



**7900 Wisconsin Avenue, Project Plan 920120030, Preliminary Plan 120120200**



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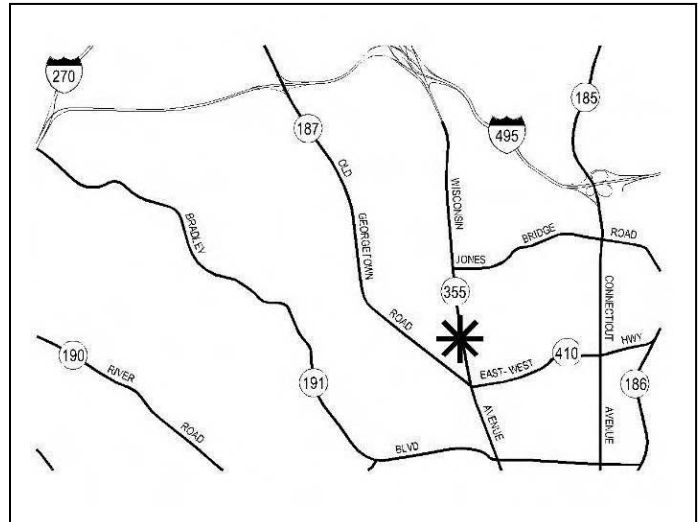


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Completed: 2/1/13

**Description**

- 7900 Wisconsin Avenue, between Wisconsin Avenue and Woodmont Avenue at St. Elmo Avenue
- CBD-R2, Woodmont Triangle Amendment to the Bethesda CBD Sector Plan, 1.86 acres
- 440,000 sf. multi-family residential building with a maximum of 475 dwelling units, including 72 MPDUs (15%), and up to 21,630 sf. of ground-floor retail on a consolidated lot.
- Applicant: JBG/Wisconsin Developer, LLC
- Submitted April 12, 2012



**Summary**

- Staff recommends **APPROVAL WITH CONDITIONS** of the Project Plan, Preliminary Plan, and Forest Conservation Plan
- Project Plan includes a density transfer
- Applicant is requesting waiver of 5% retail minimum for CBD-R2 properties

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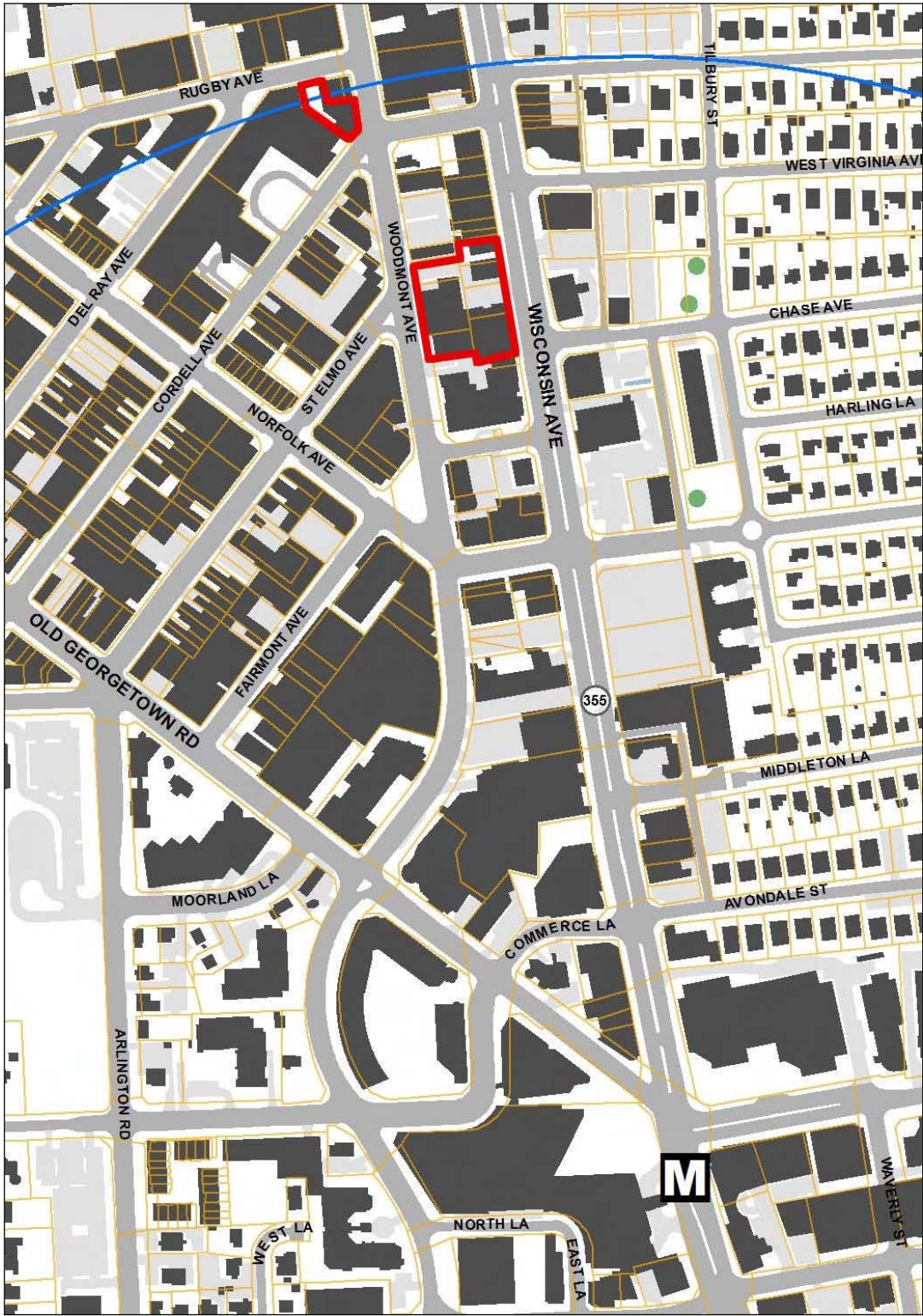
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Vicinity Map

## SITE DESCRIPTION

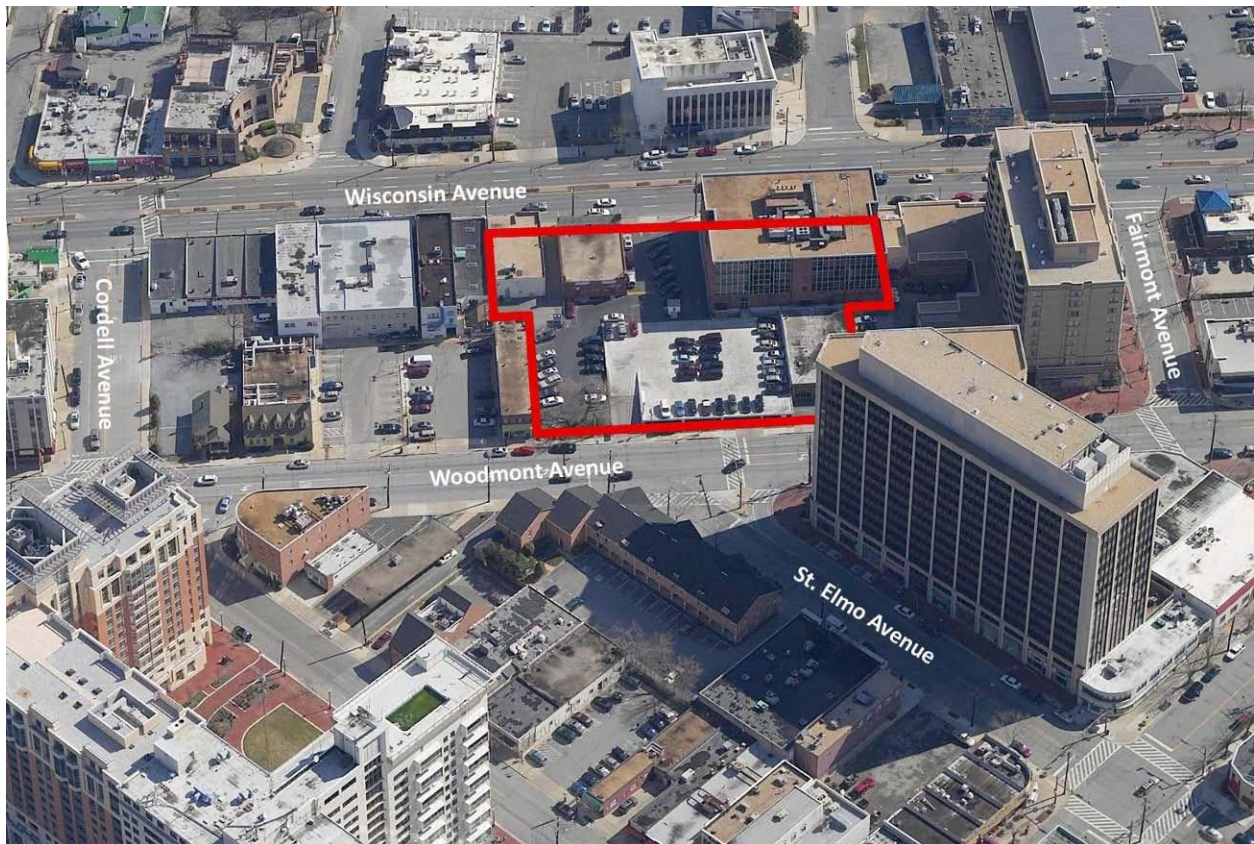
### Vicinity

The subject site is located in the Woodmont Triangle area of the Bethesda Central Business District, between Wisconsin and Woodmont Avenues, at St. Elmo Avenue, and is about a quarter-mile north of the Bethesda Metro station. The Woodmont Triangle is developed with mid-rise office and residential buildings and smaller one-and two-story retail and commercial buildings.

### Site Analysis

The site proposed for redevelopment will consolidate twenty parts of lots within the block bound by Wisconsin Avenue, Fairmont Avenue, Woodmont Avenue, and Cordell Avenue. For density-transfer purposes, the site also includes a lot fronting Woodmont Avenue, Cordell Avenue, and Rugby Avenue. Each of these properties is zoned CBD-R2.

The subject property is currently improved on Wisconsin Avenue with a four-story office building, and two single-story buildings with retail uses and surface parking. On Woodmont Avenue, the property is improved with a surface parking lot, a two-story structured parking garage, and a one-story auto repair shop. The density-sending site is improved with a two-story bank.



*Aerial Photo Looking East*

Along Wisconsin Avenue, the site slopes gently down about three feet to the north. Along Woodmont Avenue, the site slopes down about two feet to the north. Across the site, however, the slope is significant, about eight feet from Wisconsin Avenue down to Woodmont Avenue.



*Aerial Site Map*

## PROJECT DESCRIPTION

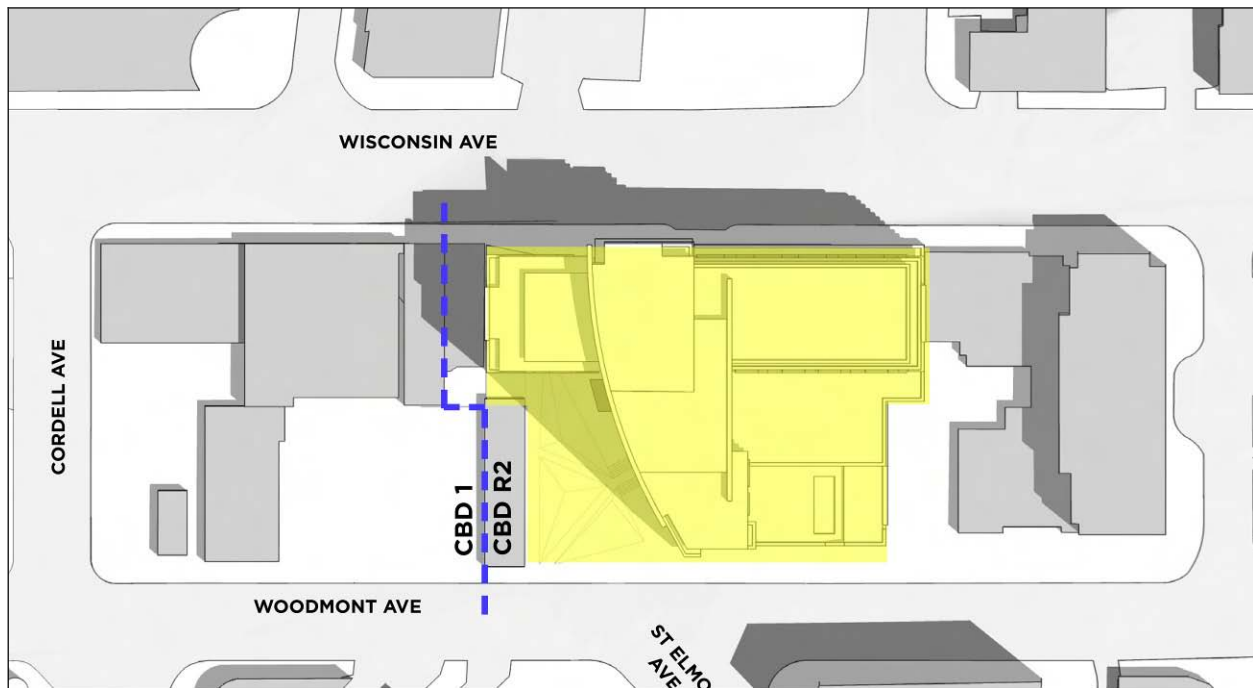
### Proposal

#### Subdivision of Land

The Applicant proposes to consolidate 20 parts of lots into a single buildable lot with a gross tract area of 66,874 sf., and a net lot area of 46,949 sf.

#### Land Use

The Applicant proposes to build a 440,000 sf. multi-family residential building with a maximum of 475 dwelling units, including 72 MPDUs (15%), and up to 21,630 sf. of ground-floor retail on the consolidated lot. This total includes 30,186 sf. of density transferred from an off-site 13,225 gsf. recorded lot in the Woodmont Triangle. The maximum building height for the proposed building is 174', including a 22% height bonus for providing 15% MPDUs.

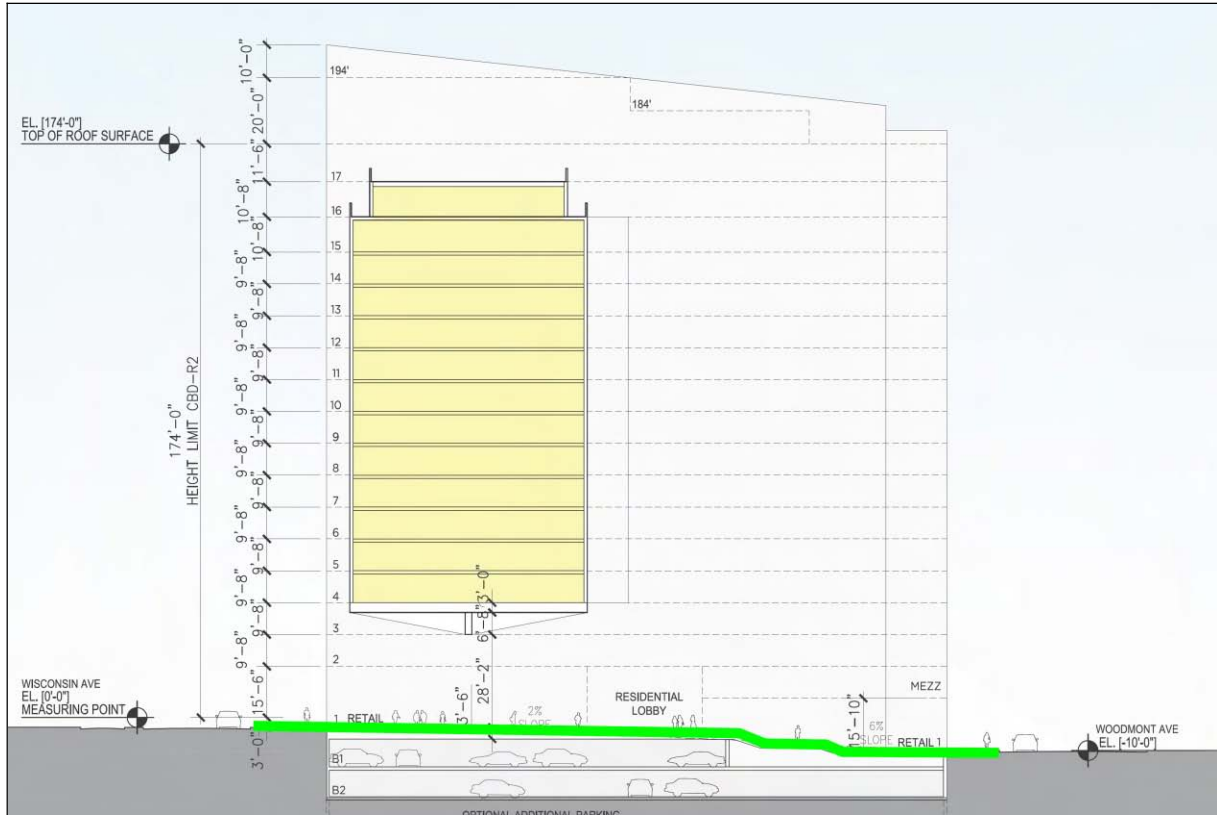


*Site Plan*

### Design

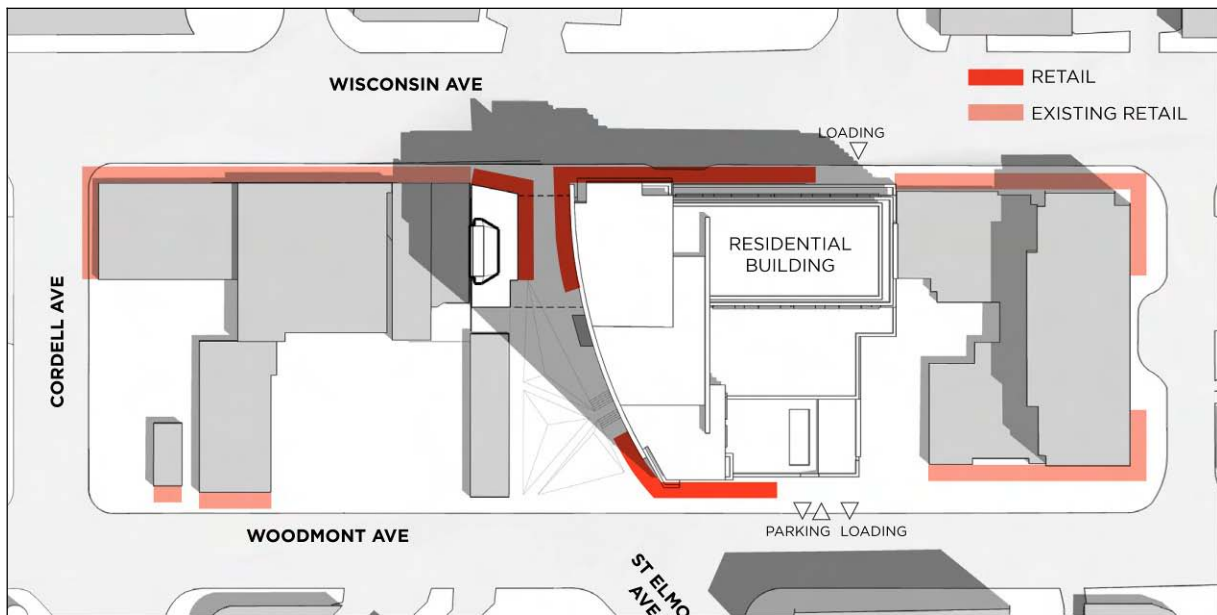
The proposed building would span the narrow block between Wisconsin and Woodmont Avenues, with two full-height residential bars: one along Wisconsin Avenue; the second intersecting the first perpendicularly. A single-story retail element completes the southern portion of the Woodmont Avenue façade.

A through-block open space runs from the St. Elmo Avenue intersection to Wisconsin Avenue, passing beneath a portion of the building. The underside of the building will have a special treatment, the details of which will be determined at Site Plan. The clearance above the sidewalk in this section will be about 35' at the building façade and about 28' at the lowest point of the special treatment.



*Site section through public use space*

The ground-floor retail is focused on Woodmont and Wisconsin Avenues, but also extends into the open space, including a small retail pavilion that serves at the “foot” for the northern-most portion of the building.



*Retail use distribution*



*Wisconsin Avenue, looking south*



*Wisconsin Avenue, looking north*





*Woodmont Avenue façade, looking east from St. Elmo Avenue*



*Woodmont Avenue, looking north*

The proposed façade design provides a striking presence on both Wisconsin and Woodmont Avenues, with a dramatic cantilever effect viewed from St. Elmo Avenue. Consisting of glass and metallic elements, the primary building elevations reduce the visual scale of the building and form varying patterns of light throughout the day. The design incorporates vertical masonry elements that bookend the Wisconsin Avenue façade and feature a masonry vertical arc that highlights the entrance to the public space, as well as retail and lobby entrances. Cleverly, the design on Wisconsin Avenue integrates the screening for the rooftop mechanical units into the façade treatment as a whole, making an attractive asset out of a necessary liability. This design will set a high-water mark for future projects in the Bethesda CBD.

### Public Use Space and Amenities

The proposed development would provide 10,953 sf. of on-site public use space and 7,585 sf. of off-site public amenity space. The on-site through-block open space incorporates a diversity of innovative and attractive features, including a landscaped stormwater management area, turfed mounds that people can climb and sit on, and a number of paths that accommodate direct and indirect circulation.



*Illustrative Landscape Plan*



*Public use space, viewed from Woodmont Avenue*



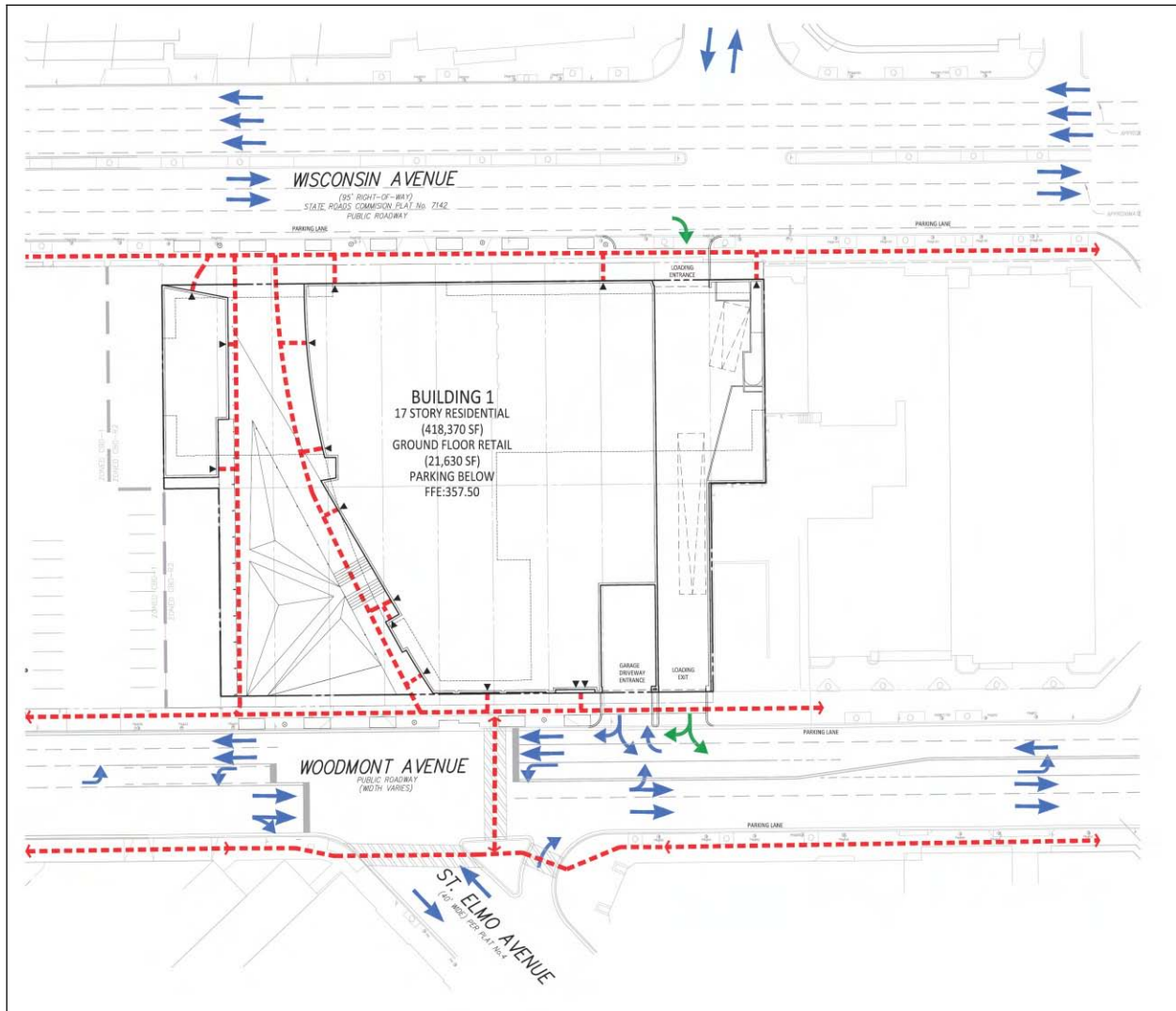
*Public use space, viewed from Wisconsin Avenue*

At the Wisconsin Avenue entrance to the public use space, the applicant is developing a treatment for the underside of the building overhead that is envisioned to be a reflective, metallic, and multifaceted surface. The design will be further developed for Site Plan review.

The proposed off-site amenity space would implement the Bethesda streetscape along the site frontages on Wisconsin and Woodmont Avenues.

## Pedestrian and Vehicular Circulation

The site provides pedestrian access to and through the site via sidewalks on Wisconsin and Woodmont Avenues, as well as the through-block open space. Vehicular access to the garage is provided from Woodmont Avenue. Service vehicles enter the site from Wisconsin Avenue and continue through the block to exit onto Woodmont Avenue.



*Circulation Plan (pedestrians in red, service in green, and automobiles in blue)*

The project will provide parking on-site in an underground parking garage. The site is located within the Parking Lot District.

## **COMMUNITY CONCERNS**

Staff received one e-mail from the adjacent multi-family residential building, citing concerns about the impact of construction. These issues will be addressed at site plan.

## **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 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.*

#### Intents and Purposes Of The CBD Zones

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

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

With respect to density, the Sector Plan recommends intensifying development, particularly residential uses, on this block. The development satisfies this recommendation by maximizing the residential development potential of the site, including the provision of 15 percent MPDUs.

Building heights recommendations are indicated on page 22 of the *Woodmont Triangle Amendment to the Sector Plan for the Bethesda CBD*. The site is identified as Block 10, with a maximum building height of 174 feet recommended for the CBD-R2 portion of the site. The project plan matches the recommended maximum building height.

The Sector Plan's recommends higher-intensity mixed-use transit-oriented development close to the Metro station. Beyond the residential uses, the development will meet this recommendation by providing ground-floor retail, underground parking, and well-design public space within 1,800 feet of transit.

*(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 Sector Plan indicates that mixed residential and retail land uses are appropriate for the site. The project will provide these uses and these will be visible and accessible to a greater number of pedestrians. This intensity and diversity of land use conforms to the Sector Plan recommendations. Both the general goals of the Sector Plan and the specific objectives of the area advocate approval of optional method projects that provide retail and housing opportunities near both transit stations and other day-to-day necessities.

*(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's relationship to existing buildings is typical and appropriate for a central business district. The building design minimizes its immediate impact on the taller existing buildings adjacent to the site by presenting the narrow ends of the building opposite them and creating an elevated private internal courtyard above the Woodmont Avenue retail uses to increase visual separation from the existing buildings.

The proposed development will enhance pedestrian circulation by providing an attractive through-block open space between Wisconsin and Woodmont Avenues, and by minimizing the area devoted to vehicular and service access and focusing it away from the open space. Furthermore, the open space and ground-floor retail respond to existing pedestrian flows and will enhance activity in this area.

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

The development is less than 1,800 feet from Metro and has several bus stops across from the site. It is a local and regional imperative that infill development be provided at such sites as an alternative to suburban sprawl. As conditioned, the location and accessibility of the proposed development to the local transit system is an excellent realization of the Sector Plan transit and sustainability goals, for example the provision of retail and housing within walking distance of the Metro.

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

In addition to the through-block open space, the project will improve pedestrian circulation around the site by upgrading the sidewalks around the property to the Bethesda Streetscape Standard.

The development will improve vehicular circulation around the site by reducing and consolidating the number of curb cuts and vehicular entrances, and eliminating exit traffic onto Wisconsin Avenue.

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

The development will provide up to 72 dwelling units as MPDUs, fifteen percent of the total.

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

The proposed development assembles numerous parts of lots into a single buildable lot, replacing older small-scale commercial buildings with higher-density new mixed-use development near transit, meeting a number of sector plan goals.

#### Further Intents of the CBD-R2 Zone

Section 59-C-6.213(b) of the Zoning Ordinance states:

In the CBD-R1, CBD-R2, CBD-2, and CBD-3 zones 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 meets the further intents of the CBD-R2 zone by providing a mixed-use development that will attract residents and businesses alike, promoting prosperity in the county.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.

To this end, the proposed development is proffering the following package of amenities and public facilities:



## Amenities and Facilities Summary

### *On-Site Public Use Space Improvements*

- Through-block open space featuring:
  - Occupiable sculptural landscaped mounds
  - Lighted paved paths, walkways, and sidewalks
  - Landscaping
  - Integrated stormwater management
  - Seating
  - Special treatment of underside of building over public space.

### *Off-Site Amenity Improvements*

- Streetscape improvements to Woodmont and Wisconsin Avenues, including undergrounding of the utilities.

The high design quality of these amenities will create a uniquely attractive development in the Woodmont Triangle. Combined with the street-level retail, the public space design will create a vibrant and welcoming environment.

## Density Transfer

Section 59-C-6.2355 contains the special regulations for optional method of development projects involving more than one lot located within a Density Transfer Area designated in a master or sector Plan. The Project Plan conforms to these special regulations

- The density to be transferred under this Project Plan is measured in gross square feet and will total approximately 30,186 square feet.
- The Subject Property does not abut or confront a one-family residential zone.
- The development of the combined lots does not exceed the development capacity otherwise permitted on the separate properties under the optional method of development. The Sending Property will retain 35,939 square feet of development potential, in excess of the minimum 13,225 square feet limit of standard method development. Future redevelopment, including additional transfer of density, will require modification of this Project Plan and will have to conform to the recommendations of the Sector Plan.
- The public use space for this Application has been calculated on the square footage of both the Sending Property and the Receiving Property. See the data table below for a detailed breakdown.
- The density transfer will be established, transferred, and attached by means of documents, including an easement as conditioned.

## Development Standards

The sending and receiving site are zoned CBD-R2, which is governed by the development standards in Section 59-C-6.23 of the Montgomery County Zoning Ordinance.

The maximum density for optional method projects in the CBD-R2 Zone is 5.0 FAR, not including MPDU bonus density. In order to achieve this density, footnote 3 of the development standards table specifies that at least 5% of the gross floor area must consist



<b>Density</b>		
Floor Area Ratio, max. base		
<i>Receiving Site</i>	5	5
<i>Sending Site</i>		2.28
Floor Area, max. base subtotal (square feet)	400,495	364,556
<i>Receiving Site</i>	334,370	334,370
<i>Sending Site, transferred to Receiving Site</i>	66,125	30,186
<i>Sending Site, remaining on Sending Site</i>	n/a	35,939
Floor Area Ratio, max. non-residential	1.0	0.27
Floor Area, max. non-residential (square feet)	80,099	21,630
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%)	5	4.9*
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (square feet)	22,000	21,630*
Floor Area, base residential (square feet)	n/a	342,926
Floor Area, 22% MPDU bonus residential (square feet)	n/a	75,444
Floor Area, max. residential (square feet)	n/a	418,370
Floor Area, max. residential and non-residential total (square feet), Receiving Site	440,000	440,000
Floor Area, max. (square feet), Sending Site		35,939
Floor Area, max. (square feet), total		475,939
Dwelling Units, max. total	n/a	475
MPDUs, min.	60	72
MPDUs, min. %	12.5	15
<b>Maximum Building Height (feet)</b>	143/200	174
<b>Minimum Setbacks (feet)</b>		
North Property Line	n/a	0
Wisconsin Avenue	n/a	0
South Property Line	n/a	0
Woodmont Avenue	n/a	0

<b>Public Use &amp; Amenity Space, Min.</b>		
On-Site Public Use Space, % of net lot area of density transfer sending site	10	5.7**
On-Site Public Use Space, % of net lot area of density transfer receiving site	20	20
On-Site Public Use Space, sf. from net lot area of density transfer sending site	565	
On-Site Public Use Space, sf. from net lot area of density transfer receiving site	9,390	
On-Site Public Use Space, sf. total	9,954	10,953
Off-Site Amenity Space, % of net lot area of density transfer receiving site	n/a	16.16
Off-Site Amenity Space, sf.		7,585
Total Public Use & Amenity Space		18,538
Parking (site is located in the Parking Lot District)	802	0***

\* Applicant has requested a waiver of this requirement as allowed under footnote 3 of the development standard table in 59-C-6.23

\*\* adjusted based on percentage of actual transfer density compared with available transfer density (57%)

\*\*\* final number to be determined at site plan

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

The property is within the Study Area Boundary of the Woodmont Triangle Amendment (The Amendment) to the Sector Plan for the Bethesda CBD, March 2006 (The Sector Plan). The Amendment analyzes an area larger than the Woodmont Triangle District including a portion of the Wisconsin Avenue North District as described in the Sector Plan. Therefore, the subject site, while not entirely within the Woodmont Triangle District, is nevertheless entirely within the Study Area of the Amendment (page 3). The Sector Plan informs the review of the subject site in terms of the recommendations and guidelines for the entire CBD that are not otherwise addressed in the Amendment.



Sector Plan Amendment map

### General Recommendations for the Woodmont Triangle Study Area

- **Transit-Oriented Development (TOD)** (p 10) – The Amendment states that most of the Study Area will be TOD. This project is consistent with that concept. It is within 1,800 feet of the Metro Station, and contributes to the mix of uses desirable in TODs.
- **Housing** (p 11) *“Provide a range of housing opportunities including new low-rise and high-rise housing to serve a variety of income levels.”* This project is primarily residential and the 475 dwelling units include 15% Moderately Priced Dwelling Units. This project is therefore in conformance with the Amendment.
- **Building Height Limits** (p 11) *“Support the “step down” of building heights from the Metro Station area to the edges of the CBD. “* This project is consistent with a step down concept. This project is lower than the buildings at the Metro Station so there is a general step down of height from the Metro Station to the CBD edge.

- **Mixed Use Development** (p 11 & 13). The Woodmont Triangle Amendment encourages more residential development to create a truly mixed use district. The incentive provides increased FAR for mixed use projects to encourage more residential development. The project achieves the full FAR and also captures bonus density for providing 15% MPDUs which is a 22% bonus. It achieves an FAR of 5.43, including retail uses. It conforms to the Woodmont Triangle Amendment.
  
- **Retail Preservation** (p 13) This project generally conforms to the Woodmont Triangle Amendment’s recommendations to “retain existing small scale retail” by providing for density transfer from an existing small commercial property. The transfer of density from the small commercial property reduces the incentive for it to be assembled with other properties and then redeveloped. The building on the sending site is a two story brick building which was originally built as a branch of Chevy Chase Bank and is now owned by Capital One. The second floor is the headquarters of Bethesda Green, a local public-private partnership that promotes sustainable growth and sustainable living practices. The sending site will not only retain enough development rights for standard method development, as required, but will still have capacity to redevelop under the optional method and achieving up to FAR 2.7. This will be possible on the sending site, even after the transfer of density. The density transfer does not ensure that the sending site will remain as is, but it does reduce the pressure to redevelop. And while the bank is not typical “small scale retail”, it does serve the local community, have a small footprint, and provide office space for a small scale community enterprise, Bethesda Green. This is consistent with the spirit of the density transfer concept in the Woodmont Triangle Amendment.
  
- **Urban Design Guidelines in the Woodmont Triangle Amendment** ( p 14)  
 In addition to the general objectives and recommendations for urban design, of the Bethesda CBD Sector Plan, the following urban design guidelines in the Woodmont Triangle Amendment pertain to this project:
  - *Design new buildings so that public streets and spaces retain adequate sunlight*
  - *Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvement. Where outdoor restaurants are proposed, additional building setbacks may be required to accommodate pedestrian space and outdoor seating areas.*
  - *Review new projects for compatibility with existing uses and to ensure animation of the first floor space through use of retail, restaurant or other activating uses.*
  - *Provide street-oriented retail, restaurants, and other street animating uses on the first floor of buildings located along streets*

The project adequately addresses the above guidelines. The building and site design will allow sunlight into the public space in the early morning and afternoon. At the street level, the street dedications create ample space to accommodate pedestrian traffic on

upgraded Bethesda Streetscape sidewalks. The residential development is comparable to and compatible with recent and planned residential and commercial development in the Woodmont Triangle, and the retail uses and public space will continue to animate the streets surrounding the project. Finally, the building provides street-level retail on and between Wisconsin and Woodmont Avenues, encouraging street activity along and through the block.

- **Public Amenities and Facilities** (p. 15 -17)

*The Woodmont Triangle Amendment recommends the following:*

- *Provide the Bethesda streetscape on other streets in the study area;*
- *Establish a network of diverse urban spaces including public use space on-site; and*
- *Provide public art, art facilities, and public gathering spaces.*

This project provides the Bethesda Streetscape on Woodmont Avenue and on Wisconsin Avenue, and provides public use space onsite which connects Woodmont Avenue with Wisconsin Avenue, adding to an organically growing network of spaces. The open space contributes to the diversity of open spaces in this area. Features and functions of this space are different from other spaces existing and planned and complement what those other spaces contribute to the public realm. The inclined lawns and stone paths provide forms that are inviting to run through or sit on. The garden theme of Bethesda is reflected in the trellis wall, and character of the lawns and paths.

The project incorporates sculptural elements in the form and arrangement of the tilted lawns set into the dramatically shaped rectangular passage that is the open space. At the time of site plan review, the art review panel will be asked to provide comments to bring a further dimension to the review.

- **Specific recommendations for the block on which this site is located, Block 10** (p. 21-22)

The CBD-R2 zone on this site is consistent with the recommendations of the Woodmont Triangle Amendment. As discussed above, the Amendment allows FAR 5.0 and a height of 143 feet which can be extended to 174 feet as MPDU bonus height. This project does this and is consistent with the Amendment.

*(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 development is compatible with both existing and potential development in the general neighborhood. The location and size of the property is comparable to other nearby development sites with multi-story office and residential buildings. The design and operational

characteristics promote compatibility by maximizing street presence on Wisconsin Avenue and minimizing it opposite adjacent existing buildings. The development will be built in one phase, minimizing impacts on the surrounding neighborhood.

- (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 Applicant prepared a traffic study for review. Review determined that the development will satisfy the Local Area Transportation Review (LATR) and the Transportation Policy Area Review (TPAR). Other public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to preliminary plan approval. The Applicant is required to enter into a Traffic Mitigation Agreement to assist in achieving its non-auto-driver mode share goal for employees working in Bethesda Transportation Management District.

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

A standard method project would only allow a density of 1 FAR on this site. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. The optional method of development is providing a significant amount of affordable housing units compared with the density permitted under the standard method. Because infill development and density at transit hubs is a core value of smart growth and given the number and quality of public amenities being proffered, the optional method of development is much more desirable and more efficient for this particular 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 development will provide 15% MPDUs as required by Chapter 25A in return for a 22% density bonus. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review.

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

- (1) The project will preserve an historic site, building, structure, or area as show on the Locational Atlas and Index of Historic Sites or the master Plan for Historic Preservation; and/or*



- (2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) The project will result in an overall land use configuration that is significantly superior in meeting the goals of the applicable master or sector plan and the zone than what could be achieved without the proposed transfer.*

The proposed development will transfer density between a number of lots and parts of lots under common ownership within the Woodmont Triangle Area. The density transfer will not preserve a historic resource or implement an urban renewal plan, but will result in a significantly superior development that meets the goals and objectives of both the sector plan and the zone, including maximizing mixed-use density near transit and preserving existing retail uses in the Woodmont Triangle.

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

A Preliminary Forest Conservation Plan was submitted on April 12, 2012. The site is 1.16 acres with off-site disturbance of 0.18 acres for a net tract total acreage of 1.34 acres. There are no forests or specimen trees located on this property or within 50' feet of the property boundary resulting in no tree/forest impacts. Under the Forest Conservation Law, the worksheet generates a 0.20 acre afforestation planting requirement. The applicant is proposing to meet the entire planting requirement in a fee-in-lieu payment.

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

The proposed development is subject to the water quality resources protection requirements. The approved stormwater management concept consists of green roof and micro biofilters/planter boxes. Due to existing storm drain elevations and the proposed garage, a waiver of quality control was granted.

- (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 development is providing off-site streetscape improvements within the public right-of-way along the property frontage. This is consistent with the goals of the sector plan and complements the adjacent provision of streetscape improvement on-site.

## Preliminary Plan

### Sector Plan Conformance

See the analysis provided above in Project Plan finding (b).

### Sector-Planned Roadways and Master-Planned Bikeway

In accordance with the 1994 *Bethesda Central Business District Sector Plan* and 2005 Countywide Bikeways Functional Master Plan, the sector/master-planned designated roadways and bikeway are as follows:

1. Wisconsin Avenue is designated as a major highway, M-6, with a recommended 104-foot wide right-of-way and no bikeway.
2. Woodmont Avenue is designated as an arterial, A-68, with a recommended 80-foot wide right-of-way and bike lanes, BL-6.

### Local Area Transportation Review

The table below shows the net number of new and total peak-hour trips generated by the proposed redevelopment during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). Total trips include pass-by, diverted, and new trips. Pass-by and diverted trips are those trips to the grocery store but are already on the road and on the way to/from other origins or destinations.

Land Use	No. of Units or Square feet	New/Total Peak-Hour Trips	
		Morning	Evening
Proposed High-Rise Apartments	475 units	143/143	143/143
Proposed Grocery store	15,000 sq. ft.	18/ 18	41/ 93
Proposed General Retail Space	7,000 sq. ft.	5/ 5	18/ 18
Subtotal: Trips by the Proposed Land Uses		166/166	202/254
Existing General Office Space	-51,406 sq. ft.	-77/-77	-77/-77
Existing General Retail Space	-12,925 sq. ft.	- 8/- 8	-34/-34
Subtotal: Trips by the existing land uses		-85/-85	-111/-111
Net Increase in Site-Generated Trips		81/ 81	91/143

The Applicant submitted a traffic study to satisfy the LATR test because the proposed redevelopment generates 30 or more total peak-hour trips within the weekday morning and

evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic condition as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.

<b>Analyzed Intersection</b>	<b>Weekday Peak Hour</b>	<b>Traffic Condition</b>		
		<b>Existing</b>	<b>Background</b>	<b>Total Future</b>
<b>Woodmont Avenue &amp; Cordell Avenue</b>	<b>Morning</b>	<b>584</b>	<b>642</b>	<b>646</b>
	<b>Evening</b>	<b>554</b>	<b>644</b>	<b>656</b>
<b>Woodmont Avenue &amp; St. Elmo Avenue</b>	<b>Morning</b>	<b>573</b>	<b>638</b>	<b>635*</b>
	<b>Evening</b>	<b>622</b>	<b>661</b>	<b>665</b>
<b>Woodmont Avenue &amp; Norfolk Avenue</b>	<b>Morning</b>	<b>585</b>	<b>692</b>	<b>718</b>
	<b>Evening</b>	<b>591</b>	<b>763</b>	<b>817</b>
<b>Wisconsin Avenue &amp; Cordell Avenue</b>	<b>Morning</b>	<b>767</b>	<b>859</b>	<b>861</b>
	<b>Evening</b>	<b>504</b>	<b>653</b>	<b>655</b>
<b>Wisconsin Avenue &amp; Norfolk Avenue</b>	<b>Morning</b>	<b>837</b>	<b>934</b>	<b>932*</b>
	<b>Evening</b>	<b>702</b>	<b>834</b>	<b>835</b>
<b>Woodmont Avenue &amp; Site Driveway</b>	<b>Morning</b>	<b>N/A – Not Existing</b>		<b>803</b>
	<b>Evening</b>			<b>557</b>

\*CLV values in the total future traffic condition are less than the CLV values in the background traffic condition because the peak-hour trips generated by the proposed apartments are in the non-critical direction compared with the trips generated by the existing non-residential land uses in the critical direction through these intersections.

As shown on the table above, the CLV at the six intersections are less than the congestion standard of 1,800 for these intersections located in the Bethesda Central Business District Policy Area. Thus, the LATR test is satisfied.

#### Policy Area Review

Under the County Council’s 2012-2016 *Subdivision Staging Policy* resolution, the TPAR test will not require payment of the transportation impact tax because the site is located in a metro station policy area.

#### Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The subject property will be served by public water and sewer house connections. Gas, electric and telecommunications services are also available to serve the property. Schools, police stations, firehouses and health services are currently operating within

the standards set by the Growth Policy Resolution currently in effect. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) who has determined that the property has adequate access for emergency vehicles.

### Environment

The entire proposed development is built on compacted, urban soils; there are no existing environmental features on site. There are numerous environmental issues, however that this project should and does address. Given the extraordinary amount of non-porous surfaces in our downtown environments, planting beds and containers should be maximized to absorb rainfall. In addition, these planting areas should contain a variety of plantings, some of which should grow to a large size to increase the amount of overall biomass within the area. This will provide, to some extent, environmental comfort, shade, beauty, and carbon sequestration.

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420120940 for this property was approved on February 13, 2012. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. The property contains no forest, one (1) 29" diameter at breast (DBH) Mulberry tree. The site's topography is generally flat with no streams, wetlands, or environmental buffers on the subject property.

The property is within the Lower Rock Creek watershed; a Use I-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this section of the watershed as poor overall condition.

As of the date of this report M-NCPPC staff has not received a Phase I or Phase II Noise Analysis to determine if the planned project complies with the required internal and external sound volumes outlined in the Planning Board Noise Guidelines. Noise impacts will be addressed during Site Plan review.

### Forest Conservation

The site is 1.16 acres with off-site disturbance of 0.18 acres for a net tract total acreage of 1.34 acres. There are no forests or specimen trees located on this property or within 50' feet of the property boundary resulting in no tree/forest impacts. Under the Forest Conservation Law, the worksheet generates a 0.20 acre afforestation planting requirement. The applicant is proposing to meet the entire planting requirement in a Fee-In-Lieu payment.

### Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on January 14, 2013. The stormwater management concept consists of green roof and micro biofilters/planter boxes. Due to existing storm drain elevations and the proposed garage, quality control is waived.

### Compliance with the Subdivision Regulations and Zoning Ordinance

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

and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The proposed subdivision was reviewed for compliance with the dimensional requirements for the CBD-R2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area and density in that zone. Proposed on-site Public Use Space exceeds the minimum requirement of 20%. A summary of this review is included below. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

*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.	66,874 sq. ft.
Maximum Non-Residential Floor Area per Zoning	80,099	21,630
Maximum Residential Floor Area per Zoning	418,370	418,370
MPDUs	12.5%	15%
TDRs	n/a	
Site Plan Required	Yes	

## **RECOMMENDATION AND CONDITIONS**

### **Project Plan**

Approval of project plan 920120030, including a waiver of the requirement in the CBD-R2 zone that at least 5% of the gross floor area must consist of retail or personal service commercial uses, subject to the following conditions:

1. Development Ceiling

The development, including the Receiving Property and the Sending Property, is limited to a Floor Area Ratio of 5.94, which includes a maximum of 475,939 sf. of development. The Receiving Property includes 440,000 square feet of gross floor area, including up to 475 dwelling units, and 21,630 sf. of non-residential uses. The Sending Property retains a total of 35,939 sf. of density.

2. Building Height and Mass

The development is limited to the building footprint as delineated in the project plan drawings submitted to MNCPPC dated December 13, 2012, unless modified at site plan review and to 174 feet in height consistent with the definition for building height in the zoning ordinance.

### 3. Transportation

- a. Traffic analysis conducted for the Project Plan was limited to 475 high-rise apartments, 15,000-square-feet of supermarket/grocery store, and 7,000-square-feet of general retail space. If at Site Plan the development includes a mix of retail uses that would result in increased traffic generation, the Applicant must revise their traffic study for review.
- b. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the Bethesda Transportation Management Organization (TMO). The Traffic Mitigation Agreement must be fully executed prior to release of any building permits, exclusive of the foundation to grade (sheeting and shoring) permit.
- c. The Applicant must provide pedestrian and bicycle accommodations as follows:
  - i. Accommodate master-planned bike lanes, BL-6, along Woodmont Avenue within the existing cross-section.
  - ii. Work with MCDOT to identify a bikeshare station location on or in the vicinity of the property, with the final location and design determined at site plan review.
  - iii. Subject to SHA approval, provide a crosswalk across Wisconsin Avenue at Chase Avenue.
- d. The Applicant must provide 23 bicycle parking spaces as follows:
  - i. Eight (8) bicycle parking spaces using inverted-U bike racks (i.e., that can store 2 or 4 bicycles each) located near the main entrances to the retail stores and apartment lobby.
  - ii. Fifteen (15) bicycle parking spaces using bike lockers or secured bike storage area(s) in the parking garage(s) in a well-lit area near the access points.
  - iii. Final location and design details must be approved by staff at the time of site plan review.

### 4. Public Use Space

- a. The Applicant must provide a minimum of 10,953 sf. for on-site public use space and a minimum of 7,585 sf. of the net lot area for on and 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. Streetscape improvements indicated on Public Use Space Plan includes full Bethesda Streetscape treatment, including but not limited to paving, street trees, street lights, and undergrounding of utilities.
- d. Extend the Bethesda Streetscape treatment on Wisconsin Avenue south of the site to match up with the existing improved sidewalk. For the portion of the sidewalk on private property, obtain consent of the property owner.

- e. All trees shall be a minimum of 3½ inches in diameter with a consistent species along Wisconsin Avenue to achieve the boulevard effect. (Bethesda Streetscape Plan).
  - f. Consider tree panels along Wisconsin Avenue. If tree panels are not feasible, tree pits shall have a soil volume of no less than 600 cubic feet with a preference toward 1,000 cubic feet.
5. Staging of Amenity Features
- a. The development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
  - b. The Applicant must complete the on-site public use space improvements prior to issuance of use-and-occupancy permits unless modified by the site plan development program.
  - c. The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.
6. Maintenance and Event Management Organization
- Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another entity.
7. Coordination for Additional Approvals Required Prior to Site Plan Approval
- The Applicant must obtain written approval from the Montgomery County Department of Transportation (DOT) for the final design and extent of any and all streetscape improvements within the rights-of-way.
8. MPDUs
- The Applicant must provide a minimum of 15% MPDUS in accordance with Chapter 25A.
9. Issues to be addressed at Site Plan
- a. At the time of site plan review, ensure that public streets and spaces receive adequate sunlight by making, if necessary adjustments to the design including shifting trees or the use of light reflected off the structures.
  - b. Provide details of special treatment on underside of building above public use space on Wisconsin Avenue, including input from the Art Review Panel.
10. Density Transfer
- a. The Applicant must record an easement in the County Land Records for the density transfer for this project in conformance with Section 59-C-6.2355 of the Zoning Ordinance prior to certification of the site plan.
  - b. The Applicant must provide verification of the density transfer from the Sending Property through recordation of a covenant that provides for all available standard method density, at a minimum, to remain on the Sending Property.
  - c. The standard method density, at a minimum, must remain on the Sending Property.

## **Preliminary Plan**

Approval of Preliminary Plan 120120200 pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions.

1. This Preliminary Plan is limited to 1 lot for no more than 418,370 sf. of residential uses, which must not include more than 475 dwelling units with a minimum of 15% MPDUs, and 21,630 square feet of commercial uses.
2. 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.
3. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120120020, approved as part of this Preliminary Plan, subject to:
  - a. Approval of a Final Forest Conservation Plan must be secured, consistent with the approved Preliminary Forest Conservation Plan and associated conditions, prior to any clearing, grading or demolition on the site.
  - b. The sediment and erosion control plan and stormwater management plan must be submitted with the revised Final Forest Conservation Plan to ensure consistency with the Limits of Disturbances (LODs).
  - c. The fee-in-lieu or certificate of compliance for the off-site forest mitigation must be submitted by applicant, then approved by staff prior to land disturbing activities occurring onsite.
4. Prior to approval of the certified site plan the Applicant must submit a noise analysis prepared by an engineer specializing in acoustics to assess the construction and post construction noise effects for interior and exterior levels. The Applicant will mitigate all noise levels exceeding Montgomery County Noise Standards.
5. An engineer specializing in acoustics must certify that the building shell and exterior open space has been designed to attenuate noise levels that may exceed Montgomery County Noise Standards of 65 dBA Ldn (exterior) and 45 dBA Ldn (interior).
6. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated January 24, 2013, and does hereby incorporate 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.

7. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
8. The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated January 14, 2013, and does hereby incorporate 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.
9. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
10. 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 January 14, 2013, and does hereby incorporate 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.
11. The Applicant must dedicate and show on the record plat(s) the following dedications:
  - a. 7.98 feet from the existing pavement centerline along the Subject Property frontage for Wisconsin Avenue.
  - b. 5 feet from the existing pavement centerline along the Subject Property frontage for Woodmont Avenue.
12. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
13. The record plat must show necessary easements.
14. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.
15. No clearing, grading or recording of plats prior to certified site plan approval.
16. Final approval of the number and location of buildings and other site elements will be determined at site plan.

17. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.
  
18. The record plat(s) must reflect liber/folio references for all density transfer easements utilized by the development.

## **APPENDICES**

Appendix A: Agency letters

Appendix B: Correspondence

Appendix C: Project Plan 920120030

Appendix D: Preliminary Plan 120120200

Appendix E: Forest Conservation Plan 120120200

Appendix F: Waiver Request Letter



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

January 24, 2013

Ms. Elza Hisel-McCoy, Lead Reviewer  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #120120200  
7900 Wisconsin Avenue, Bethesda

Dear Ms. Hisel-McCoy:

We have completed our review of the revised preliminary plan that was signed and sealed on December 12, 2012. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on May 21, 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 DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Design Exception Requests

- o Design Exception 1: Driveway Separation: Request for design exception to the required 100 foot separation between vehicular entrances.

This Design Exception request is to have only 82.5 feet between the proposed truck exit driveway on Woodmont Avenue and an exiting Woodmont Avenue driveway an less than 5 feet between the truck and garage driveways on Woodmont Avenue.

**RESPONSE:** We support approval of this request; this plan reduces the number of driveways from those currently existing. Trucks are to enter the site from southbound Wisconsin Avenue and to exit onto northbound Woodmont Avenue. The parking garage entrance is located immediately north of the service truck exit resulting in a 48-foot interruption in an unimpeded sidewalk. The proposed abutting Woodmont driveways will have less adverse impact to pedestrians than two separated driveways. Also it is difficult to meet the required separation from existing Woodmont driveways given the close proximity of existing driveways on adjacent properties.

**Division of Traffic Engineering and Operations**

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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

Design Exception 2: Request to reduce the number of loading spaces below the required 5 off-street spaces.

Under the Executive Branch's "Off-Street Loading Space" policy, four (4) off-street truck loading spaces [each thirty (30) feet long, twelve (12) feet wide, and fourteen (14) high] are required to accommodate SU-30 design vehicles for the proposed residential floor area. An additional space [fifty five (55) feet long, fourteen (14) feet wide, and fourteen (14) high] is required for the proposed the commercial square footage.

The applicant "believes that requiring three spaces for the residential portion is excessive and the residential and retail uses of the Residential Building will be able to share the proposed WB-50 and SU-30 spaces [a]s the timing of one use complements the timing of the other." As a result, the applicant has proposed providing two off-street truck loading spaces: one WB-50 and one SU-30. In addition, the Design Exception package suggests a second SU-30 space could be provided between the two proposed spaces.

The Design Exception package does not provide details on how the proposed truck loading spaces will be managed.

**RESPONSE:** Considering the site location and nature of the proposed uses, we support approval of this request – so long as the applicant provides three off-street spaces (one WB-50 and two SU-30 – including tandem use of the WB-50 space when available). We support approval of the applicant's request subject to execution and recordation of a County-approved Restricted Access Easement document which establishes the applicability, maintenance, and operations of the coordinated on-site management of the jointly used loading docks. The Department of Permitting Services will also need to approve the location of these truck loading spaces and their associated internal truck turning movements – prior to issuance of the building construction permits.

General Preliminary and Project Plan Review Comments

1. Access and improvements along Wisconsin Avenue (MD 355) per the Maryland State Highway Administration.
2. Necessary dedication for future widening of Wisconsin Avenue and Woodmont Avenue in accordance with the master plan.
3. The storm drain capacity and impact study indicated the downstream storm drain pipe (at Study Point #2) has sufficient capacity to handle the post-development ten (10) year storm event. However, that study did not provide inlet efficiency and spread calculations – for either the pre-or the post-development scenarios.

Prior to approval of the record plat by the Department of Permitting Services, the applicant will need to provide inlet efficiency and spread calculations for the post-development ten (10) year storm event. Improvements to the enclosed storm drain system may be required as a result of that review.

4. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed DOT/DPS Sight Distances Evaluation certification forms – on 8-1/2" x 11" sheets, for the existing and proposed driveway(s), for County review and approval.
5. On the site plan, delineate the location and dimensions of the proposed truck loading and also any **dumpster spaces**.
6. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
8. 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) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
9. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
10. 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.
11. A Traffic Impact Study has been submitted for our review and is acceptable.
12. 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. Implement Bethesda Central Business District streetscaping along the Woodmont Avenue site frontage.
  - B. Enclosed storm drainage and/or engineered channel (in accordance with the DOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.

Additional improvements to the enclosed storm drain system may be required as a result of the review discussed previously in comment no. three.
  - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Ms. Elza Hisel-McCoy  
Preliminary Plan No. 1-1200120200  
January 24, 2013  
Page 4

- 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 Division of Traffic Engineering and Operations.
- F. Additional comments described on the attached sheet.

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 part of the County at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

M:/FY13/Traffic/Active/120120200, 7900 Wisconsin Ave, MCDOT plan review ltr.doc

Enclosure

cc: Holly Hull; JBG/Wisconsin Developer, LLC  
Steve Robins; Lerch, Early & Brewer  
Michael Goodman; VIKA Maryland, LLV  
Shahriar Etemadi; Wells & Associates  
Elza Hisel-McCoy; M-NCPPC Area 1  
Scott Newill; MSHA AMD  
Preliminary Plan Letters Notebook  
Preliminary Plan Folder

cc-e: Rick Brush; MCDPS WRS  
Dave Kuykendall; MCDPS WRS  
Marie LaBaw; MCFRS  
Atiq Panjshiri; MCDPS RWPR  
Sam Farhadi; MCDPS RWPR  
Rob Elder; MCDOT DTE  
Jeremy Souders; MCDOT DPM  
Brett Linkletter; MCDOT DHS  
Dan Sanayi; MCDOT DTEO  
Bruce Mangum; MCDOT DTEO  
Fred Lees; MCDOT DTEO  
Kyle Liang; MCDOT DTEO  
Will Haynes; MCDOT DTEO  
David Adams; MCDOT DTEO



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

January 18, 2013

Arthur Holmes, Jr.  
Director

Ms. Elza Hisel-McCoy, Planner/Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: LATR/TPAR Review  
Preliminary Plan No. 120120200  
7900 Wisconsin Avenue, Bethesda

Dear Ms. Hisel-McCoy,

We have completed our review of December 12, 2012 Traffic Impact Study (TIS) by Wells & Associates, Inc. This TIS report was prepared to reflect the applicant's proposal to remove 12,925 sq. ft. of retail space, 51,406 sq. ft. office space, associated parking and replace it with up to 475 DUs, a 15,000 sq. ft. grocery store and 7,500 sq. ft. of retail space. The one garage access is proposed to be from a new full movement driveway on Woodmont Avenue south of St. Elmo Avenue. Truck access to the loading docks are to be via right turns from southbound Wisconsin Avenue (MD 355) and exiting onto northbound Woodmont Avenue just south of the proposed parking garage driveway.

Local Area Transportation Review (LATR)

The consultant calculations indicate that all critical intersections will have acceptable Total Traffic CLVs below the Bethesda policy area standard of 1,800 CLVs.

Pedestrian (and Bicycle) Impact Statement Analysis (PIS)

The consultant has provided a sidewalk inventory, crosswalk volumes, and bus stops and routes in his analysis of existing pedestrian facilities abutting and around the site and says they are adequate. His review of ped signal timing finds that adequate crossing ties are provided.

The March 2, 2012 Revised Project Plan shows steps opposite St. Elmo Avenue contradicts the PIS statement that the plaza north of the building will provide a pedestrian connection between Wisconsin and Woodmont Avenues.

We note the report does not provide an assessment as to the ADA adequacy of the existing sidewalks, sidewalk clearances and whether the traffic signal and pedestrian signal displays meet current MUTCD standards.

**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

Ms. Elza Hisel-McCoy, Planner/Coordinator  
Preliminary Plan No. 120120200, 7900 Wisconsin Avenue  
January 18, 2013  
Page 2 of 2

We also note the report does not list or show the Class 2 (striped on-road) Bikeway along Woodmont Avenue listed in the 2005 Countywide Bikeway Functional Master Plan. The PIS is also silent on whether bike parking will be provided for both the commercial patron and residents.

#### Transportation Policy Area Review (TPAR)

We agree with the consultant's finding that, under TPAR, no mitigation measures and/or payment are required within the Bethesda Metro Station Policy Area.

#### SUMMARY

1. 7900 Wisconsin Avenue passes LATR with acceptable CLV, adequate pedestrian access and good bus service.
2. 7900 Wisconsin Avenue passes TPAR as the site is within the Bethesda Metro Station Policy Area.

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

M:\sub\DCATIS letter\120120200 7900WisconsinAve 18Jan20132.doc

CC: Holly Hull; JBG/Wisconsin Developer, LLC  
Steve Robins; Lerch, Early & Brewer  
Shahriar Etemadi; Wells & Associates, Inc.  
Ines Vega; VIKA Maryland, LLC  
Scott Newill; MSHA AMD  
Devang Dave, MCDOT DTE (w/document)  
Preliminary Plan folder (w/document)

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



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



Darrell B. Mobley, *Acting Secretary*  
Melinda B. Peters, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

January 14, 2013

RE: Montgomery County  
MD 355  
7900 Wisconsin Avenue  
SHA Tracking No. 12APMO22  
Project Plan No. 920120030  
Traffic Impact Study & Plans  
Mile Point 2.21

Mr. Cherian Eapen  
Area 1 Transportation Coordinator  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Eapen,

Thank you for the opportunity to review the Traffic Impact Study and Plan submittal, received on December 17, 2012 for the 7900 Wisconsin Avenue residential/retail development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) has reviewed the information provided and offers the following comments:

**Traffic Impact Study**

The major report findings and SHA conclusions based on the Traffic Impact Study prepared by Wells + Associates, Inc. dated, December 12, 2012 are as follows:

- The proposed 475 multi-family residential units, 15,000 SF grocery store, and 7,000 SF of retail will replace 12,925 SF of commercial uses and 51,406 SF of office use. Access to the site is proposed via one (1) full movement site access to Woodmont Avenue (a County road), one (1) right-in access from MD 355 (for loading) and one right-out access to Woodmont Avenue (for loading), which would replace three existing driveways on Woodmont Avenue and two driveways on Wisconsin Avenue.
- The study analyzed the following intersections under existing, background and future conditions:
  - MD 355 & Norfolk Avenue/Cheltenham Drive
  - MD 355 & Cordell Avenue
  - Woodmont Avenue & Norfolk Avenue (a County road)
  - Woodmont Avenue & Cordell Avenue (a County road)
  - Woodmont Avenue & St. Elmo Avenue (a County road)
  - Woodmont Avenue & Proposed Site Driveway (a County road)

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.roads.maryland.gov](http://www.roads.maryland.gov)

- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, the SHA offers the following comments:

1. This submittal indicates that the site in question will have the existing improvements (including an associated parking garage) razed and replaced with improvements that result in a net increase in both AM and PM trips. With the removal of the existing parking facilities the majority of the trips to this site will perforce be via bus, bicycle, or pedestrians. As a result, SHA suggests that improvements to the streetscape along Wisconsin and Woodmont Avenue such as bicycle racks and street lighting would be an appropriate part of the site design related to the proposed development.

The SHA concurs with the report findings and will not require the submission of any additional traffic analyses for this project as currently proposed. Unless specifically indicated in the SHA response on this report, the comments contained herewith do not supersede previous comments made on this development application. If you have questions or comments regarding the enclosed traffic review, please contact Mr. Nick Driban at 410-545-0398 or via email at [CDriban@sha.state.md.us](mailto:CDriban@sha.state.md.us).

## Plans

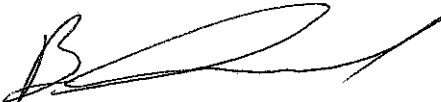
The SHA has reviewed the plans prepared by VIKA, Inc. dated, December 14, 2012 and offers the following comment:

1. Once the TIS has been reviewed and found to be acceptable, the preparation of plans for the construction proposed within the SHA right of way can commence. For that submittal the SHA will require the following:
  - a. Please address the SHA review comments dated May 17, 2012 and provide a point-by-point response.
  - b. Proposed improvement plans shall meet SHA's current plan standards. Please utilize the following web link to access the "**Access Management Division Plan Submission Checklist**" documentation:  
<http://www.marylandroads.com/ohd2/Plan-check-list.pdf>
  - c. SHA's latest ADA and Bicycle Guidelines shall be used for the proposed improvement plans. Please utilize the following web links to access the guidelines:  
<http://roads.maryland.gov/Index.aspx?PageId=80>  
<http://roads.maryland.gov/Index.aspx?PageId=25>
  - d. Provide a **certified** sight distance evaluation for any proposed or modified accesses. Please utilize the previously provided "**Sight Distance Maintenance & Evaluation Worksheet**" form.

Please submit seven (7) copies of design plans addressing the above comment to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Mr. Habeeb Mohammed. This plan submittal should include a set of hydraulic plans and computations and a signing and pavement marking plan. Please reference the SHA Tracking Number on future submissions. Unless specifically indicated in the SHA response on this report, the comments contained herewith do not supersede previous comments made on this

development application. If you have any questions regarding the plan review process, please contact Mr. Habeeb Mohammed at 410-545-8849 or via email at [HMohammed@sha.state.md.us](mailto:HMohammed@sha.state.md.us).

Sincerely,

*For*   
Steven D. Foster, Chief  
Access Management Division

SDF/cnd

cc: Ms. Maria Bhatti, SHA District 3  
Ms. Rola Daher, SHA DSED  
Ms. Mary Deitz, SHA RIPD  
Mr. Nick Driban, SHA AMD  
Mr. Shahriar Etemadi, Wells and Associates, Inc.  
Mr. Bob French, SHA CPD  
Mr. Roy Gothie, SHA RIPD  
Ms. Holly Hull, JBG / Wisconsin Developer, LLC  
445 Willard Avenue, Suite 400, Chevy Chase, MD 20815  
Mr. Greg Leck, MCDOT  
Mr. Subrat Mahapatra, SHA DSED  
Ms. L'Keisha Markley, SHA RIPD  
Mr. Mark McKenzie, SHA AMD  
Mr. Habeeb Mohammed, SHA AMD  
Ms. Anyesha Mookherjee, SHA District 3  
Mr. Scott Newill, SHA AMD  
Mr. Johnson Owusu-Amoako, SHA CPD  
Mr. Saed Rahwanji, SHA TDSD  
Ms. Erica Rigby, SHA AMD  
Mr. Errol Stoute, SHA TDSD  
Mr. Morteza Tadayon, SHA DSED  
Mr. John Thomas, SHA RIPD  
Ms. Ines Vega, VIKA  
20251 Century Boulevard, Suite 400, Germantown, MD 20874



RECEIVED  
1/14/13

VM1487J

DEPARTMENT OF PERMITTING SERVICES  
January 14, 2013

Isiah Leggett  
County Executive  
Michael Goodman  
Vika, Inc.  
20251 Century Boulevard, Suite 400  
Germantown, MD 20874

Diane R. Schwartz Jones  
Director

Re: Stormwater Management **CONCEPT** Request  
for 7900 Wisconsin Avenue  
Preliminary Plan #: 120120200  
SM File #: 242225  
Tract Size/Zone: 1.16 Ac./ CBD-R2  
Total Concept Area: 2.32 Ac.  
Lots/Block: Pt 493-499, 552-562 & 500-501/ 1  
Watershed: Lower Rock Creek

Dear Mr. Goodman:

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 ESD to the MEP via the use of green roof and micro biofilters/planter boxes. Due to existing storm drain elevations and proposed garage a waiver of quantity control is granted.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. 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. You must provide a minimum of 30% (11,649 square feet) of 8 inch green roof. At the time of design submittal, try to provide additional green roof area as well.
7. During the design of the micro biofilter planter boxes, try to reduce the number of cells. Also see if you can provide a multiple water-feed so that all the cells will receive water directly and not depend on overflow from the above cells. The concern is that the lower cells may not receive water and that the cells up front will be more heavily impacted.

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

8. Due to site limitations the full ESD volume can not be treated. This is a redevelopment site and a Pe of 0.8 inches is treated per ESD devices. A stormwater contribution for quantity control is required for the entire site.
9. Use the latest MCDPS design criteria for the ESD structures.

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

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

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

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

Sincerely,  


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

RRB: tla CN242225 7900 Wisconsin Avenue.DWK

cc: C. Conlon  
SM File # 242225

ESD Acres: 1.33  
WAIVED Acres: 1.33



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

January 14, 2013

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

Re: 7900 Wisconsin Avenue  
Project Plan No. 920120030 and Preliminary Plan No. 120120200

Dear Mr. Hisel-McCoy:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Project and Preliminary Plans. DHCA finds the plans to be responsive to DHCA's DRC comments for the May 21, 2012 Development Review Committee (DRC) meeting, and recommends Approval of the Project and Preliminary Plans. However, please note the following correction:

- Note [5] in the Project Development Table should reference Note [6] instead of Notes [10] and [11].

If you have any questions, please contact me at 240-777-3786.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Ines Vega, VIKA Maryland, LLC  
Cindy Todd, VIKA Maryland, LLC  
Bill Landfair, VIKA Maryland, LLC  
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:** Winston Viana [<mailto:management@fairmontplaza.org>]  
**Sent:** Thursday, January 17, 2013 2:19 PM  
**To:** Hisel-McCoy, Elza  
**Subject:** Re: 7900 Wisconsin Avenue Project Information

Hello Elza,

The 61 residential units and other neighbors will be affected by this large construction, and the residents are very concerned with this project.

1. Construction hours / noise issues (several residents study / work from home);
2. Air quality / dust in the air;
3. Traffic issues with large number of trucks in/out;
4. Cleanness of our property windows due to construction debris / dust;
5. Construction duration: will there be a time-frame for the project start/end?

Those are just few concerns of many others that the neighbors and residents are worried about it.

Thank you for your assistance!

Winston Viana, CMCA, AMS  
Fairmont Plaza Condominium  
Building Manager

4801 Fairmont Ave  
Bethesda MD 20814  
P 301.654.9111  
F 301.718.7830







# 7900 WISCONSIN AVENUE

Bethesda, Maryland

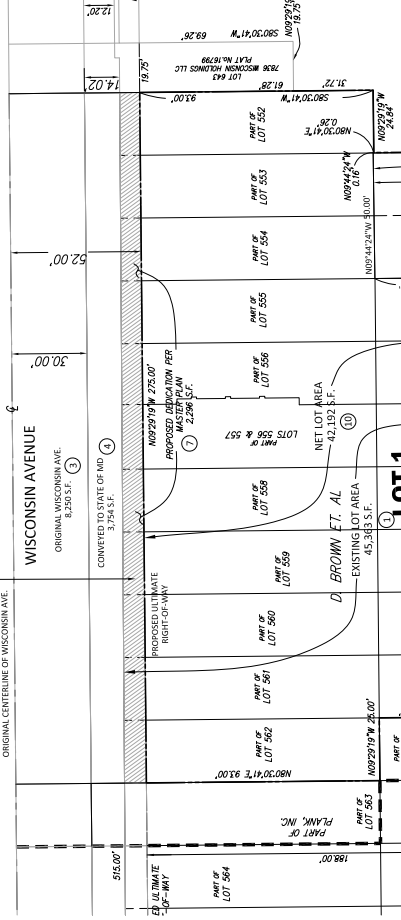
**Applicant/Owner:**  
 BEG / Wisconsin Developer, LLC  
 4445 Willard Avenue  
 Chevy Chase, MD 20815  
 240.383.3600  
 Contact: Holly Hull

**Architects:**  
 E F O H A I L E  
 22 West 15th Street  
 New York, NY 10011  
 Contact: Joseph Pilewicz

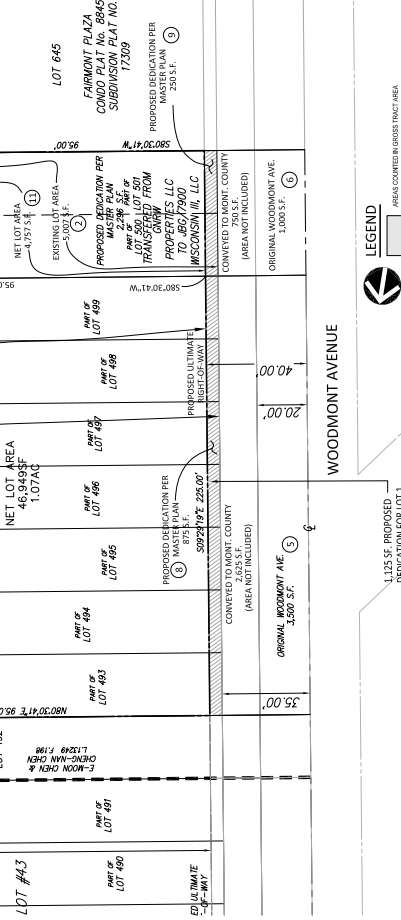
**Attorney:**  
 3 Bethesda Metro Center  
 Suite 400  
 Bethesda, MD 20814  
 301.586.1300  
 Contact: Steve Robins  
**Landscape Architect:**  
 714 7th Street, SE  
 Washington, DC 20003  
 Contact: James G. Osborne

**Traffic Engineer:**  
 1425 North Hill Road  
 Suite 600  
 McLean, VA 22102  
 703.917.6620  
 Contact: Stephanie Elmadi  
**Civil Engineer:**  
 20251 Greenwood  
 Suite 400  
 Germantown, MD 20874  
 301.916.4100  
 Contact: John Vigna  
**Architectural Lighting:**  
 The Flour Mill  
 1000 Poplar Avenue  
 Suite 211  
 Washington, DC 20007  
 Contact: Maureen Moran

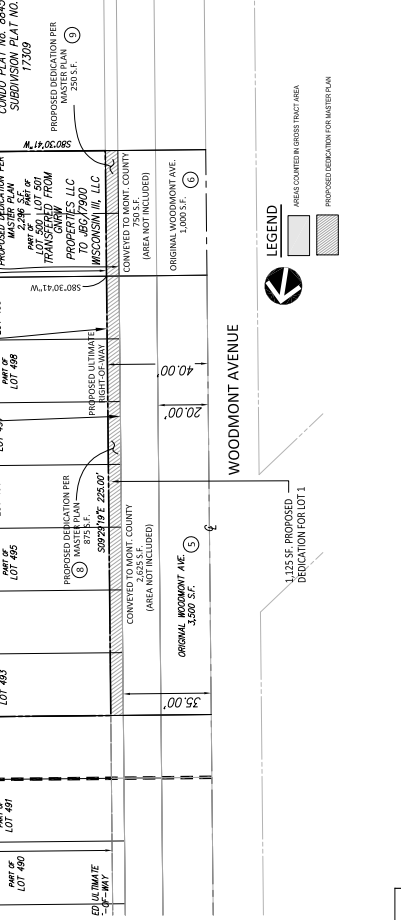
### LOT #43



### LOT #11



### LOT #65



**REVISIONS**

NO.	DATE	DESCRIPTION
1	03/21/2023	RESPONSE TO THE COMMENTS
2	04/12/2023	FINAL SUBMITTAL
3	05/02/2023	FINAL SUBMITTAL
4	05/02/2023	FINAL SUBMITTAL

**PROFESSIONAL CERTIFICATION**

REGISTERED PROFESSIONAL ENGINEER UNDER THE ENGINEERING PROFESSIONAL ACT

STATE OF MARYLAND

EXPIRES: 03/31/2024

REGISTERED: 03/31/2024

REGISTERED NO: 2114

REGISTERED TITLE: PROFESSIONAL ENGINEER

PROJECT NAME: 7900 WISCONSIN AVENUE

DATE: 03/21/2023

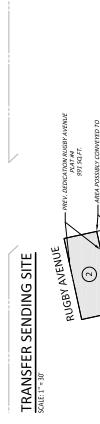
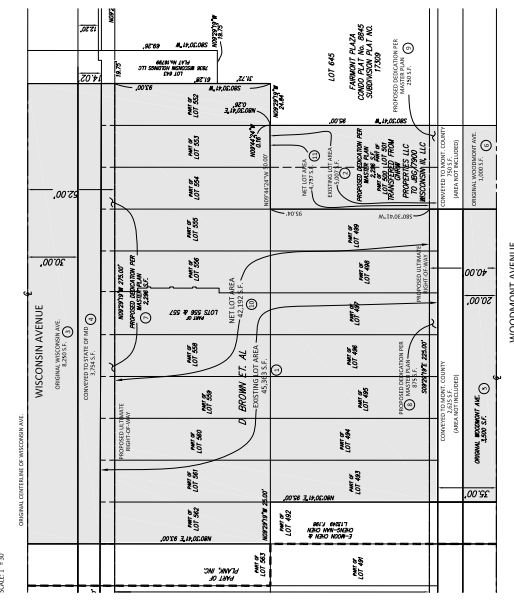
SCALE: AS SHOWN

DRAWN BY: CC

CHECKED BY: [Signature]

### GROSS TRACT AREA (GTA) EXHIBIT

PROJECT SITE (RECEIVING SITE 7900 WISCONSIN AVE)



### GROSS TRACT AREA (SENDING AND RECEIVING PROPERTIES)

SITE	PANEL	ZONE	EXISTING LOT AREA	PROPOSED R/W DEVIATION AREA (PD)	NET LOT AREA	MAXIMUM ALLOWABLE EXCEEDED AREA (METHOD)	MINIMUM ALLOWABLE ARE (OPTIONAL METHOD)	TOTAL ALLOWABLE ARE (OPTIONAL METHOD)	EXCESS DENSITY OF SENDINGS SITE (DENSITY)	BASE GTA AVAILABLE FOR WISCONSIN (OPTIONAL METHOD)	TOTAL GTA TO RECEIVE FROM PROPERTY
RECEIVING SITE 7900 WISCONSIN	Lot 1	CD-12	1,111	46,368	47,479	0	5.0	5.0	---	---	---
SENDING SITE 1	Lot 168A	CD-12	1,111	3,883	2,928	0	5.0	5.0	22.74	34,178	34,178
SENDING SITE 2	Lot 168B	CD-12	1,111	3,135	2,224	0	5.0	5.0	22.74	34,178	34,178
SENDING SITE 3	Lot 168C	CD-12	1,111	3,254	2,343	0	5.0	5.0	22.74	34,178	34,178
<b>Total</b>			<b>4,443</b>	<b>56,640</b>	<b>61,044</b>	<b>0</b>	<b>5.0</b>	<b>5.0</b>	<b>66.24</b>	<b>34,178</b>	<b>34,178</b>

Total GTA After Premier: 34,178  
 Total Allowed Residential CFA: 34,206  
 22% Residential Bonus Density: 75,444  
 Subtotal: 40,000  
 Additional to the required public use

[1] Refer to GTA Exhibit.  
 [2] GTA to remain available as an existing site in addition to Standard Method of Development. Therefore the existing conditions will be compliant and may remain.  
 [3] Existing CFA on this sending site (7900) is less than this GTA allowed under the Standard Method of Development. Therefore this CFA allowed under the Standard Method of Development.  
 [4] The existing CFA of the sending site will be transferred to the receiving site. Therefore public use space will be provided on this project for 22% of the net lot area of the sending site in addition to the required public use space for the receiving site.



ATTORNEYS

January 28, 2013

Mr. Elza Hisel-McCoy  
Maryland National Capital Park and Planning Commission  
Area 1  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: 7900 Wisconsin Avenue;  
Revised Project Plan Application No. 920120030

Dear Mr. Hisel-McCoy:

As you know, our firm represents JBG/Wisconsin Developer LLC, the Applicant for the above-referenced revised Project Plan Application for a mixed-use project (residential and retail) to be located in the Woodmont Triangle area of the Bethesda CBD. The property on which the project will be located is zoned CBD-R2.

The purpose of this letter is to request that the Planning Board grant a partial waiver from the requirement contained in Section 59-C-6.2, footnote 3, of the Zoning Ordinance. This section of the Zoning Ordinance states that a project for a mixed-use development under the optional method of development in the CBD-R2 Zone must contain at least 5% of the gross floor area for retail or personal services commercial use. That Section provides:

In order to provide services to residents and continuity of retail street frontage activity, at least 5 percent of the gross floor area must consist of retail or personal service commercial uses. The Planning Board may waive a portion of this requirement during the course of the project plan approval upon a finding that full compliance with this requirement is not practical, feasible, or would result in such uses being required on other than the ground floor.

As reflected above, the Zoning Ordinance provides the Planning Board with the authority to waive this provision as part of the Project Plan approval process. The Project Plan application reflects that the gross floor area of the proposed mixed-use building will be 440,000 gross square feet and the building will contain up to 475 dwelling units (including 15% MPDUs) and up to 21,630 square feet of ground level retail. As set forth above, 5% of the gross floor area (*i.e.*, 22,000 square feet) of the building should contain retail space unless the Planning Board waives a portion of this requirement. The application proposes 4.9% of ground level retail space (*i.e.*, 21,630 square feet). Therefore, the Applicant requests a partial waiver of 370 square feet from this Zoning Ordinance requirement.

Mr. Elza Hisel-McCoy  
January 28, 2013  
Page 2

A waiver is warranted based on the evolution of the Plan through the development review process. Based on changes made to the layout of the ground level of the building at the request of the Fire Marshal, it is no longer possible for the Applicant to provide the full 5% ground level retail space. Upon review of the Project Plan, the Fire Marshal requested that the fire control room and the entrance to the building be shifted more toward Woodmont Avenue than originally shown in the plan. In order to accommodate the Fire Marshal's request, the ground floor retail space was reduced by approximately 500 square feet. As a result, the ground floor retail is 370 square feet less than the 5% requirement. Accordingly, the Applicant requests this partial waiver from Section 59-C-6.2 of the Zoning Ordinance.

Thank you for your consideration of this request.

Sincerely,



Steven A. Robins



Susan M. Reutershan

cc: James Nozar  
Frank Craighill  
Robert Kronenberg