmont Triangle Amendment emphasizes the development of housing in the Triangle, and especially affordable housing on

are proposed in the vicinity. The proposed height is compatible with the neighborhood, and the proposed amenities will greatly improve the neighborhood for nearby residents and workers alike.

5. The Site Plan meets all applicable requirements of chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and other applicable laws.

The Applicant submitted a preliminary forest conservation plan on November 9, 2005. The Applicant will submit a fee-in-lieu payment of \$9,409 to meet the 0.24-acre afforestation requirement, prior to the release of the first building permit. The site contains no wooded areas.

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

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

BE IT FURTHER RESOLVED, that the date of this resolution is AUG 22 2006 (which is the date that this resolution is mailed to all parties of record); and

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

At its regular meeting, held on Thursday, July 27, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, and Commissioner Robinson abstaining, and Commissioner Bryant necessarily absent, ADOPTED the above Resolution which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820060360, 8400 Wisconsin Avenue.

Adopted by the Montgomery County Planning Board this 27th day of July, 2006.


Derick P. Berlage
Chair, Montgomery County Planning Board

MCPB Resolution No. 06-70
Site Plan No. 820060360
8400 Wisconsin Avenue
Page 11

R B - Legal Dept
Trudye M. Johnson
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY
MML
M-NCPPC LEGAL DEPARTMENT
DATE 7/31/06



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

MCPB No. 07-35
 Site Plan No. 82006036A
 Project Name: 8400 Wisconsin Avenue
 Hearing Date: May 10, 2007

JUN 28 2007
RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on December 14, 2006, Crimson 8400 Bethesda, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82006036A ("Amendment") for approval of the following modifications:

1. Correct the typo in the data table for building setbacks.
2. Reduce the number of parking spaces from 378 to 373.

The data table on the Certified Site Plan must reflect the following revision:

	Zoning Ordinance Plan Development Standard	Approved on Site Plan 820060360	Proposed for Amendment 82006036A	Site
Setbacks (ft.) Wisconsin Ave.	0 feet	4 feet from Property line; 20 feet from curb	3 feet from property line, 20 feet from curb	
Parking	288*	378	373	

*Based upon unit mix. Site is within the parking lot district and is not required to provide parking spaces

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated April 27, 2007 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

David G. [Signature]

Approved for Efficiency
 M-NCPPC Office of General Counsel

WHEREAS, on May 10, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82006036A; and

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

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

BE IT FURTHER RESOLVED, that the date of this written resolution is JUN 28 2007 (which is the date that this opinion is mailed to all parties of record); and

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

* * * * *

At its regular meeting, held on Thursday May 10, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Vice Chair Perdue, and Commissioners Bryant, Wellington, and Robinson present and voting in favor. Chairman Hanson was temporarily absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82006036A, 8400 Wisconsin Avenue.



Royce Hanson, Chairman
Montgomery County Planning Board

Appendix B: Agency Letters



DEPARTMENT OF PERMITTING SERVICES

RECEIVED

FEB 22 2012

Vm1263B

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 17, 2012

Ms. Shannon Woodrow
Vika Incorporated
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for 8300 Wisconsin Avenue
Preliminary Plan #: N/A
SM File #: 219010
Tract Size/Zone: 1.65/CBD-1
Total Concept Area: 1.65ac
Lots/Block: 61
Parcel(s): N/A
Watershed: Lower Rock Creek

Dear Ms. Woodrow:

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 proposes to meet required stormwater management goals via the use of green roof, micro biofiltration and a waiver of quantity control.

The following **item(s)/condition(s)** will need to be addressed **during/prior to** 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. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. A stormwater management water quantity waiver fee will be required for this site. The estimated cost for the flow based filtration devices may be subtracted from the required water quantity waiver fee.
7. The use of Environmental Site Design practices must be exhausted prior to the use of the proposed structural filtration devices.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

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 Thomas Weadon at 240-777-6309.

Sincerely,



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

RRB: tla CN 219010

cc: C. Conlon
SM File # 219010

ESD Acres: 1.07ac
STRUCTURAL Acres: .54ac
WAIVED Acres: .54ac



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

April 13, 2012

Meredith Byer, RLA
VIKA Maryland, LLC
20251 Century Blvd., Suite 400
Germantown, MD 20874

RE: 8300 Wisconsin Avenue
Project Plan #92006006A, Preliminary Plan #12005040A, and
Site Plan # 82006036B

Dear Ms. Byer:

The Department of Housing and Community Affairs (DHCA) has received and reviewed your letter of April 2, 2012 and the revised plans for the above applications responding to DHCA's comments at the DRC meeting on March 19, 2012. Please note that, contrary to your response to Comment 2, the bedroom proportions in the plans are still incorrect. The bedroom proportions will need to be corrected by certified site plan. Please also note that the DHCA Director has determined that multi-family projects with three-bedroom units need to include a proportional number of three-bedroom MPDUs.

As you note in your letter, DHCA staff is working with your team to schedule a meeting to review issues related to the MPDUs in the project. We have received the architectural plans dated April 2, 2012 showing proposed MPDU sizes and locations, although these will need to be revised to reflect the correct bedroom mix. If you have draft layouts of the MPDU units, please send these to me as well.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Marco Fuster, Area 1 Division, Montgomery County Planning Department
Heather Dholpolsky, Linowes and Blocher, LLP
Steve Schwartzman, WDG Architecture
Christopher J. Anderson, Manager, Single Family Housing Programs, DHCA

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Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca



From: Farhadi, Sam [<mailto:Sam.Farhadi@montgomerycountymd.gov>]
Sent: Monday, April 16, 2012 8:50 AM
To: Fuster, Marco
Cc: Dlhopsky, Heather - HXD; Meredith Byer, RLA
Subject: RE: 8300 Wisconsin Avenue

Hi Marco,

Aside from our comments for the original site plans, the only other comment I have is to align the handicap ramps with the pedestrian crossings across the streets. If you think it can not be addressed now, it can be a condition of the certified site plan.

Sam

-----Original Message-----

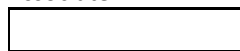
From: Meredith Byer, RLA [<mailto:Byer@vika.com>]
Sent: Friday, April 13, 2012 5:24 PM
To: Farhadi, Sam
Cc: Dlhopsky, Heather - HXD
Subject: 8300 Wisconsin Avenue

Hi Sam,

We spoke last week about the package that Atiq forwarded you on 8300 Wisconsin. You had commented that you were still not happy with how the handicap ramps were shown at Woodmont Avenue and Wisconsin and that we should follow the SHA standard to provide ramps that were in line with the orientation of the crosswalks. We are looking into how we can accomplish this at this corner. My assumption of that conversation is that this would become a condition of approval. Please let me know if there is anything else you need from us in order to finalize your letter to park and planning. Thanks

Meredith

Meredith Byer, RLA
Associate



Ranked in The Washington Business Journal as one of the Top 25 Engineering Firms

VIKA Inc.

20251 Century Boulevard
Suite 400
Germantown, MD 20874
301.916.4100
301.916.2262 (Fax)
Byer@vika.com



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

April 23, 2012

Mr. Marco Fuster, Senior Planner
Area One Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 12006040A
8300 Wisconsin [Avenue]

Dear Mr. Fuster:

We have completed our review of the preliminary plan dated April 2, 2012. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on March 19, 2012. 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 the Department of Permitting Services 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. Previous comments contained in our December 2, 2005 review comments letter (for preliminary plan no. 120060400) remain applicable unless modified below.
2. The preliminary plan package included a partial storm drain capacity and impact analysis for Study Point "1" located on Woodmont Avenue immediately north of the site.

Although the package included pre- and post-development runoff computations plus an analysis of the downstream 21" reinforced concrete pipe downstream of the site, it did **not** include analyses of the efficiency and post-development spread for the existing inlet.

These calculations will need to be provided to the Department of Permitting Services prior to issuance of the new building permit. Improvements to that inlet may be necessary as a result of that review.

3. The revised sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

4. Prior to issuance of the new building permit, enter into a new Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.
5. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant. We note the Sight Distances Study indicates the existing utility pole(s) on Battery Lane will be removed
6. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
7. 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) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
8. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
9. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to reinstall the previously relocated bus stop at the intersection of Woodmont Avenue and Battery Lane. Ms. Coletta may be contacted at 240 777-5800.
10. 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. Improvements to the existing inlet on Woodmont Avenue (at Study Point “1”) if needed to address inlet efficiency and/or spread issues – per comment no. 2.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Mr. Marco Fuster
Preliminary Plan No. 12006040A
April 23, 2012
Page 3

m:/subd/DCA/PP/Prelim Ltr/12006040A, 8300 Wisconsin Ave, gml revs.doc

Enclosure

cc: Douglas M. Firstenberg; Stonebridge Carras, LLC
Meredith Byer; VIKA Maryland, LLC
Robert Dalrymple; Linowes & Blocher, LLP
Robert Kronenberg; M-NCPPC Area 1
Cherian Eapen; M-NCPPC Area 1
Catherine Conlon; M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Sande Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Stacy Coletta; MCDOT DTS
Brett Linkletter; MCDOT DHS
Bruce Mangum; MCDOT DTEO
Dan Sanayi; MCDOT DTEO
Fred Lees; MCDOT DTEO
Kyle Liang; MCDOT DTEO
Will Haynes; MCDOT DTEO
David Adams; MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: 8300 Wisconsin Avenue Preliminary Plan Number: 12006040A
1-xxxxxx

Street Name: Battery Lane Master Plan Road Classification: Business

Posted Speed Limit: 30 mph

Street/Driveway #1 (Entrance 1) Street/Driveway #2 (_____)

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>350</u>	<input checked="" type="checkbox"/>	Right _____	_____
Left <u>150*</u>	<input checked="" type="checkbox"/>	Left _____	_____

Comments: View to left and right partially blocked by telephone poles that are to be removed. *Signalized intersection located to left at distance specified.

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Michael V. Goodman
 Signature Date: 4/23/12
MD 27721
 PLS/P.E. MD Reg. No.



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>gmlcd</u>
Date:	<u>4/23/12</u>



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: 8300 Wisconsin Avenue Preliminary Plan Number: 1-XXXXXX

Street Name: Woodmont Avenue Master Plan Road Classification: Arterial

Posted Speed Limit: 30 mph

Street/Driveway #1 (Entrance 2) Street/Driveway #2 (Entrance 3)

Sight Distance (feet) OK?
 Right 325
 Left 355*

Sight Distance (feet) OK?
 Right 350
 Left 325*

Comments: View to left slightly blocked by light pole. Median curb located to right, 2.75-foot visibility requirement is met on curb. *Signalized intersection located to left at distance specified.

Comments: View to left slightly blocked by light pole. Median curb located to right, 2.75-foot visibility requirement is met on curb. *Signalized intersection located to left at distance specified.

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

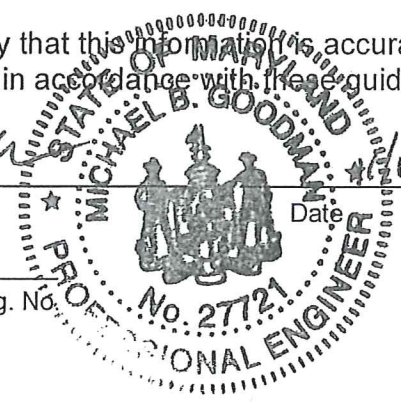
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Michael B. Goodman Signature Date 4/23/12
 MD 27721 PLS/P.E. MD Reg. No. 27721



Montgomery County Review:

Approved
 Disapproved:

By: gml
 Date: 4/23/12



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

April 23, 2012

Mr. Cherian Eapen, Planner/Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Traffic Impact Study Review
Preliminary Plan No. 12006040A
8300 Wisconsin Avenue

Dear Mr. Eapen:

We have completed our review of the April 2, 2012 Traffic Impact Study (TIS) by Wells & Associates, Inc. That report was prepared to reflect the applicant's proposal to replace the currently approved – but unbuilt – 198 residential dwelling unit development with a mixed use project that will provide a total of 360 residential dwelling units and a 55,000 square foot grocery store. The site is located between Wisconsin and Woodmont Avenues and north of Battery Lane.

Local Area Transportation Review (LATR)

The consultant calculations indicate that all critical intersections will have acceptable Total Traffic CLVs below the Metro Station Policy Area standard. We accept this conclusion.

Policy Area Mobility Review (PAMR)

Bethesda PAMR standards call for mitigation of 25% of new trips.

The report indicates the project will need to mitigate 53 pm peak hour trips. The report indicates the applicant is proposing to enter into a binding trip mitigation agreement to mitigate those trips. We believe this document should actually be a trip reduction agreement (in addition to the trip mitigation agreement discussed in our preliminary plan review comments letter).

As noted in your April 13, 2012 email to Mr. Christopher Kabatt (the TIS report author), staff in our agencies should review the terms of the DRAFT trip reduction agreement prior to the Planning Board hearing. If that is not feasible, we recommend a condition which requires the trip reduction agreement be executed prior to the issuance of a new building permit on the site.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Mr. Cherian Eapen
Preliminary Plan No. 120120070, Bethesda Center
Date: April 23, 2012
Page 2 of 3

Pedestrian and Bicycle Impact Statement analysis (PIS)

We accept the consultant's conclusion that a safe and efficient network is provided for pedestrians in the vicinity of this project. However, the report did not evaluate whether the pedestrian crossing times currently provided are adequate at a walking speed of 3.5 feet per second.

The report indicates the applicant will coordinate with the MSHA to provide an ADA accessible crosswalk on the north legs of Wisconsin Avenue (MD 355) at Chestnut Street and at Battery Lane.

The report also indicates a “. . . future bike share station *will be considered within the development* including a directory map. The applicant will continue to work with staff on the appropriateness and location.” *[italics added]* Ideally, such an effort would be concluded prior to Planning Board review of a site plan. Since this project involves a combined project/preliminary/site plan package, it appears that the opportunity for those discussions will not occur prior to the Planning Board hearing. We recommend that the analysis and decision for an on-site bike share station (with any necessary public access easements) be required prior to the issuance of the new building permit.

SUMMARY

1. Bethesda Center passes the CLV test for LATR easily given the 1,800 CBD congestion standard.
2. More details are needed on the proposed PAMR mitigation. These details should be identified and approved as soon as possible – preferably before the Planning Board hearing. We recommend issuance of the new building permit not occur until a formal, binding trip reduction agreement (in addition to an updated Traffic Mitigation Agreement) has been executed by the applicant, the Planning Board, and this Department.
3. Prior to issuance of the new building permit, we recommend the applicant be required to permit/post bond for the proposed replacement crosswalks on Wisconsin Avenue (MD 355) at Chestnut Street and at Battery Lane. The applicant will also need to conclude discussions with our staffs regarding the feasibility (and location – if required) of locating a bike share station within the site.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this vicinity, at david.adams@montgomerycountymd.gov or at 240-777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Mr. Cherian Eapen
Preliminary Plan No. 120120070, Bethesda Center
Date: April 23, 2012
Page 3 of 3

CC: Douglas Firstenberg; Stonebridge Carras, LLC
Christopher L. Kabatt; Wells & Associates, Inc.
Bob Dalrymple; Linowes & Blocher, LLP
Robert Kronenberg; M-NCPPC Area 1
Marco Fuster; M-NCPPC Area 1

cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Gary Erenrich; MCDOT DO
Sandra Brecher; MCDOT DTS
Robert Elder; MCDOT DTE
Fred Lees; MCDOT DTEO
William Haynes; MCDOT DTE
Bruce Mangum; DOT DTEO
David Adams; MCDOT DTEO

Appendix C: Correspondence

MCP-CTRACK

From: KEVIN KRAUS <kevinkraus@usa.net>
Sent: Wednesday, January 25, 2012 1:49 PM
To: MCP-Chair
Subject: EBCA artist space 8300 Wisconsin Avenue
Attachments: 8300Wisconsin_Artist_EBCA_012320122.doc

RECEIVED
0078
JAN 25 2012

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

Dear Ms. Carrier:

Attached please find a letter from the East Bethesda Citizens Association concerning the proposed artist space for 8300 Wisconsin Avenue.

Thank you for your consideration.

Sincerely,

Kevin Kraus
President, EBCA



P.O. 41020
Bethesda, Maryland 20814

January 27, 2012

The Honorable Françoise Carrier
Chair, Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Subject: 8300 Wisconsin Avenue and Artist Workspace

Dear Ms. Carrier:

The East Bethesda Citizens Association (EBCA), established in 1931, represents over 1200 households in Bethesda east of Wisconsin Avenue, north of East-West Highway, west of Columbia Country Club, and south of Jones Bridge Road. We appreciate the steps that Maryland-National Capital Park and Planning Commission (M-NCPPC), the County Council, the communities surrounding the Woodmont Triangle and the stakeholders took to develop a comprehensive Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District.

The purpose of this letter is to respectfully request the M-NCPPC retain the Artist Workspace at 8300 Wisconsin Avenue consistent with the Woodmont Triangle Amendment. EBCA fully participated in the development of the Woodmont Triangle Amendment and supported the Trillium project with Artist Workspace as an amenity at that location. EBCA continues to support the Artist Workspace vision.

Furthermore, due to the new commercial nature and increase in the number of units for the project under consideration, we ask that M-NCPPC carefully review the plans to minimize adverse impacts of the increased number of cars that will ingress and egress the site.

Thank you; we appreciate your attention to the concerns we have raised. We hope you will act upon our requests and look forward to working with you in the future.

Sincerely,

Mr. Kevin Kraus
President, EBCA

.....

•
THE DOWNTOWN BETHESDA CONDOMINIUM
•
ASSOCIATION
•
•

RECEIVED
0127
FEB 09 2012

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

4821 Montgomery Lane #506
Bethesda, MD 20814
February 6, 2013

The Honorable Françoise Carrier
Chair, Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Subject: Artist workspace at 8300 Wisconsin Avenue

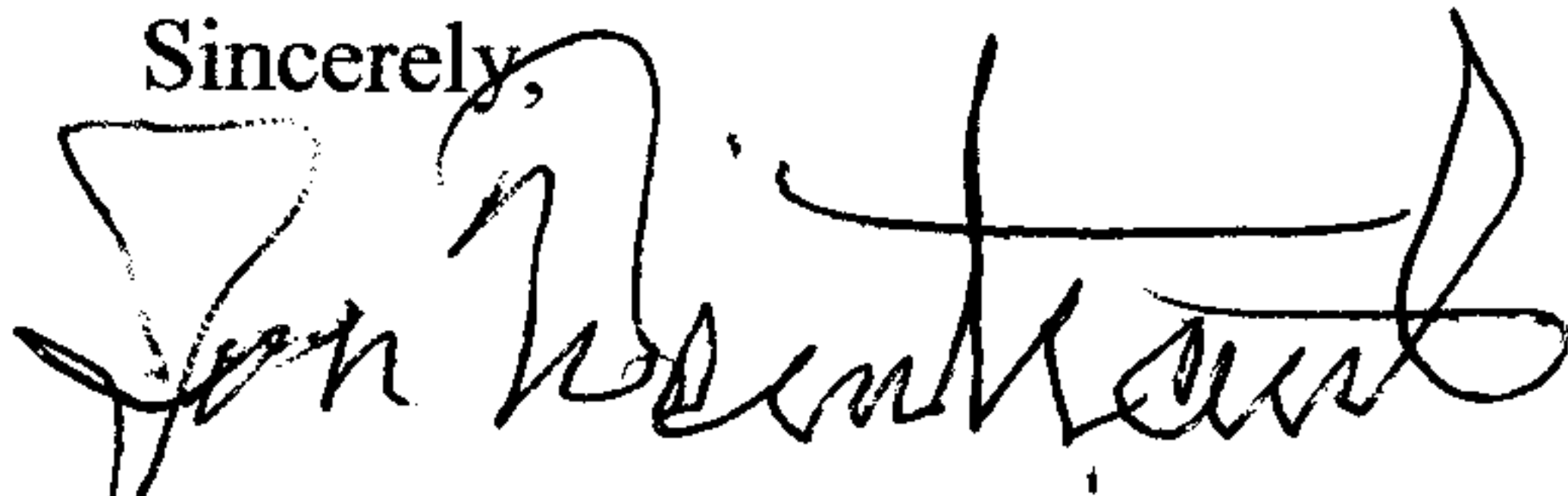
Dear Ms. Carrier:

The Downtown Bethesda Condominium Association [DBCA] represents more than 830 condominiums in the downtown area of Bethesda. We have been organized since 2006.

We urge you to retain the Artist Workspace at 8300 Wisconsin Avenue consistent with the Woodmont Triangle Amendment. Representing DBCA, I participated in the development of the Woodmont Triangle Amendment and supported the Trillium project with Artist Workspace as an amenity at that location. DBCA continues to support the vision of an Artist Workspace at this location.

Thank you, we appreciate your attention.

Sincerely,



Jon Weintraub
Chair, DBCA

.....

FRASER GALLERY

7700 Wisconsin Avenue, Suite E
Bethesda, MD 20814
www.thefrasergallery.com
(301) 718-9651

RECEIVED
0140
FEB 15 2012

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

February 10, 2012

The Honorable Françoise Carrier
Chair, Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Ms. Carrier,

The purpose of this letter is to respectfully request the M-NCPPC retain the Artist Workspace at 8300 Wisconsin Avenue consistent with the Woodmont Triangle Amendment.

The Fraser Gallery fully supported the Trillium project with Artist Workspace as an amenity at that location.

Since opening the Fraser Gallery in downtown Bethesda in 2002, I have supported the work of local artists and I know how much they need affordable workspace. Unfortunately, that doesn't exist in Bethesda at the moment.

As I'm sure you're aware, for an artist to benefit from Bethesda's designation as an Arts and Entertainment District, artists must create their work within the boundaries of the A&E District.

This is an opportunity for practical and meaningful support of the arts. If the A&E District is going to have any "A" left in it, we need to support those proposals that directly benefit artists.

The current suggestion by StonebridgeCarras and Walton Street Capital to have "rotating displays of art" is not of any benefit to our community and I strongly oppose that proposal.

Thank you for your consideration.

Sincerely,

Catriona Fraser
Director, Fraser Gallery

