

**7340 Wisconsin Avenue, Project Plan 920140010, Preliminary Plan Amendment 11994080A**

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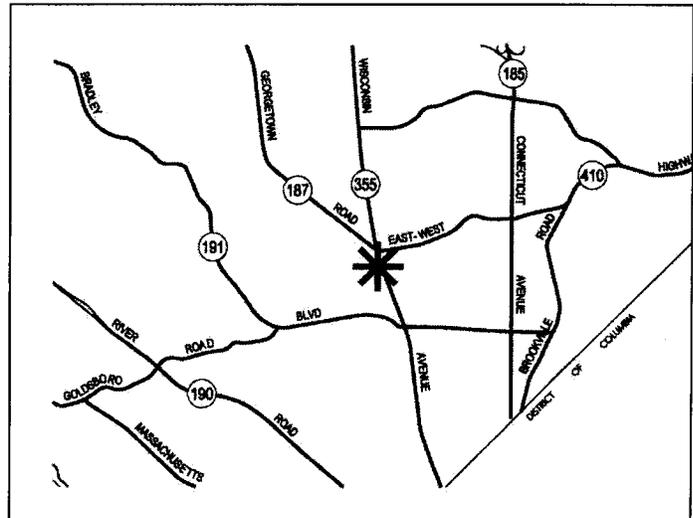


**Staff Report Date: 11/27/13**

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**Description**

Location: On Montgomery Avenue, West of Wisconsin Avenue  
Zone: CBD-2  
Master Plan: Bethesda CBD Sector Plan  
Property size: 0.79 acres  
Project Plan Application: 225 dwelling units and 15,000 SF retail in a mixed use building.  
Preliminary Plan Application: Amendment for Adequate Public Facility review to change the use from the previously approved gas station to 225 dwelling units and 15,000 SF retail.  
Applicant: Bainbridge Wisconsin Avenue Apartments LLC  
Filing Date: August 27, 2013



- **Staff recommendation: Approval of the project plan and preliminary plan amendment with conditions.**
- The Bethesda CBD Sector Plan calls for predominately employment generating uses (office) on the block that contains the subject property, but the applicant is proposing a mixed use building that will be mostly comprised of multi-family dwellings. Staff recommends that the Planning Board find the proposal to substantially conform to the Sector Plan because the Sector Plan's vision of employment generation has been met, and substantial office capacity exists in approved but unbuilt buildings.

## **PROJECT PLAN RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Project Plan 920140010 for a maximum of 192,791 square feet of multi-family residential use consisting of 225 multi-family dwelling units, including 15% Moderately Priced Dwelling Units (MPDUs), and 15,000 square feet of non-residential uses subject to the following conditions:

1. The development is limited to a maximum of 192,791 square feet of multi-family residential uses, consisting of no more than 225 multi-family dwelling units (including a minimum of 15% MPDUs), and a maximum of 15,000 square feet of non-residential use.
2. The development is limited to the building footprints as delineated in the project plan drawings submitted to Staff dated October 29, 2013 unless modified at site plan review. Building height is limited and to a maximum height of 143 feet as determined by the Department of Permitting Services approved building height measurement point(s).
3. The building is to have the level of quality and style of the materials, including but not limited to, that shown in the rendering submitted as part of the Application on October 29, 2013.
4. The development will provide a minimum of 15% moderately priced dwelling units (MPDUs) based upon the total number of units, in accordance with Chapter 25A.
5. Public Use Space & Public Amenities and Facilities
  - a. The Applicant must provide a minimum of 20% of the net lot area for on-site public use space and a minimum of 27% of the net lot area for off-site public amenity space. The final design and details will be determined during site plan review.
  - b. The public use space must be easily and readily accessible to the general public and available for public enjoyment.
  - c. The streetscape improvements must be installed and consistent with the Bethesda CBD Streetscape Standards, as amended, including placing the utilities underground.
  - d. The Applicant must present the plaza designs and public artwork to the art review panel prior to submittal of the site plan.
6. The Applicant must maintain all on-site public use space unless an alternative arrangement is made with another public entity.
7. The Applicant must obtain written approval from the Montgomery County Department of Permitting Services ("MCDPS") for the final design and extent of any and all streetscape improvements within the rights-of-way prior to approval of the site plan.

## **PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Preliminary Plan Amendment 11994080A subject to the following conditions:

- 1) All conditions imposed by the approval of Preliminary Plan No. 19940800 in the Planning Board Resolution dated July 11, 1994, are superseded by the conditions contained herein.
- 2) The Applicant must comply with the conditions of approval for Project Plan 920140010.
- 3) This Preliminary Plan is limited to a maximum of 192,791 square feet of multi-family residential uses, consisting of no more than 225 multi-family dwelling units (including a minimum of 15% MPDUs), and a maximum of 15,000 square feet of non-residential use, limited to retail, restaurant, or service uses.

- 4) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 8, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 6) The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated October 15, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated November 13, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 8) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District and must execute the TMAg prior to approval of the Certified Site Plan. The TMAg must include trip mitigation measures recommended by MCDOT.
- 9) The certified Preliminary Plan must contain the following note:  
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.
- 10) The record plat must show necessary easements.
- 11) The final number of MPDUs as per condition #3 above will be determined at the time of site plan approval.
- 12) The Planning Board has accepted the recommendations of the Montgomery County Department of Housing and Community Affairs (“MCDHCA”) in its letter dated November 13, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 13) The Subject Property is within the Bethesda Chevy Chase School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the high-rise unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

- 14) The Applicant must provide certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to building permit. The Applicant must commit to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and staff in advance of installation.
- 15) After construction is complete and before issuance of occupancy permits, the Applicant must provide certification that interior noise levels do not exceed 45 dBA Ldn.
- 16) No clearing, grading or recording of plats prior to certified site plan approval.
- 17) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 18) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

### **SITE DESCRIPTION**

The subject property, shown below and in Attachment A, is located on the west side of Wisconsin Avenue (MD 355), between the intersections of Montgomery Lane and Hampden Lane. The subject property consists of one 18,679-square-foot platted lot developed with an existing gas station that is no longer in operation. The pumps and tanks have been removed from the property. The gross tract area, including previous dedications for Montgomery Lane, Hampden Lane, and Wisconsin Avenue, measures 34,605 square feet (0.79 acres) in area. The subject property is located within the CBD-2 zone. Surrounding properties are developed with a mix of residential, office, and retail uses in the CBD-2 and CBD-3 zones.

The property is located in the Little Falls Branch watershed. The site is entirely developed, and there are no streams, floodplains, forests, or other sensitive environmental features on the site.



## PROJECT DESCRIPTION

The applicant is proposing an optional method project consisting of a mixed-use building to contain up to 225 multi-family residential units, including 15% moderately priced dwelling units (MPDUs), and up to 15,000 square feet of non-residential uses (retail, restaurant, or service uses).

The proposed building will consist of a total of 14 floors, with a maximum height of 143 feet. The ground floor will contain up to 15,000 square feet of non-residential uses, which could be retail, restaurant, or service uses. In addition, the residential lobby and leasing office will be located on the ground floor. Above the ground floor will be 13 residential stories containing up to 225 multi-family units, including 15% MPDUs. Parking will be provided in an underground garage beneath the building. Vehicular access for parking and loading will be provided via a driveway from Montgomery Lane.

The design of the building proposes a composition of three distinct volumes, one for each of the streets that define the property. These volumes step down from north to south, with the tallest volume on the Montgomery Lane frontage, anchoring the building to the prominent corner intersection at Montgomery Lane and Wisconsin Avenue. Each volume, while varied in height and scale, holds the building lines of the adjacent streets while providing a dramatic, stepped volumetric expression. The second volume also supports the main outdoor rooftop amenity space and addresses Wisconsin Avenue, while the third volume steps down to scale the building to Hampden Lane. This stepping allows ample sunlight into the interior court of the building, and maximizes views to the exterior for the project's residents. Each of the three volumes consists of an exterior treatment of glass and architectural panels, with exterior balconies located primarily at corners.

A public use space is proposed along Hampden Lane. This outdoor plaza will have a pedestrian scale with seating and planting areas extending along the entire Hampden Lane frontage. A portion of the plaza will be located underneath a cantilevered portion of the building above. Placement of the public use space along Hampden Lane takes advantage of sun exposure on the south side of the building and places the public use space on the street that has a better pedestrian environment than the more vehicular-oriented Montgomery Lane.

### Preliminary Plan Amendment

Although the project plan application has been filed concurrently with a preliminary plan amendment application, no subdivision of land is proposed. Rather, the purpose of the preliminary plan amendment is to conduct a new adequate public facilities review for the project, in order to allow a change in use from the previously approved gas station to the now-proposed mixed use project of 225 dwelling units and 15,000 square feet of commercial uses. Preliminary Plan 119940800 was approved by the Planning Board on June 9, 1994. The approved plan created one lot and limited use of that lot to a gas station. The subsequently recorded plat, Plat No. 19553, contains a note that limits use of the lot to that which was approved by Preliminary Plan 119940800. Approval of the proposed preliminary plan amendment will allow the newly proposed uses on the property, and a new plat will be recorded to eliminate the note that restricts uses based on the approved 1994 preliminary plan.



*Massing Diagram*



*Illustrative Project Plan*





*Illustrative Rendering Of The Proposed Building As Seen From Wisconsin Avenue*

## **ANALYSIS AND FINDINGS**

### **Project Plan**

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a project plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides

efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.

(e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.

(f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.

(g) The staging program and schedule of development.

(h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.

(i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

(j) Payment of a fee acceptable to the Planning Board may satisfy all or some of the requirements for any public use space, or public facilities and amenities under the requirements established elsewhere in this Section.

As the following Findings demonstrate, the subject project plan adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

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

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 is in conformance with the Sector Plan's recommendation to permit optional method residential development of up to 5 floor area ratio (FAR) (with the additional 22% bonus density permitted for providing 15% MPDUs) and up to 143 feet in building height. The project plan fulfills the goal to create a successful downtown by providing a mixed use project with a building at an FAR of 5.0 and height at 143 feet near the metro station.

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

The project’s location and design directly respond to the current market by providing high-rise development where the infrastructure, public facilities, and area amenities already exist and market demand is high. The project addresses the need for apartment units in a variety of sizes (from one-bedroom to three-bedroom units) close to the predominantly employment uses already located in the Metro Core District. The additional housing opportunities created by the project, as well as the non-residential (retail, restaurant, and/or service) uses, will help to ensure that the Metro Core District remains vibrant and activated throughout the day and beyond the workday into the evening and weekends. In addition, the proximity of the subject property to an array of multi-modal transportation facilities shapes the project as a pedestrian-friendly, urban redevelopment opportunity that will serve the needs and requirements of workers, shoppers, and residents of the community.

- (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 proposed design, scale, and façade of the project will provide a consistent and complimentary relationship to adjacent buildings in the Metro Core District, the TSR zone to the west on the west side of Woodmont Avenue, and the Bethesda CBD as a whole. At the same time, the project is designed to take advantage of its prominent location by presenting a strong and distinctive architectural presence at this important intersection. The project will improve pedestrian circulation in the area by providing the Bethesda streetscape improvements along all three adjacent street frontages, as well as the unique and attractive Hampden Lane Plaza, which is the public use space for the project.

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

The project is designed to be a transit-oriented development with convenient access to the Bethesda Metro station (both the existing entrances and the future southern entrance) and the existing Red Line and future Purple Line, bus facilities (Metrobus, RideOn, and the Bethesda Trolley all pass within a block of the property), the Bethesda CBD pedestrian network, and bikeways such as the Capital Crescent Trail. All of these facilities are located within easy walking distance of the project, and the project’s improvements will facilitate this pedestrian movement by providing Bethesda streetscape improvements on Wisconsin Avenue, Montgomery Lane, and Hampden Lane. In addition, transit use will be encourage because only 200 of the 309 required parking spaces are to be provided on-site, with the remainder accommodated through the parking lot district. Fewer on-site parking spaces will encourage residents and visitors to use the nearby transit options.

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

The site, a former gas station, currently has a total of three curb-cuts, one each on Wisconsin Avenue, Montgomery Lane, and Hampden Lane. The project greatly improves vehicular circulation on the property and the surrounding streets by eliminating the Wisconsin Avenue and Hampden Lane curb-cuts. Vehicles will instead be directed to the entrance to the structured parking and the loading and

service area on Montgomery Lane. These driveways have been placed as far from the intersection with Wisconsin Avenue as possible. The project will improve the pedestrian experience around the property by providing the Bethesda streetscape treatment along the Wisconsin Avenue, Montgomery Lane, and Hampden Lane frontages, along with the public use space adjacent to Hampden Lane.

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

The project includes both market-rate units and MPDUs, which comprise 15% of the total number of units. The proposed units include a variety of unit sizes, from one-bedroom to three-bedroom units, appealing to residents with a range of incomes, needs, and desires.

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

Land assembly is not applicable to this project, as the subject property consists of one platted lot. However, the project does promote desirable use of the land because the project redevelops the former gas station site into a mixed-use project that is more appropriate for the property’s prominent location in the heart of the Bethesda CBD.

#### Further Intentions of the CBD-2 Zone

Section 59-C-6.213 of the Zoning Ordinance states:

- (1) *“In the CBD-2 Zone, it is further the intent to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.”*

The project will offer a variety of housing options through provision of both market-rate units and MPDUs. The market-rate units will be in an array of unit sizes and it is MCDHCA’s practice to require MPDU unit counts to match those of the market-rate units. This will provide residential opportunities in an area otherwise dominated by employment uses. In addition, the project provides non-residential uses (retail, restaurant, and/or service uses), which will enhance the living environment for residents of the project and provide retail opportunities for nearby residents, workers, and visitors. All of these uses are located within easy walking distance of the Bethesda Metro station, bus facilities, and bikeway and pedestrian routes, including the Capital Crescent Trail.

- (2) *In the CBD-2 Zone, it is further the purpose to provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts.*

The project is in conformance with the Sector Plan’s recommendations to develop to 5 FAR (with the additional 22% bonus density permitted through the provision of 15% MPDUs) and a maximum of 143 feet in building height. In conformance with the Sector Plan, the 143 feet in building height proposed by the project represents a step-down from the 200-foot building heights permitted in the Bethesda Metro Station block.

- (3) *In the CBD-2 Zone, it is further the purpose to provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.*

The project will provide residential units located in the predominantly employment oriented Metro Core District, and will thus provide much-needed homes within easy walking distance of the district's jobs. The project is also located within easy walking distance of the Bethesda Metro station (with its existing Red Line and future Purple Line) and bus facilities. The project includes both market-rate units and 15% MPDUs, and the proposed units include a variety of unit sizes, from one-bedroom to three-bedroom units, appealing to residents with a range of incomes, needs, and desires.

#### CBD-2 Zone Development Standards

Section 59-C-6.23 of the Zoning Ordinance contains the development standards for optional method projects in the CBD-2 Zone. As shown in Table 1 below, the project meets all of the standards and requirements.

Table 1: Project Data Table for the CBD-2 Zone

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed for Approval</b>
Gross Tract Area (sf.)	18,000	34,605
Previous Dedications (sf.)		15,926
Proposed Dedications (sf.)		0
Net Lot Area (sf.)		18,679
Maximum Density (FAR) (base)	5	5
Maximum Floor Area, Total (sf.) (base)	173,025	173,025
Maximum Density, Non-residential (FAR)	3	0.4
Maximum Floor Area, Non-residential (sf.)	103,815	15,000
Maximum Density, Residential (FAR) (base)	4.6	4.6
Maximum Floor Area, Residential (sf.) (base)	158,025	158,025
Maximum Density, Residential (FAR) (including 22% density bonus)	5.6	5.6
Maximum Floor Area, Residential (sf.) (including 22% density bonus)	192,791	192,791
Maximum Density, Total (FAR) (including 22% density bonus)	6	6
Maximum Floor Area, Total (sf.) (including 22% density bonus)	207,791	207,791
Maximum Dwelling Units, total	N/a	225
Minimum MPDU (%)	12.5	15
Building Height, Maximum (ft.)	143	143
Building Setback, Minimum	N/A	0
Parking Spaces, Maximum		
Residential	288	
Non-residential	75	
Less 15% Metro Credit	-54	
Total Required	309	200 <sup>1</sup>
On-Site Public Use Space, Minimum (% of net lot area)	20	20
On-Site Public Use Space (sf.)	3,736	3,750
Off-Site Public Amenity Space (% of net lot area)	N/a	27
Off-Site Public Amenity Space (sf.)	N/a	5,063

<sup>1</sup> The site is located in the Bethesda parking lot district, and as such is not technically required to provide the full complement of parking spaces. The total number of spaces will be determined at site plan. Parking that is not provided on the site, consistent with Section 59-E, will be subject to an ad valorem tax.

**Public Use Space and Public Amenities and Facilities Summary**

The project will provide on-site public use space in the form of a plaza adjacent to the Hampden Lane Frontage. The plaza will contain benches, planting areas, and public art. The plaza will be partially covered by a cantilevered portion of the building above. The project will also provide public amenity space in the street right-of-way, which will consist of the standard Bethesda streetscape, including sidewalk pavers, street lamps, trash cans, street trees, and landscaping.

The applicant presented initial concepts to the art review panel on October 2, 2013. While it was still early in the design process of both the development generally and the art component specifically, the applicant sought the panel's feedback on the project's initial concepts for the public artwork. These concepts include activating the space and engaging passing pedestrians and taking into account the development's architecture in choosing the art component. Based on the art review panel's feedback, the applicant is continuing to refine the concept and to search for the right artist. The applicant will continue to refine the design and public art component and will present the art proposal to the art review panel again prior to the Planning Board hearing on the site plan application.

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

The subject property is located within the Bethesda CBD Sector Plan area. The project substantially conforms to the recommendations in the Sector Plan in the following ways:

- Strengthen the Metro Core as the center of Bethesda, with greatest emphasis on and around the Metro Center and plaza. (Sector Plan page 58)

The project will significantly strengthen the Metro Core District by replacing the prior, automobile-oriented gasoline and service station use with a mixed-use, transit-oriented, and pedestrian-friendly project. In addition, the project will significantly improve and strengthen the pedestrian experience along Wisconsin Avenue, Montgomery Lane, and Hampden Lane, by providing the Bethesda streetscape improvements and the public use space adjacent to Hampden Lane, which will feature unique pavers, plantings, seating, lighting, and public artwork components.

- Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways. (page 58)

The project provides up to 15,000 square feet of non-residential uses, which will be devoted to retail, restaurant, and/or service establishments. In addition, the project provides multi-family residential units directly on Wisconsin Avenue, which actually represents a fairly unique use in this stretch of Wisconsin Avenue and helps to increase the choices and activities in the Metro Core District beyond just the current office buildings. This mix of uses is essential to providing the daytime, nighttime, and weekend environment that is critical to a vibrant and successful downtown. The nearest existing significant multi-family residential buildings along Wisconsin Avenue are located approximately five blocks to the north – at the corner of Wisconsin Avenue/Fairmont Avenue (Fairmont Plaza) – and approximately five blocks to the south – at the corner of Wisconsin Avenue/Bradley Boulevard (The Adagio), although multi-family residential projects have been approved both north of the subject property in the Metro Core District at 7535 Old Georgetown Road and south of the subject property at 7100 Wisconsin Avenue in the Wisconsin South Corridor. In addition to activating the street through the incorporation of retail uses with residential uses, the project will improve the pedestrian experience and open space opportunities in the Metro Core District, by providing the Bethesda streetscape treatment along all three property frontages as well as the new plaza along Hampden Lane.

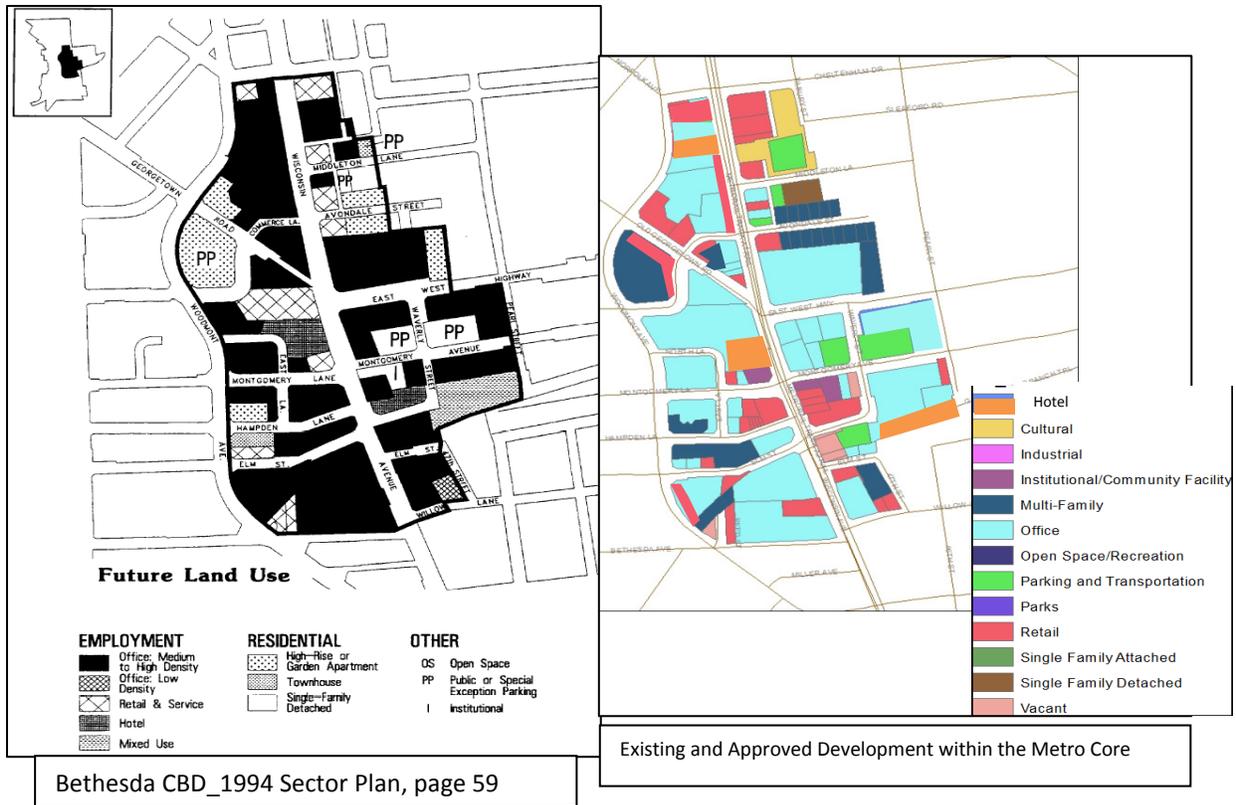
- Develop a compact core that places the highest intensity in the center, provides distinctive infill buildings, and steps down to lower densities and heights near the edge of the district. (page 58)

The project fulfills this Sector Plan objective by developing this former gas station site with an architecturally distinctive mixed-use project, which, at 143 feet in building height, represents a step-down in building height from the center of the Metro Core District, where 200 feet in building height is permitted in the block just to the north where the Bethesda Metro station is located. The building is a composition of three distinct volumes, one for each of the streets that define the subject property. These volumes step down from north to south, with the tallest volume on the Montgomery Lane frontage, anchoring the building to the prominent corner at the intersection at Montgomery Lane and Wisconsin Avenue. Each volume, while varied in height and scale, corresponds to the adjacent streets in a stepped volumetric expression. The second volume also supports the main outdoor rooftop amenity space and addresses Wisconsin Avenue, while the third volume steps down to scale the building to Hampden Lane. This stepping maximizes views to the exterior for the building's residents and highlights the varying building heights.

- Emphasize employment near Metro transit to complete Metro Core development. (page 58)

While the Sector Plan's Future Land Use map (Sector Plan, page 59) recommends the subject property for employment uses, the Sector Plan also notes on pages 4 and 58 that optional method residential use is permitted in the Metro Core District at 5 FAR and that some new housing may be provided in the Metro Core District, thus clearly leaving open the possibility that residential uses may be provided and are in fact desired in the Metro Core District.

The Sector Plan recommends the block containing the subject property be "Employment: Office: Medium to High Density" as shown on the left side of the map below. The map on the right exhibits the existing development within the Metro Core. A number of properties identified for retail and mixed use have been approved for office space, including Bethesda Center, which went from an original proposal of hotel, restaurant, and retail to hotel and 256,672 square feet of office. This demonstrates that the goals and objectives for employment are being met. The map also demonstrates that within the Metro Core, the predominant land use is retail, office, and institutional/community. The few multi-family housing sites, shown in dark blue, are primarily on the periphery of the Core. A mix of residential and employment is needed to achieve the Sector Plan's objective for a greater focus of activities and a better sense of community.



While the Sector Plan recommends employment uses for much of the Metro Core District, the office market for this area is weak, and the demand for residential living at this transit-proximate location is strong. At this time, there are very few residential uses located in the Metro Core District to satisfy the high demand, and those in existence are located on the periphery of the District. The project represents an opportunity to place multi-family residential units near the substantial employment uses already located in the Metro Core District, creating the vibrancy of extended activity into the nighttime. Too much office use without complimentary residential uses does not promote the extended activity needed for a successful downtown.

There is also recent precedent in which a mixed use (multi-family residential with ground-floor non-residential) project has been approved for a site located in the Metro Core District for which the Sector Plan recommends employment uses. On March 14, 2013, the Planning Board considered the 7535 Old Georgetown Road project, also known as “Bethesda Commerce” (Project Plan 920130030), ultimately approving the 15-story mixed-use project with up to 120 multi-family residential units and up to 5,000 square feet of non-residential uses. In the staff report, staff noted that the Sector Plan’s targeted Stage 1 housing and employment goals have been satisfied (projection of 5,000 jobs and 2,150 housing units above the existing 1994 numbers), and that the Sector Plan sets Stage 2 and Stage 3 targets of 54,900 jobs and 8,300 housing units. The Research and Technology Division concluded that as of 2011, the Bethesda CBD contained 41,561 jobs and 6,793 dwelling units, indicating that the Sector Plan’s targets for job/housing mix are on track. Staff noted that the Metro Core District itself contains over 19,500 jobs, a number which is anticipated to rise as the 7500 Wisconsin redevelopment comes on-line, and when the 7200 Woodmont Avenue and Bethesda Center projects are constructed, and that a

number of properties in the Metro Core District identified for retail and mixed-use development have been approved for office space and employment uses instead. As a result, staff concluded that the Bethesda Commerce project satisfies the goals of the Sector Plan for the Metro Core District, and helps to foster a preferred mix of residential and employment that is needed to both meet the needs of the Sector Plan objectives for a greater focus of activities and a better sense of community, as well as providing a sustainable future where citizens can live, work, and play in the same location.

Similarly, this project represents an opportunity to place residential uses, a use envisioned by the Sector Plan to be included in the Metro Core District, in close proximity to the predominantly employment uses in the District. The project will represent one of the few multi-family residential projects in the Metro Core District south of the Bethesda Metro station, and will be the only such project located along Wisconsin Avenue. As found with the Bethesda Commerce site, the project will similarly provide an opportunity to house residents directly adjacent to employment opportunities, in conformance with the goals of the Sector Plan.

Even with the project being proposed as primarily residential, there remain numerous opportunities for new employment uses in the Metro Core District. According to M-NCPPC's chart of pipeline development dated September 2013, over 1.2 million square feet of office uses have been approved in the CBD as a whole and are not yet built, representing over 5,000 jobs at the rate of one job per 225 square feet of floor area. Several of these projects are located specifically within the Metro Core District, including Woodmont 7200, 4500 East West Highway, and Bethesda Center.

- Reinforce Metro Center as the focus of urban activity. Adjacent properties should develop in a manner that complements the activities and urban open space at Metro Center. (page 61)

The project represents a step-down in building height from the block containing the Bethesda Metro station, located one block north of the subject property. While the project's architecture and public use space located along Hampden Lane will be distinctive, the project is still of smaller scale than the 200-foot tall buildings in the Metro station block and the large urban open spaces located at Metro, thus fostering the notion that the Metro Station block should be the strongest focus of urban activity. Additionally, the project's on-site public use spaces and off-site amenities (including streetscape) will foster and facilitate pedestrian movement to the Bethesda Metro station.

- Maintain a compact development with the tallest buildings concentrated in the center. Development at perimeter locations of the Metro Core should step down in height to achieve a more gradual transition and better compatibility with the adjacent areas. (page 61)

The project fulfills this Sector Plan objective by proposing a building height of 143 feet, which represents a step-down in building height from the center of the Metro Core District, where 200 feet in building height is permitted in the block just to the north where the Bethesda Metro Station is located. In addition, the project establishes compatibility with nearby properties by proposing a composition of three distinct volumes, one for each of the streets that are adjacent to the subject property. These volumes step down from north to south, with the tallest volume appropriately located on the Montgomery Lane frontage, anchoring the building to the prominent corner intersection at Montgomery Lane and Wisconsin Avenue. The second volume supports the main outdoor rooftop amenity space and addresses Wisconsin Avenue, while the third volume steps down to appropriately scale the building to Hampden Lane.

- Locate new open space to tie into the existing “Discovery Trail” network and to expand the pedestrian connections. Where appropriate, locate new open space in a manner that reinforces the gateways and provides a transition between districts. (page 61)

While the subject property is not located directly adjacent to the Discovery Trail, which comes closest to the subject property where it runs along the west side of East Lane, approximately one half block to the west, the project will significantly improve and strengthen the pedestrian experience along Wisconsin Avenue, Montgomery Lane, and Hampden Lane by providing the Bethesda streetscape improvements and the Hampden Lane public use space, which will feature unique pavers, plantings, seating, lighting, and public artwork components. Provision of the Hampden Lane public use space also begins to help transition the uses located in the Metro Core District along Wisconsin Avenue down to the TSR (Transit Station Residential) District to the west located on the west side of Woodmont Avenue.

The project substantially conforms to the intent of the Sector Plan for the Metro Core District.

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

The project proposes an appropriately scaled mixed-use redevelopment that fulfills the Sector Plan’s vision for the area. The project will replace the automobile-oriented former gas station with a vibrant, transit-oriented, mixed-use development that will add to the urban redevelopment of downtown Bethesda. The project proposes an appropriate height and density given that it is located in the Sector Plan’s Metro Core District, only one block away from the Bethesda Metro Station.

The shade relationships associated with the proposal are shown in the illustrations below. As shown, the shadows cast by the proposed building will have a similar impact on surrounding areas as the shadows cast by existing buildings. In addition, the illustrations show that the proposed public use space will receive sunlight throughout much of the year.



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

The project will not overburden existing public services nor those programmed for availability. The applicant submitted a traffic study that shows that the proposed project satisfies Local Area Transportation Review (LATR) and is exempt from Transportation Policy Area Review (TPAR) requirements. The subject property is in the Bethesda Transportation Management District, and, therefore, the applicant has also submitted a draft Traffic Mitigation Agreement. The project is also simultaneously proceeding through adequate public facilities review as part of the preliminary plan amendment submitted with the project plan application. As detailed in the preliminary plan amendment findings below, public facilities – including traffic, police, fire and rescue, water, and sewer – are adequate. The subject property is within the Bethesda Chevy Chase High School cluster area, which is currently operating between 105-120% of capacity at the high school level, and a school facilities payment is required.

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

Under the standard method of development, land uses and density appropriate for a transit-proximate location will not be realized, nor will the level of public use space or public amenities that are provided in the optional method of development. Additionally, under the standard method of development, the housing potential for the subject property would not be realized, and the prominent and strategically important location of the subject property would be vastly underutilized if developed under the standard method. By utilizing the optional method of development for the project, the public will enjoy 20 percent on-site public use space as well as off-site public amenity space. The project provides the opportunity to improve the visibility and attractiveness of the subject property, to provide homes, including 15% MPDUs and the resulting 22% density bonus, non-residential uses (retail, restaurant, or service), improved streetscapes, public art, and high-quality public amenities in the Metro Core District.

*(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 project will provide 15% on-site MPDUs (with the final number of MPDUs provided to be based upon the total unit count established at the time of certified site plan). An MPDU agreement will be executed between the applicant and the Montgomery County Department of Housing and Community Affairs prior to issuance of a building permit for the project that will address all of the provisions for construction of the MPDUs as provided in Chapter 25A of the County Code.

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

This finding is not applicable, as the subject property is already comprised of one record lot and no transfer of public open space or development density is proposed.

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

All applicable requirements for forest conservation under Chapter 22A are satisfied. Under Section 22A-5(s), as confirmed by staff in a letter dated June 12, 2013, the project is exempt from the forest conservation requirements.

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

The MCDPS Stormwater Management Section approved the stormwater management concept on November 13, 2013. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent possible through the use of a green roof and micro-bioretenion planter box. The remaining volume will be treated in a structural proprietary filter.

- (j) *When the Planning Board allows any public use space, or public facilities and amenities to be provided off-site, the Planning Board must find that the space or improvement:*
- (1) is consistent with the goals of the applicable master or sector plan; and*
  - (2) serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The applicant is providing all public use space and amenities and facilities on-site.

## **Preliminary Plan**

### **Conformance to the Master Plan**

The subject property is located within the Bethesda CBD Sector Plan area. The preliminary plan substantially conforms to the following recommendations in the Sector Plan:

- Strengthen the Metro Core as the center of Bethesda, with greatest emphasis on and around the Metro Center and plaza.
- Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.
- Develop a compact core that places the highest intensity in the center, provides distinctive infill buildings, and steps down to lower densities and heights near the edge of the district.
- Emphasize employment near Metro transit to complete Metro Core development.
- Reinforce Metro Center as the focus of urban activity. Adjacent properties should develop in a manner that complements the activities and urban open space at Metro Center.
- Maintain a compact development with the tallest buildings concentrated in the center. Development at perimeter locations of the Metro Core should step down in height to achieve a more gradual transition and better compatibility with the adjacent areas.
- Locate new open space to tie into the existing “Discovery Trail” network and to expand the pedestrian connections. Where appropriate, locate new open space in a manner that reinforces the gateways and provides a transition between districts.

Analysis of the application’s conformance to these recommendations can be found in the Project Plan section beginning on Page 15.

### **Public Facilities**

#### **Roads and Transportation Facilities**

##### *Access, Parking, and Public Transportation*

The subject property currently has three vehicular access points: one on Montgomery Lane, one on Wisconsin Avenue (MD 355), and one on Hampden Lane. The proposed development will consolidate these existing access points to one driveway each for loading and parking that will be located at a single point of access on Montgomery Lane. As a result of the existing one-way operation of Montgomery Lane, the proposed site access will be restricted to a right-in, right-out movement. The garage access driveway is proposed to have a 20-foot-wide apron at the property line, but MCDOT has

commented that the width should not be less than 24 feet to accommodate a 14-foot lane for inbound traffic and a 10-foot lane for outbound traffic. Therefore, the site plan will be conditioned to provide this configuration. The parking garage will contain 200 spaces. Pedestrian and bicyclist access to the site will be provided along each of the three frontage roadways and sidewalks.

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail station (approximately 500 feet away), Metrobus, RideOn, and the Bethesda Circulator. Future transit in the area includes a proposed Purple Line station and new Metrorail station entrance, located approximately 300 feet to the south. Specific transit routes near the Site include:

1. RideOn Bus Routes 29, 30, 32, 33, 34, 36, 47, 70
2. WMATA Metrobus Routes J2, J3, and J4

#### *Master Plan Roadways and Pedestrian/Bikeway Facilities*

The 1994 *Bethesda CBD Sector Plan* and 2005 *Countywide Bikeways Functional Master Plan* recommend the following facilities along the property frontage:

1. Wisconsin Avenue (MD 355), along the eastern site frontage, as Major Highway (M-6), between Bradley Boulevard and the northern limits of the Central Business District, with a minimum right-of-way width of 115 feet.
2. Hampden Lane, along the southern site frontage, as a Biker Friendly Area and Business District Street with a minimum right-of-way width of 60 feet.
3. Montgomery Lane, along the northern site frontage, as a Business District Street with a minimum right-of-way width of 70 feet.

#### *Adequate Public Facilities Review*

A traffic study, dated July 25, 2013, was submitted for the subject application per the *LATR/TPAR Guidelines* since the proposed development was estimated to generate more than 30 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.

- **Trip Generation**

A site trip generation summary for the proposed development, provided in Table 2, shows that the project will generate 78 peak-hour trips during the weekday morning peak period and 107 peak-hour trips during the weekday evening peak period. Since the existing site, a former gas station, is vacant, the applicant is claiming zero trip credit.

**TABLE 2  
SUMMARY OF SITE TRIP GENERATION  
PROPOSED 7340 WISCONSIN AVENUE PROJECT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
<b>Proposed Development</b>						
225 High Rise Dwelling Units	14	54	68	46	22	68
Retail (15,000 SF)	5	5	10	20	19	39
<b>Total</b>	<b>19</b>	<b>59</b>	<b>78</b>	<b>66</b>	<b>41</b>	<b>107</b>

Source: Wells and Associates, Inc. Traffic Study dated July 25, 2013

- **Local Area Transportation Review**

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 3, shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the Adequate Public Facilities (APF) test.

**TABLE 3  
SUMMARY OF CAPACITY CALCULATIONS  
PROPOSED 7340 WISCONSIN AVENUE PROJECT**

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
Wisconsin Ave/ Old Georgetown Rd/ East-West Hwy	1,157	1,127	1,454	1,307	1,463	1,317
Montgomery Ln/ Woodmont Ave	418	346	456	367	458	374
Montgomery Ln/ East Ln	364	441	311	459	502	516
Montgomery Ln/ Wisconsin Ave	901	893	1,168	1,120	1,172	1,124
Woodmont Ave/ Hampden Ln	620	756	835	951	837	953
Wisconsin Ave/ Elm St	721	778	967	1,153	977	1,153
Montgomery Ln/ Proposed Site Driveway	-	-	-	-	347	343

Source: Wells and Associates, Inc. Traffic Study dated July 25, 2013

- **Transportation Policy Area Review**

Since the proposed development is within the Bethesda CBD, a Metro Station Policy Area (MSPA), the project is adequate under the roadway test and exempt from the transit test set forth in the

2012-2016 Subdivision Staging Policy. As a result of these findings and the development's location in a MSPA, the proposed development is not required to make a payment to satisfy the TPAR requirement.

#### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the property. The subject property is within the Bethesda Chevy Chase High School cluster area, which is currently operating between 105-120% of capacity at the high school level, and a school facilities payment is required. Electrical, telecommunications, and gas services are also available to serve the property.

#### Environment

The Application was granted an exemption from submitting a forest conservation plan per section 22A-5(s)(1) on June 12, 2013. The proposed development met the conditions as the subject property is smaller than 1.5 acres with no existing forest, specimen trees, or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

The MCDPS Stormwater Management Section approved the stormwater management concept on November 13, 2013. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent possible through the use of a green roof and micro-bioretenion planter box. The remaining volume will be treated in a structural proprietary filter.

#### Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections.

The application will not create any new lots. Rather, the purpose of the preliminary plan is to conduct an APF test for the proposed change in use from the previously approved gas station to the proposed mixed use building. Nonetheless, the existing lot has been evaluated, and the lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. The Bethesda CBD Sector Plan does not make any specific recommendations regarding the size of lots. However, the Sector Plan does recommend that the subject property be developed with mixed-use development, as is being proposed on the site. As evidenced by the preliminary plan, the site is sufficiently large to efficiently accommodate the proposed mix of uses.

The lot was reviewed for compliance with the dimensional requirements for the CBD-2 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 4. The

application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Table 4: Preliminary Plan Data Table

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>
Minimum Lot Area	18,000 sq. ft.	18,679 sq. ft. minimum
Setbacks		
Front	0 ft. Min.	Must meet minimum <sup>1</sup>
Side	0 ft. Min.	Must meet minimum <sup>1</sup>
Rear	0 ft. Min.	Must meet minimum <sup>1</sup>
Maximum Floor Area per Zoning	207,791 sq. ft.	207,791 sq. ft.
MPDUs	12.5% Min.	15% Min.
TDRs	N/a	N/a
Site Plan Required	Yes	

<sup>1</sup> As determined by MCDPS at the time of building permit.

**CITIZEN CORRESPONDENCE AND ISSUES**

The applicant has complied with all submittal and noticing requirements. As of the date of this staff report, staff has received one letter in support of the application.

**CONCLUSION**

The project plan meets all of the requirements established in the Zoning Ordinance and substantially conforms to the recommendations of the Bethesda CBD Sector Plan. Therefore, approval of the project plan application with the conditions specified above is recommended.

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Bethesda CBD Sector Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the preliminary plan application with the conditions specified above is recommended.

**Attachments**

- Attachment A – Vicinity Map
- Attachment B – Proposed Project Plan and Preliminary Plan
- Attachment C – Resolution Approving Preliminary Plan 19940800
- Attachment D – Agency Correspondence Referenced in Conditions
- Attachment E – Citizen Correspondence

# 7340 WISCONSIN AVENUE (920140010)



Map compiled on October 30, 2013 at 4:23 PM | Site located on base sheet no - 209NW05

### NOTICE

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Key Map



Research & Technology Center



1 inch = 200 feet  
1 : 2400



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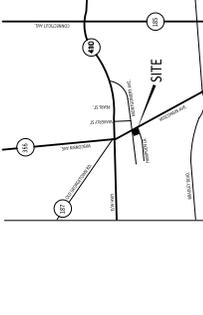
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**PROFESSIONAL SEAL**  
**REVISIONS**  
 DATE: 10/28/21  
 BY: [Signature]

**7340 WISCONSIN AVE**  
 LOT 8, BLOCK 24C  
 PLAT NO. 19553  
 MONTGOMERY COUNTY, MARYLAND  
 VSSC GRID: 80R40W5  
 TAP 1047 - 1052  
**PROJECT PLAN**  
**920140010**  
 DRAWN BY: TSS  
 DATE ISSUED: 8/27/21  
 SHEET NO. 1 OF 1



**GENERAL NOTES:**

- THE GROSS TRACT AREA IS 8.79 ACRES.
- THE SITE IS LOCATED ON WISCONSIN PARK DRIVINGS.
- THE SITE IS LOCATED ON THE MAP 19553.
- SUBJECT PROPERTY IS ZONED CBD-2.

THE SUBJECT PROPERTY IS COMPOSED OF THE FOLLOWING:

LOT NO.	TRACED NO.	PLAT BOOK	PLAT NO.
1	180	180	180
2	181	181	181
3	182	182	182
4	183	183	183
5	184	184	184
6	185	185	185
7	186	186	186
8	187	187	187
9	188	188	188
10	189	189	189
11	190	190	190
12	191	191	191
13	192	192	192
14	193	193	193
15	194	194	194
16	195	195	195
17	196	196	196
18	197	197	197
19	198	198	198
20	199	199	199
21	200	200	200

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Date of Mailing: July 11, 1994



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation  
 (Motion of Comm. Richardson, seconded by Comm. Baptiste,  
 with a vote of 4-0; Comms. Richardson, Baptiste, Aron,  
 and Hussmann voting in favor with Comm. Floreen being  
 absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-94080  
 NAME OF PLAN: EXXON STATION

On 04-13-94, EXXON CORPORATION, submitted an application for the approval of a preliminary plan of subdivision of property in the CBD2 zone. The application proposed to create 0 lots on 1364.00 SQ FEET of land. The application was designated Preliminary Plan 1-94080. On 06-09-94, Preliminary Plan 1-94080 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-94080 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-94080, subject to the following conditions:

- 1) Compliance with Environmental Planning Division approval regarding the requirement of the forest conservation legislation (as part of the preliminary plan). Applicant shall meet all conditions prior to recording of plat or MCDEP issuance of sediment and erosion control permit, as appropriate
- 2) Agreement with Planning Board to limit development to 1,705 square feet of Automobile Filling Station and Convenience Store as approved by BOA Case No. S-2066
- 3) Dedication to be in accordance with the requirements of the adopted Bethesda Sector Plan including urban truncation of corners
- 4) Access and improvements as required by MDSHA and MCDOT
- 5) Prior to MCPB release of building permit submit verification of participation in the Bethesda Streetscape Program
- 6) Conditions of MCDEP stormwater management approval dated 6-18-94

7) Necessary easements

This preliminary plan will remain valid until August 11, 1997. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

November 8, 2013

Arthur Holmes, Jr.  
Director

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

RE: Preliminary Plan No. 11994080A  
7340 Wisconsin Avenue

*Neil:*  
Dear Mr. Braunstein:

We have completed our review of the amended preliminary plan dated August 23, 2013. This plan was jointly reviewed with Project Plan No. 920140010 by the Development Review Committee at its meeting on October 14, 2013. This letter also provides MCDOT's conditional approval recommendations for Project Plan No. 920140010. We recommend approval of the project 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. Dedicate necessary right-of-way along Wisconsin Avenue (MD355) site frontage in accordance with the Master Plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. We have completed our review of the consultant's July 2013 storm drain capacity and impact analyses report. That report indicates the pre- and post-development ten (10) year runoff from the site will be the same (4.64 cfs). The downstream study point is located on the opposite (northern) side of Montgomery Lane – although the report does not indicate how the ten (10) year runoff will be conveyed to the opposite side enclosed system. Per the MCDOT Storm Drain Criteria, a curb opening inlet is required when the concentrated flow in a gutter exceeds 3 cfs. Therefore, the applicant will need to construct a new curb opening inlet on the south side of Montgomery Lane and connect same to one of their new storm drain pipes proposed to cross that roadway. This inlet will need to be sized to intercept a minimum of seventy (70) percent of the flow and a maximum spread of eight (8) feet. The proposed crossing pipes must be designed and constructed in accordance with the MCDOT Storm Drain Criteria.

**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. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.

We have reviewed the applicant's October 28, 2013 response to our DRC comment on this issue. After considering the site location, business district classification of Montgomery Lane, and multi-modal movements in that area, **we do not support constructing the garage apron to twenty (20) feet wide at the property line.**

6. Provide Bethesda CBD streetscaping along Hampden Lane, Montgomery Lane, and Wisconsin Avenue site frontages.
7. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
8. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
9. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
10. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
11. Access and improvements along the Wisconsin Avenue (MD355) site frontage as required by the Maryland State Highway Administration.
12. An increase in bicycle traffic is anticipated along Montgomery Lane with bikeshare stations being introduced throughout the Bethesda Central Business District. A bikeshare station will be located on the north side of Montgomery Lane west of East Lane. In addition, Montgomery Lane and Hampton Lane are identified in the 1994 Approved and Adopted Bethesda CBD Sector Plan (page 158 Figure 5.5) as "Biker Friendly Areas" to provide continuity of bikeways through the CBD and better access to stores and transit. Therefore, we recommend that along the Montgomery Lane frontage there should not be any vertical structures (planters, café seating) encroaching within the minimum, clear six (6) foot wide sidewalk area where a high volume of pedestrians and cyclists are expected to travel.
13. We support the Maryland State Highway Administration's proposal to remove the existing eastbound "hot right" turn lane on Montgomery Lane at Wisconsin Avenue (MD355). Prior to submission of the record plat, we recommend the applicant contact the MSHA to determine the status of that design; if a design has been prepared, it should be reflected on the Site Plan.

14. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. 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.
16. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Trees in the County rights of way – 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.
18. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a 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.
19. 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. Construct Bethesda CBD Streetscaping along the Montgomery Lane and Hampden Lane site frontages.
  - b. Construct new storm drain inlet on the south side of Montgomery Lane.
  - c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - d. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
  - e. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Neil Braunstein  
Preliminary Plan No. 11994080A  
November 8, 2013  
Page 4

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Monet L. Lea, our Development Review Area Engineer for this project, at [monet.lea@montgomerycountymd.gov](mailto:monet.lea@montgomerycountymd.gov) or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

M:\correspondence\FY14\Traffic\Active\11994080A, 7340 Wisconsin, MCDOT plan review comments ltr. doc

Enclosure

cc: Neil Goradia; Bainbridge Wisconsin Avenue Apartments, LLC  
Bob Dalrymple; Linowes & Blocher, LLP  
Heather Dlhopsky; Linowes & Blocher, LLP  
William Landfair; VIKA Maryland, LLC  
Jeff Amateau; VIKA Maryland, LLC  
Anabel Farrales; Shalon Barnes Associates  
Trini Rodriguez; Parker Rodriguez  
Robert Kronenberg; M-NCPPC Area 1  
Matthew Folden; M-NCPPC Area 1  
Catherine Conlon; M-NCPPC DARC  
Scott Newill; MSHA AMD  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR  
Sam Farhadi; MCDPS RWPR  
Patricia Shepherd; MCDOT DTE  
Brett Linkletter; MCDOT DHS  
Sande Brecher; MCDOT DTS  
Dan Sanayi; MCDOT DTEO  
Bruce Mangum; MCDOT DTEO  
Monet L. Lea; MCDOT DTEO



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

November 13, 2013

Shannon Woodrow  
Vika Maryland, LLC  
20251 Century Boulevard, Suite 400  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for 7340 Wisconsin Avenue  
Preliminary Plan #: 11994080A  
SM File #: 255133  
Tract Size/Zone: 0.43 Ac./CBD-2  
Total Concept Area: 0.56 Ac.  
Lots/Block: 8/24C  
Watershed: Little Falls Branch

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 ESDv to the MEP with the use of green roof and a micro-bioretenion planter box. The remaining volume will be treated in a structural proprietary filter.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. 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.
5. Must provide easements and covenants for all stormwater management treatment including flow splitters.
6. At time of plan submittal provide a soils remediation report if there is contaminated soil.
7. For design of the green roof use a professional that has green roof experience.
8. Need to coordinate the removal of the existing stormwater management structure with MCDEP.

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255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

9. Provide a copy of the mechanical plans showing roof drains and garage drains schematics. The roof drains need to go to stormwater structures and the garage drains need to drain to WSSC.
10. The structural filter must be flow split.

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 not required**.

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

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: me CN255133 7340 Wisconsin Ave.DWK

cc: C. Conlon  
SM File # 255133

ESD Acres:	0.56
STRUCTURAL Acres:	0.56
WAIVED Acres:	0.00



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

James T. Smith, Jr., Secretary  
Melinda B. Peters, Administrator

Maryland Department of Transportation  
October 15, 2013

Ms. Cathy Conlon  
Montgomery County Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Montgomery County  
MD 355  
7340 Wisconsin Ave (Bethesda Exxon)  
SHA Tracking No: 13APMO043xx  
Project Plan No: 920140010  
Mile Post: 1.62

Dear Ms. Conlon:

Thank you for the opportunity to review the preliminary plan, dated September 16, 2013, for the proposed 7340 Wisconsin Avenue (former Bethesda Exxon) development in Montgomery County. The State Highway Administration (SHA) offers the following comments:

**Access Management Division Comments:**

1. The SHA does not object to preliminary plan approval of the development. At the time of site plan review, please submit (six) 6 sets of plans for review. The site plan should show all proposed improvements within SHA right of way with dimensions. For guidance on plan sheet preparation, please see the following link to our Access Management Plan Review Checklist:  
<http://www.roads.maryland.gov/ohd2/Plan-check-list.pdf>
2. The determination of approval for a hydraulic waiver will be made at the site plan review phase. Please submit hydraulic computations for review.
3. Please place the following note on the first sheet of the plan set:

**The following standards (construction and temporary traffic control) are required for this project (list them out as shown below):**

**MD-xxx.xxx – Name of standard**  
**MD-xxx.xxx – Name of standard**

**For all standards referred to on the plans the contractor must go to the Book of Standards which will have the most current version. The Book of Standards can be accessed at:**

<http://apps.roads.maryland.gov/businesswithsha/bizStdsSpecs/desManualStdPub/publicationsonline/ohd/bookstd/index.asp>

**All items are to be constructed in accordance with the current version of the referenced standard at the time of construction.**

Further plan submittals should reflect the above comments. Please submit six (6) sets of the site plan, a CD containing the plans and supporting documentation in PDF format and 2 copies of the hydraulic study, as well as a point by point response, to reflect the comments noted above directly to Mr. Steven Foster attention of Mr. Erich Florence. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management

My telephone number/toll-free number is 410-545-5600  
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Ms. Cathy Conlon  
Page 2  
SHA Tracking No: 13APMO043xx  
October 15, 2013

Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Erich Florence at 410-545-0447, by using our toll free number in Maryland only at 1-800-876-4742 (x0447) or via email at [eflorence@sha.state.md.us](mailto:eflorence@sha.state.md.us).

Sincerely,



for Steven D. Foster, Chief/Development Manager  
Access Management Division

SDF/JWR/EMF

cc: Mr. Jeff Amateau, VIKA Maryland, LLC/  
20251 Century Boulevard, Suite 400, Germantown, MD 20874/ [Amateau@vika.com](mailto:Amateau@vika.com)  
Mr. Victor Grafton, SHA- District 3 Utility Engineer  
Mr. Neil Goradia, Owner, Bainbridge Wisconsin Avenue Apartments, LLC/  
7700 Wisconsin Avenue, Suite 410, Bethesda, MD 20814/ [ngoradia@bainbridgere.com](mailto:ngoradia@bainbridgere.com)  
Mr. Mark McKenzie, SHA – Access Management Division Assistant Regional Engineer  
Mr. Scott Newill, SHA - Access Management Division Regional Engineer



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

November 13, 2013

Mr. Neil Braunstein  
Area 1 Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 7340 Wisconsin Avenue  
Project Plan No. 920140010  
Preliminary Plan Amendment No. 11994080A

Dear Mr. Braunstein:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Project Plan and Preliminary Plan Amendment. The applicant has not addressed DHCA's Development Review Committee (DRC) comment, requesting that the following language be added to the plans:

- Final MPDU locations, bedroom compositions and layouts will be determined at certified site plan with review and approval by DHCA.

DHCA recommends Approval of the plans with the addition of the above language. DHCA will also request that this condition be included in the Planning Board resolution for the site plan.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: William Landfair, VICA Maryland LLC

S:\Files\FY2014\Housing\MPDUALisa Schwartz\7340 Wisconsin DHCA Letter 11-13-2013.doc

Division of Housing

Moderately Priced  
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Housing Development  
& Loan Programs  
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Licensing & Registration Unit  
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FAX 240-777-3699

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November 22, 2013

Your Business Is  
Our Only Business

Commissioner Francois Carrier, Chair  
Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Letter in Support of 7340 Wisconsin Project in Bethesda

Dear Commissioner Carrier:

On behalf of The Greater Bethesda-Chevy Chase Chamber of Commerce, I am submitting this letter in strong support of the proposed 7340 Wisconsin project in Bethesda (Project Plan No. 920140010 and Preliminary Plan Amendment No. 11994080A). With its mix of multi-family dwelling units and ground floor retail uses, as well as the attractive and inviting public use space plaza located along Hampden Lane, this is exactly the type of development and mix of uses needed to continue the successful redevelopment of and bring additional vibrancy to the heart of the Bethesda Central Business District (CBD).

Spanning the block between Montgomery Lane and Hampden Lane just south of the Bethesda Metro Station, the property is prominently located and the building's distinctive and attractive architecture, including its three-tiered roofline, will help to create a distinctive sense of place. This area of the Metro Core District is also ripe for residential uses, and such uses which will help to balance out the numerous office buildings in the immediate vicinity and ensure that the streets remain activated after the workday ends. The project's ground-floor retail component and the Hampden Lane plaza will also bring additional visitors and vibrancy to the site and the surrounding area.

We ask that the Planning Board enthusiastically approve this project and provide whatever assistance is possible to allow the project to move forward to construction and occupancy as quickly as possible. Thank you for your consideration of our comments. We look forward to welcoming the 7340 Wisconsin project to our community.

Sincerely,

Ginanne M. Italiano, IOM  
President and CEO

cc: Members of the Montgomery County Planning Board  
Mr. Neil Braunstein, M-NCPPC  
Mr. Robert Kronenberg, M-NCPPC

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