

Koseian Property, Preliminary Plan, 120110390

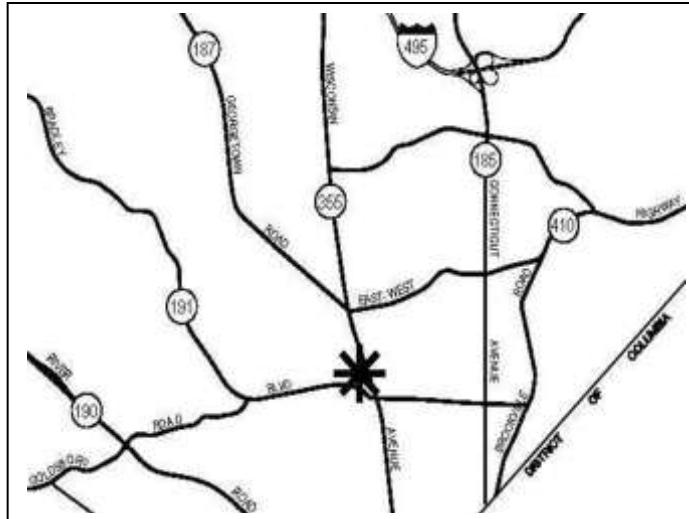
 Margaret K. Rifkin, Planner Coordinator, Margaret.Rifkin@montgomeryplanning.org, 301-495-4583

 Robert Kronenberg, Acting Chief Area 1, Robert.Kronenberg@montgomeryplanning.org, 301-495-2187

Completed: 4/26/2013

Description

- Location: 6936 and 6950 Wisconsin Avenue
- Zone: CBD-1 Zone Standard Method
- Plan: Bethesda CBD Sector Plan
- Area: 0.38 acres 16,661 SF
- Proposal: Expansion of 6,200 SF to 23,181 SF Office & Retail
- Create a Single Recorded Lot from consolidation of Parts of Lot 5 and Lot 6, and Parcel 868
- Applicant: 6950 Wisconsin Avenue LLC
- Date Filed: 7/5/2011



Summary

Staff recommends APPROVAL of Preliminary Plan 120110390 with conditions.

This plan vertically expands an existing building in the Bethesda Central Business District and retains a parking lot on the side of the building. This is a standard method project in the CBD-1 Zone and therefore there is no further Planning Board review anticipated. Issues have been adequately addressed. These issues included accurate calculation of credits for previous dedications as well as the extent to which the Sector Plan's urban design guidelines apply to this standard method project.

RECOMMENDATION: Approval subject to the following conditions:

1. This Preliminary Plan is limited to one lot for a 21, 892 square-foot commercial offices and retail building.
2. The Applicant must dedicate all rights-of-way shown on the approved Preliminary Plan, including: dedication of 1,567 square feet of right-of-way along the Wisconsin Avenue property frontage (60 feet from the center line of the right-of-way to the property line) and 48 square feet along the public alley frontage (10 feet from the center line of the right-of-way to the property line).
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 24, 2013 (Attachment C), 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.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT in its letter dated April 24, 2013 (Attachment C).
5. The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated August 17, 2011(Attachment C), 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.
6. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA in its letter dated August 17, 2011 (Attachment C).
7. The Applicant must construct all street and alley improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the Sector Plan and to the design standards imposed by all applicable road codes.
8. The Applicant must satisfy the Montgomery County Department of Permitting Services (“MCDPS”) requirements prior to recordation of the plat to ensure the installation of the Bethesda Streetscape, including any reconstruction of the existing sidewalk along the property frontage on Wisconsin Avenue, unless construction is waived by MCDPS.
9. The Applicant must satisfy the Montgomery County Department of Fire and Rescue requirements before the release of the building permit.

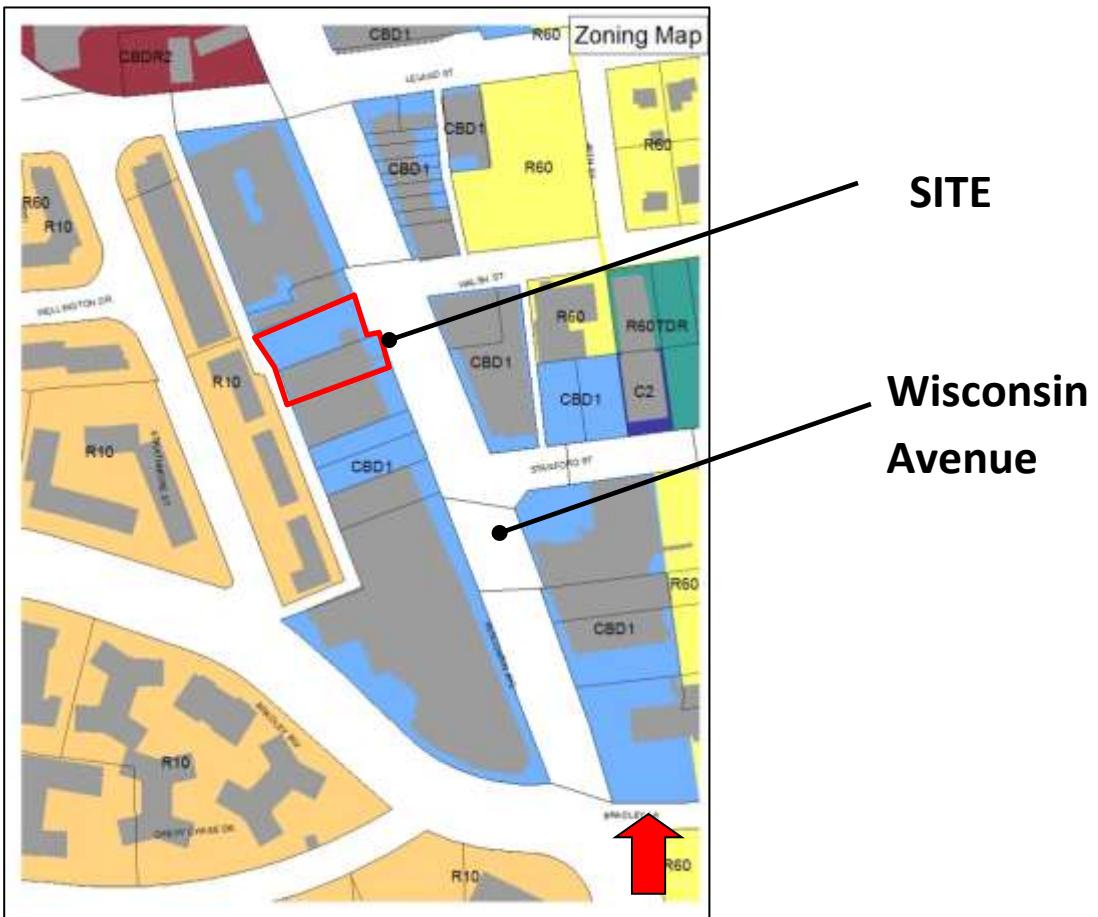
10. The Applicant must submit, prior to issuance of building permits, a landscape and lighting plan for review and approval by the Maryland-National Capital Park and Planning Commission ("M-NCPBC") technical staff. The landscape and lighting plan should be consistent with the development standards for surface parking lots as allowed in a Central Business District ("CBD"). It should include screening of the parking lot from views from the sidewalk on Wisconsin Avenue and from the multifamily residential use across the alley. Screening should be designed to allow for some natural surveillance for safety, from both the street and alley at eye level, while softening views of parked cars, and shielding the residential uses from headlight beams.
11. The record plat must show the necessary utility easements.
12. 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 22, 2013 (Attachment C), 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.
13. The certified preliminary plan must contain the following note:

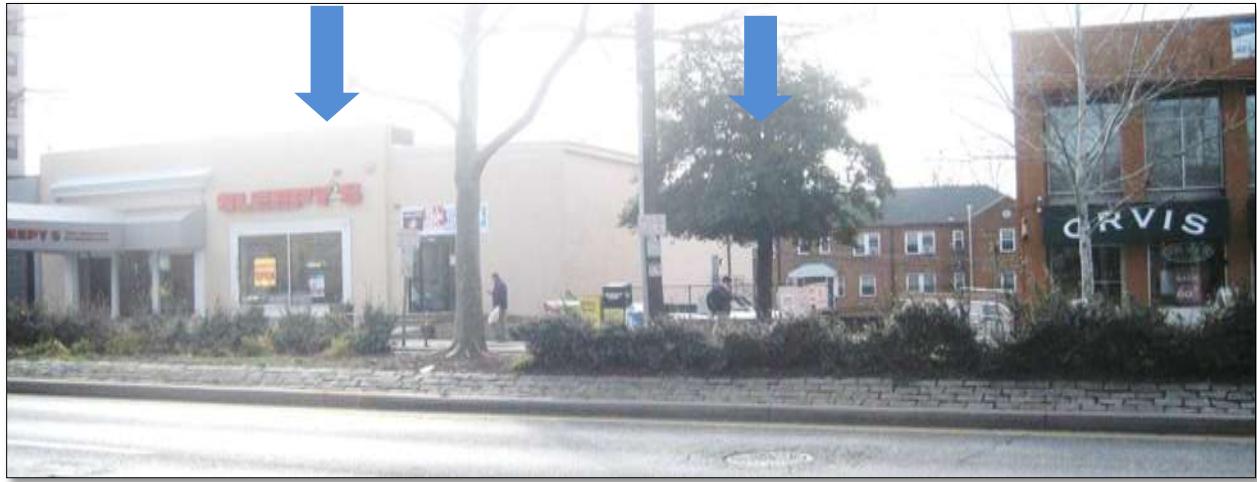
"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined [at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
14. The Adequate Public Facilities (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

Location

The property is located within the Bethesda CBD in an area identified in the Bethesda CBD Sector Plan as the "Wisconsin South Corridor". The property is bounded on the east by Wisconsin Avenue which is classified as a major highway, on the west by a public alley, on the north by a commercial building under separate ownership, which faces Wisconsin Avenue, and on the south by another commercial building under separate ownership which also fronts on Wisconsin Avenue. Across the public rear alley, are the Strathmore Apartments which are in the R-10 Zone and front on Strathmore Street. Other properties facing or adjacent to the site are in the CBD-1 Zone.





View of Site from Wisconsin Avenue

The property is located on the west side of Wisconsin Avenue and currently contains a one-story brick and stucco commercial building and a surface parking lot. The property is currently comprised of parts of three parcels and must therefore be platted prior to any new construction. The site contains an existing driveway from Wisconsin Avenue and parking to serve the business. The grade drops by approximately 12 feet from Wisconsin Avenue to the public alley to the rear of the site. A retaining wall at the back of the site separates it from a public alley which is at a lower level.



A business entirely on the lower level of the existing building can be accessed from the alley. There are two windows and an entrance at the ground level of the existing commercial building facing the alley. It is separated from the Strathmore Apartments by approximately 40 feet.



The existing Strathmore Apartments overlook the alley and are approximately 30 feet in height. The multifamily residential buildings have windows, backdoors and garage doors, facing the alley. They are in the R-10 Zone where there is no height limit, but should the site be redeveloped, setback increases are required for buildings above 30 feet in height.

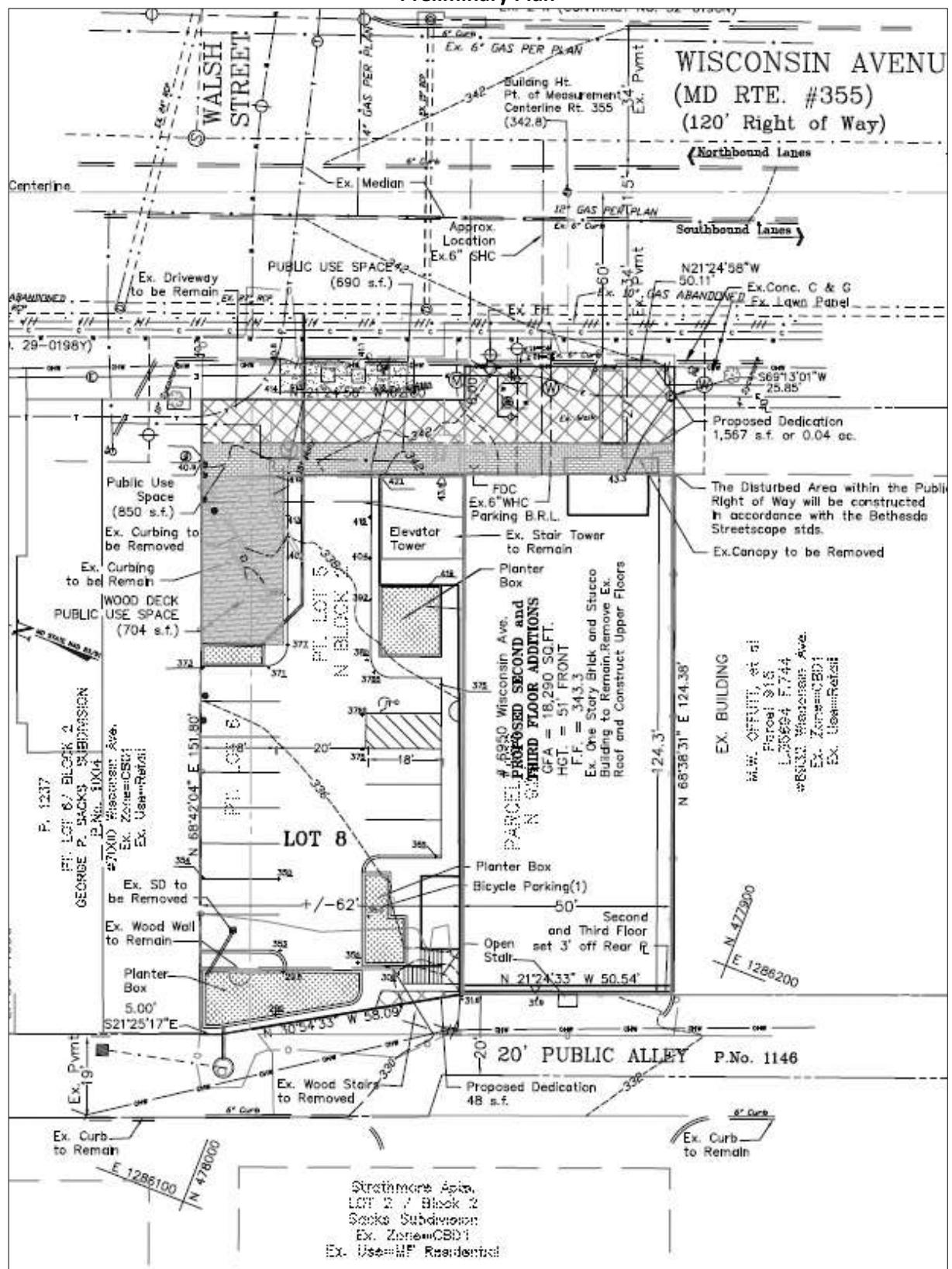
PROJECT DESCRIPTION

This project is for the addition of a second and third floor to an existing single-story brick and stucco commercial building. The existing stair tower will remain and an elevator will be added. This proposal expands the square footage of commercial use on the site from 6,200 square feet¹ to 23,181 square feet based on initial calculations of dedications from both CBD and R-10 zoned land. However, subsequent analysis revealed only dedication from CBD zoned land can be counted for this CBD-1 project. Which results in a total FAR of 1 equaling 21,892 square feet.

This standard method project will be 51 feet in height as measured from the Wisconsin Avenue frontage. However, due to the sloping topography, the back of the proposed building will rise approximately 65 feet above the elevation of the rear alley.

The existing surface parking lot will be redesigned and will include a handicapped-accessible space for a van. There is no separate loading space. There is one bicycle parking space provided. The parking lot also includes four planter boxes of varying size which are part of the stormwater management concept for the site.

Preliminary Plan



Additional dedication of 1, 567 square feet is provided for Wisconsin Avenue to achieve the full 120 foot wide right of way required. A small amount of additional dedication, 48 square feet, is also provided for the public alley in order to smooth a slight bend in the alley's alignment. This will provide the full required 20 foot wide public right of way at the bend where the alley is currently pinched.

Public use space adjacent to the length of sidewalk of Wisconsin Avenue along the property line expands the public realm associated with that major street by 850 square feet. Public use space also extends from Wisconsin Avenue into the site in the form of a wood deck of 704 square feet which is adjacent to the commercial building next door.

An open stair is provided at the back of the parking lot that will provide pedestrian access between the parking lot and the lower public alley where there is an existing entrance to the lower level of the building.

ANALYSIS AND FINDINGS- CHAPTER 50

Conformance to the Sector Plan

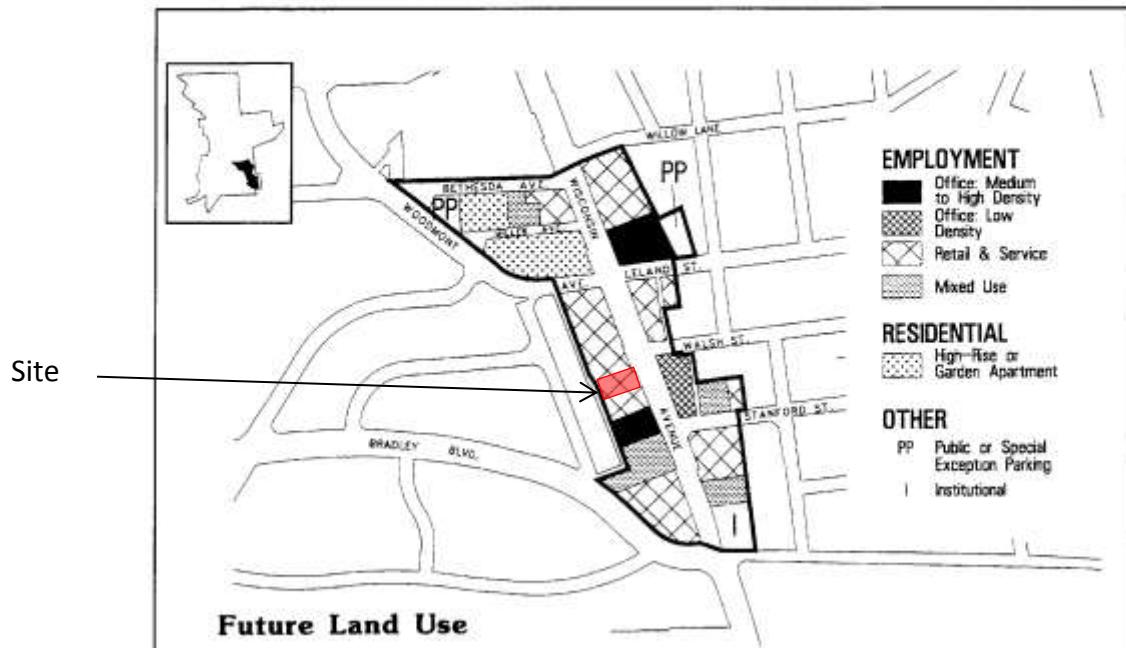
The Application generally conforms to the objectives and recommendations of the [Bethesda CBD Sector Plan](#) (Plan) for properties within the Wisconsin South Corridor.

“Wisconsin South Corridor” Recommendations

The specific recommendations that address this site are in the section on the “Wisconsin South Corridor” as described below.

WISCONSIN SOUTH CORRIDOR

FIGURE 4.34



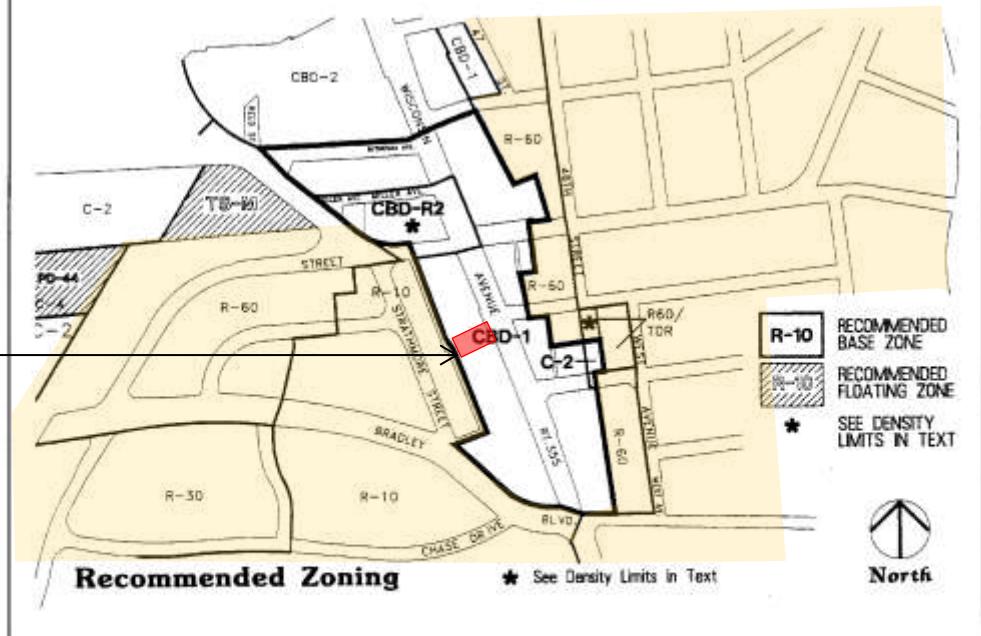
Future Land Use

page
125

Residential
Zones



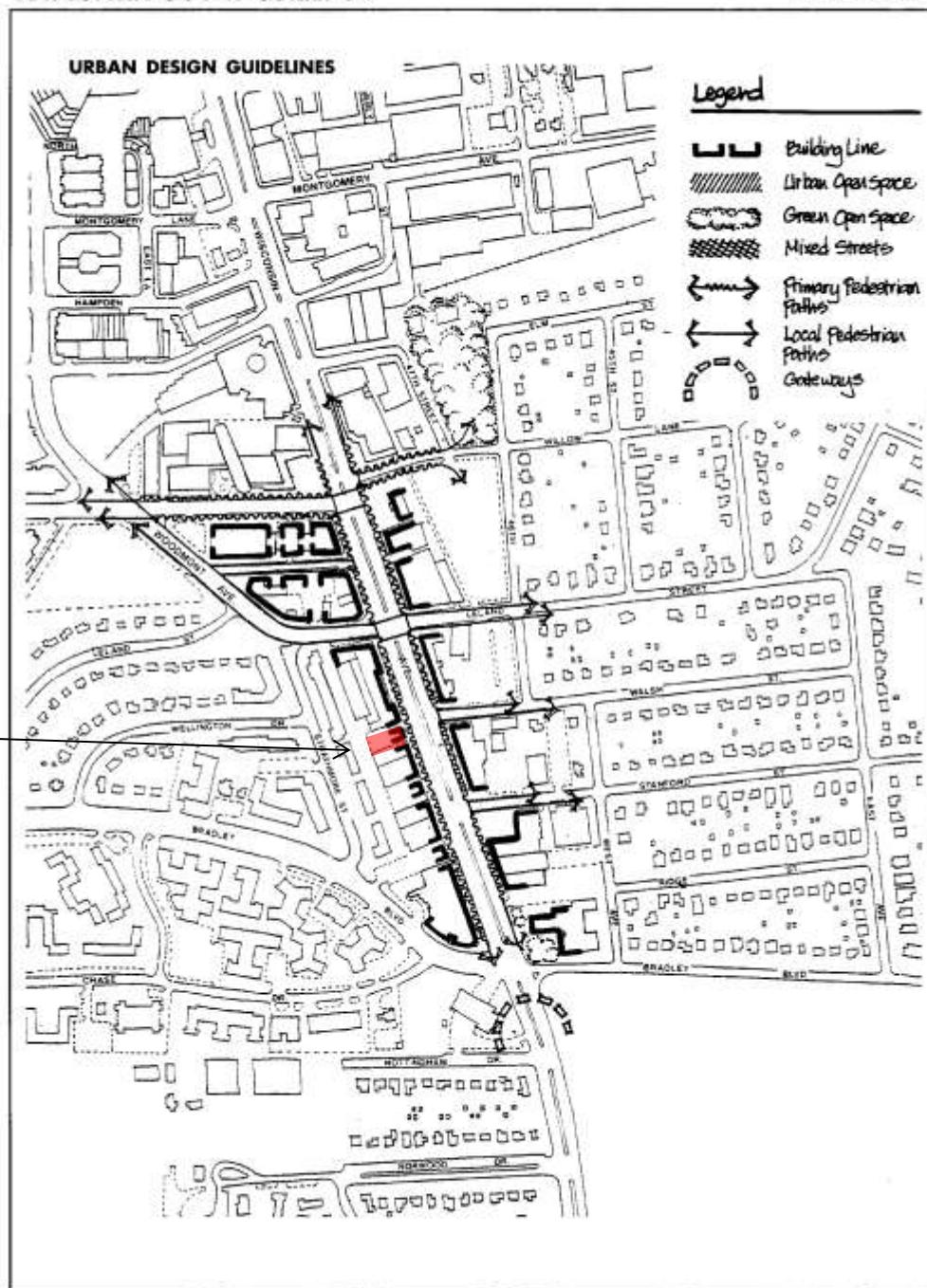
Site



BETHESDA CBD - APPROVED & ADOPTED JULY 1994

WISCONSIN SOUTH CORRIDOR

FIGURE 4.35



BETHESDA CBD - APPROVED & ADOPTED JULY 1994

"B. Objectives

1. *Support a diverse specialty and community-serving retail environment, including adequate short-term parking facilities.*
2. *Provide additional housing to encourage uses that are compatible with nearby residential areas."*(Page 124)

The Application is consistent with the Sector Plan objectives. It allows the continuation of community-serving retail on the street level within the existing structure. It also continues to provide some short term parking in support of that retail. While it does not provide additional housing, the proposal is nevertheless consistent with the standard method provisions of the CBD-1 Zone.

"C. Recommendations

The Plan recommends confirmation of the existing CBD-1 Zone for most of the corridor. The only optional method development allowed would be mixed-use projects containing a residential component."(Page 124)

The proposed use of the site is consistent with the zone and land use recommendations of the Sector Plan. The Sector Plan recommends the site for the CBD-1 Zone and for land use of the "Employment" category, shown as "Retail and Service". The site is not recommended for mixed residential use and does not propose it. This project will be entirely commercial, with retail and service at street level, as well as office on the upper levels. It is not using the optional method of development therefore there is no recommendation that it also include a residential component to create mixed use.

"The Plan allows continued small-scale standard method infill commercial development on sites that are too small for optional method development. The CBD-1 Zone allows an additional 1 FAR for residential use. The Plan recommends retail uses on the ground floor only." (Page 124)

The allowed FAR for this site is based on a gross area of 21,892 square feet. The gross area includes previous land dedications along Wisconsin Avenue that can be counted as CBD-1 zoned land. (Zoning Ordinance Section 59-A-1.71)¹. Based on the gross area, the site is large enough to be developed under the optional method. This could produce a greater density, with more flexibility for the design and more amenities. However, the applicant has chosen to develop under the standard method of development. This is indeed consistent with the Sector Plan

¹ **59-A-1.71. Zoning of public rights-of-way.**

(a) Normally, all publicly owned rights-of-way for roads, streets, alleys, easements, or transit routes are classified in the least intense of adjacent zones. In order to define clearly the location of rights-of-way, the official zoning maps will not depict the zoning within existing rights-of-way.

recommendation to allow small-scale, standard method infill commercial development in this area. Furthermore, this site was not specifically recommended in the Sector Plan for mixed use development.

"D. Urban Design Guidelines

In addition to the general objectives and principles in Section 3.2, the following guidelines apply in the Wisconsin South Corridor (see Figure 4.35 Page 126):

1. *Set new buildings back 20 feet from the street curb to accommodate the higher level of pedestrian activity that occurs along the corridor. Provide streetscape in accordance with the recommendations of the Streetscape Plan."*
2. *Limit building heights to 75 feet to step down heights from the Metro Core and to ensure compatibility with nearby residential areas."*

The Application is generally consistent with the urban design guidelines of the Sector Plan. The existing building, which will remain, is set back approximately 26 feet from the street curb. It easily accommodates the high level of pedestrian activity envisioned for this corridor in the Sector Plan. While it exceeds the recommended 20 feet by 6 feet, this does not change the strong relationship between the building face and the pedestrian realm which is envisioned by the Sector Plan.

At the time of building permit, the Application will adequately provide streetscape features in accordance with the recommendations of the Streetscape Plan and commensurate with the small size of this standard method project. Sector Plan recommendations call for the use of the London Plane Tree on Wisconsin Avenue. Streetscape recommendations specifically for the Wisconsin Corridor South, where this site is located, are as follows: (page 196)

- a) *"Provide a 20-foot building setback to match setbacks in the Metro Core and to help emphasize the street hierarchy."*
- b) *Place overhead utilities underground.*
- c) *Provide the 1984 streetscape standards, which call for Bethesda brick pavers, tightly spaced street trees, and Bethesda Lanterns.*
- d) *Install a high level of pedestrian amenities, such as planters and seating.*
- e) *Upgrade the existing median and sidewalks."*

This project will not respond to some of the above streetscape recommendations for the following acceptable reasons:

Recommendation b): The project will not be placing overhead utilities underground, due to the small size and scope of this standard method project. The expense of placing overhead wires underground would be out of proportion with the proposed modifications to this property.

Recommendation e): This project will not be upgrading the existing median due to the fact that it has already been upgraded once. The addition of adding a pedestrian refuge at this T-intersection as part of further enhancement was not acceptable to MCDOT and MDSHA.

Other recommendations cited above, are addressed. The installation of a high level of pedestrian amenities (recommendation d)), in addition to those already required as part of the Bethesda Streetscape is addressed by the provision of enhanced open space, in the form of the wood deck of 704 square feet. Staff recommends that the deck include Bethesda Benches as seating to address the recommendation for a high level of pedestrian amenities. This is an appropriate level of enhancement for this modestly sized standard method development.

The Applicant will be subject to MCDPS review at the time of building permit, which will determine streetscape requirements along the property frontage.

Sector Plan General Urban Design Objectives and Principles

The Sector Plan states (page 127) that the general objectives and principles in Section 3.2 (page 36) apply to the area in which this site is located. The most relevant general objectives and principles in Section 3.2 and how they are addressed are as follows:

Building Height Limits (page 39) – The Sector Plan recommends a building height of 75 feet in this area. The project is consistent with this recommendation. The height, which is measured from Wisconsin Avenue, is proposed to be 51 feet. Standard method development projects can only build to a height of 60 feet according to the zoning ordinance. Therefore, the 75 foot maximum height allowed by the Sector Plan is for optional method development only.

General Urban Design Objective #A2. *“Reinforce Bethesda’s sense of community by encouraging attractive environments that refer to Bethesda’s cultural heritage and emphasize the more recent design themes of Bethesda as a “garden” and a “cultural district.” Encourage use of local building materials, such as the Bethesda stone.”* (Page 36)

Staff encouraged the use of local building materials including Bethesda stone and local brick as part of their building design; however, staff does not review architectural or building designs for standard method projects. Staff also reinforced the garden design theme and cultural district concept by recommending a green roof and additional planting along Wisconsin Avenue. The applicant is improving the appearance of the site through streetscaping and on-site landscaping.

General Urban Design Objective # A 3 - *“Provide street-activating uses, such as retail stores with storefront display windows or building entrances....”* (Page 36)

The building achieves this objective as the entrance to its street oriented retail space faces Wisconsin Avenue. This is not proposed to change.

Urban Form Principle # B 6 –*“Allow a diversity of architectural styles that achieve good building proportions, reduce the sense of bulk, and maintain human scale. Clearly identify the building entrance in the façade design and locate it at street level.”*(Page 40)

The project is consistent with this principle. The building entrance will continue to be located at street level and is clearly identified. The building will not be bulky due to the size of the current building’s footprint and the fact that the footprint is not increasing in size.

Urban Form Principle # B 7 –“Achieve compatibility with nearby residential areas through techniques such as stepped down heights, articulated building walls and façade treatments, and other architectural means designed to minimize building bulk and shadow impacts, and create a gradual transition.” (Page 40)

This urban form principle is generally associated with optional method projects where development standards are flexible and building design and site treatments are analyzed in greater detail. .

The back of the building is approximately 40 feet from the existing multi-family residential building across the alley. It rises approximately 65 feet above the public alley. This results in the upper levels of the building being visible above the Strathmore Apartments from Strathmore Street. For this reason, the applicant is encouraged to create a green wall on the back of the building. However because this is a preliminary plan review for a standard method project, conformance with the minimum development standards is considered sufficient to achieve compatibility.

The vestibule for the front entrance provides some variety in the plane of the front building wall and is shown as remaining.

Urban Form Principle # B 8 – “Achieve energy efficiency in the form and design of the building by such means as recessed windows or awnings to shade interiors from direct sunlight.” (Page 40)

The building is less than 10,000 square feet and therefore is not subject to the green building law requirements that apply to larger projects. Staff encouraged the Applicant to incorporate a green roof that would contribute to energy efficiency of the building. A green roof will also contribute to the achievement of the garden theme of the Bethesda CBD because it will be visible from the taller buildings allowed in the area.

Open Space Principle #B 3- “Locate open space in a manner that achieves easy access and good visibility from the street so that the open space is perceived as public. Avoid locating open space in isolated and less defensible areas.” (Page 47)

This project responds well to this Sector Plan principle. The public use space is located adjacent to the sidewalk on Wisconsin Avenue and is highly visible. As required in the Zoning Ordinance, a sign will be added identifying the site as public use space. The location and design of the public use space and sign should be shown in the landscape and lighting plan.

Pathway Principle #D 2 – Achieve short walkable block (Page 50).

This project is on a long block and the location of the parking lot which extends through to the alley, provides an informal pedestrian path connecting to the Strathmore Apartments.

Pathways Principle #D 5 – Minimize pedestrian –vehicular conflicts by locating auto-related functions such as parking lots, service areas, and loading docks to the rear of properties and screened from view. In most CBD areas, parking should be located underground to maximize use of the parcel for residential or commercial uses and to emphasize the pedestrian orientation of the street frontage. (Page 49)

As conditioned, the landscape plan will provide attractive screening of the parking along Wisconsin Avenue, as well as a clearly marked pedestrian crossing of the driveway from Wisconsin Avenue which achieves consistency with the Sector Plan.

This proposal does not locate the parking to the rear due to the configuration of the existing building which will remain. Granted, eliminating the driveway from Wisconsin Avenue would reduce pedestrian-vehicular conflicts. Parking access would then be from the rear via the public alley. However, the alley is at a level approximately 12 feet below Wisconsin Avenue and additional excavation and cost would be necessary. The property owner does not want the parking access from the alley because he feels that it will be too difficult for customers to find. This is because the alley entrance is around a corner on this long block and then somewhat hidden behind the loading areas of an existing high rise building.

Screening of the parking lot will be shown on the landscape and lighting plan.

E. Pathways Principle #D 6 – Recognize Wisconsin Avenue as Bethesda’s primary Main Street, orient major building entrances and active uses along this street. Achieve at least a 20 foot sidewalk width along Wisconsin within the Metro Core District...” (Page 49)

The existing building, which will remain, is approximately 26 feet from the curb of Wisconsin Avenue which is an appropriate distance and consistent with the Sector Plan’s Pathways Principle #D 6.

Adequate Public Facilities

Roads and Transportation Facilities

The application does not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review.

Additionally, the Applicant is not proposing any new roads, drainage structures or pavement widening where the alley’s alignment shifts slightly. Existing conditions will be maintained to a great degree resulting in very little, if any, impact on the capacity and/or operations of Wisconsin Avenue, other streets or alleys, intersections or drainage systems at or near the property. The Applicant will realign and improve the existing driveway to Wisconsin Avenue.

As part of MCDPS building permit review, the Applicant will install some of the elements of the Bethesda Streetscape on Wisconsin Avenue such as street trees. The Applicant will also provide an open stairway connecting the public alley and lower level entrance, with the higher level parking lot.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is served by public water and public sewer. As conditioned, the application satisfies the requirements of Montgomery County Fire and Rescue Service. 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. Electrical, telecommunications, and gas services are also available to serve the property.

Environment

Stormwater Management Concept

In a letter dated January 22, 2013, The Montgomery County Department of Permitting Services (MCDPS) states that the stormwater management concept for the site is acceptable. In making that determination, MCDPS considered the site to be a “redevelopment” since the existing amount of impervious area is greater than 40 percent. As stated earlier, the existing building on the site will remain and will be expanded vertically.

The stormwater management concept proposes to meet required stormwater management goals via Environmental Site Design (ESD) methods, with the use of micro-bio retention planter boxes. The letter from DPS is attached and includes a list of items that will need to be addressed during the detailed sediment control/stormwater management plan stage.

Forest Conservation

This property is subject to the Montgomery County Forest Conservation Law, chapter 22A of the County Code. It was granted an exemption from submitting a Forest Conservation Plan 42011158E, Koseian Property on April 29, 2011, under section 22(A)-5. (s)(2) Of the County Code. The exemption covers an activity conducted on a tract of land less than 1-acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and the reforestation requirements would not exceed 10,000 square feet. No forest exists on the property. The one tree of modest size, on the property near the front property line is neither a specimen nor a champion tree and there is no tree save plan required.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, and the Subdivision Regulations. The maximum allowed density is 1.0 FAR based upon a lot area of 21,892 square feet in the CBD-1 zone and previous dedications in the zone totaling 5,231 SF. The proposed lot size, width, shape and orientation are consistent with the pattern in this developed urban block. Therefore these features are appropriate for the location of the subdivision.

The proposal was reviewed for compliance with the dimensional requirements for the CBD-1 Zone under the standard method of development, as specified within the Montgomery County Code's Zoning Ordinance; the application meets all applicable sections and as proposed will meet all the dimensional requirements for area, frontage, width and setbacks in the CBD-1 Zone under the standard method of development. A summary of this review is included in Table 1 below.

Table 1: Preliminary Plan Data Table for the CBD-1 Zone Standard Method

Development Standards	Zoning Ordinance Development Standard	Proposed
Existing Property Area (A)	0	16,661 SF
Allowed Credit for Previous Dedications (B) Section 59-A-1.71 ²	5,231 SF	5,231 SF
Gross Lot Area for FAR Calculation (A)+(B)	0	21,892 SF
Maximum Density	1.0 FAR = 21,892SF	1.0 FAR = 21,892 SF
Net Lot Area After Proposed Dedications ³	0	15,046 SF
Max Building Coverage based on Net Lot Area	75%(15,046 SF) = 11,285 SF	6753 SF= 45%(15,046 SF)
Minimum Public Use Space based on Net Lot Area	10% = 1,505 SF	10% = 1,562 SF
Maximum Building Height measured from centerline of Wisconsin Avenue	60 feet	51 feet
Minimum Building Setbacks 59-C-6.236(b)		
From public right-of-way of Wisconsin Avenue	3.5 ft.	6 ft. Wisconsin Avenue public alley
From public right-of-way of alley	0 ft. 3.5 ft.	0 ft. existing building 3.5 ft. new upper level
From an adjoining lot in the CBD-1 Zone	0 ft.	62 ft. north 0 ft. south

The Minimum Building Setbacks from the public right-of-way of the alley are shown as two different distances. This is because the existing building, which is remaining, has no setback required. However, the upper level addition to the building triggers the requirement for a 3.5 foot setback due to its height. Therefore the new upper level addition is set back the required distance.

² **59-A-1.71. Zoning of public rights-of-way.** (a) Normally, all publicly owned rights-of-way for roads, streets, alleys, easements, or transit routes are classified in the least intense of adjacent zones. In order to define clearly the location of rights-of-way, the official zoning maps will not depict the zoning within existing rights-of-way.

³ The Net Lot Area of 15,046 square feet has been determined as: Existing Property Area minus Proposed Dedication. Proposed Dedication is 1,567 SF for Wisconsin Avenue plus 48 SF for the Public Alley.

Citizen Correspondence and Issues

The applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any community groups or citizens as of the date of this report.

CONCLUSION

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

Attachments

Attachment A – Preliminary Plan

Attachment B – Gross Tract Area Determination

Attachment C - Agency Correspondence Referenced in Conditions

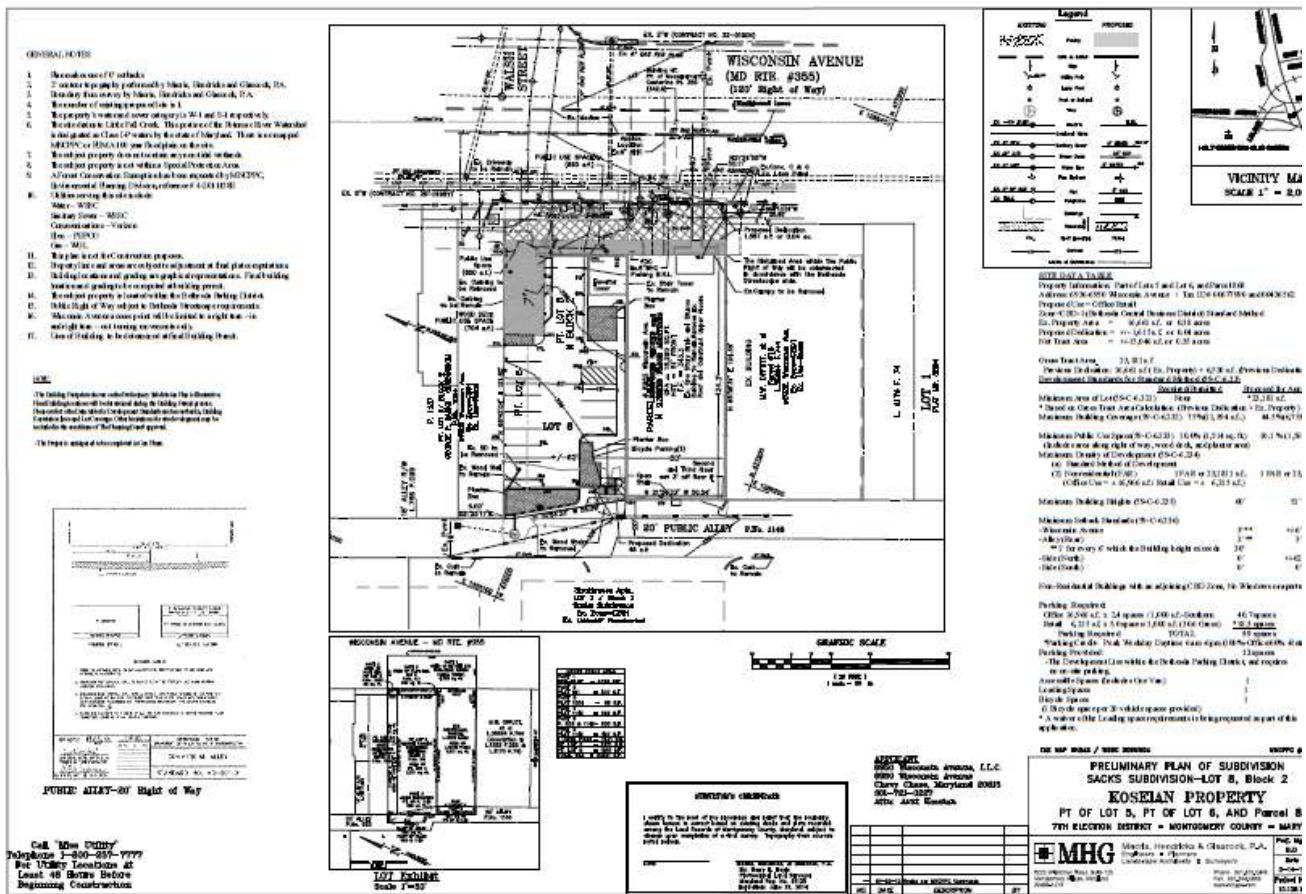
MCDPS- January 22, 2013 Letter re Stormwater Management Concept

MCDOT- April 24, 2013 Letter

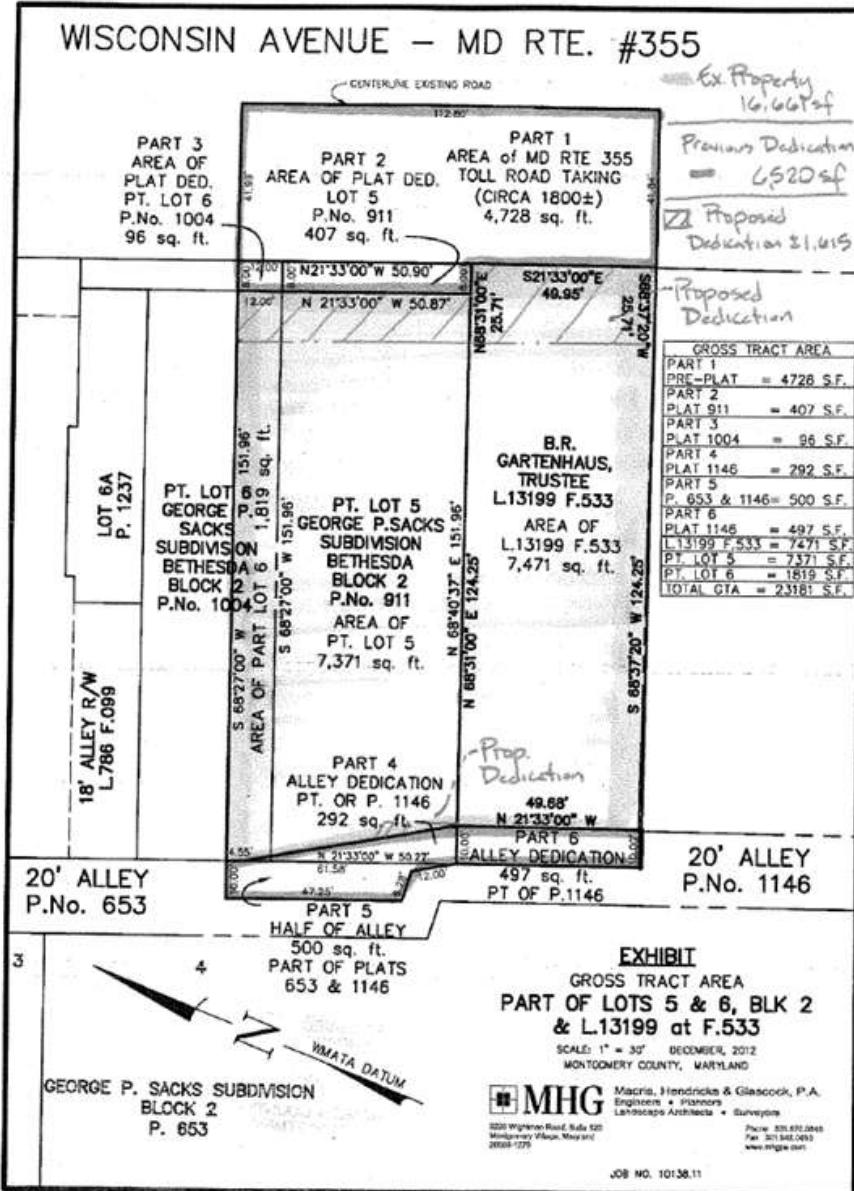
MDSHA-August 17, 2011 Letter

ATTACHMENT A

Preliminary Plan



ATTACHMENT B
Gross Tract Area Determination
Part of Lots 5 & 6, BLK 2 & L. 13199 at F. 533

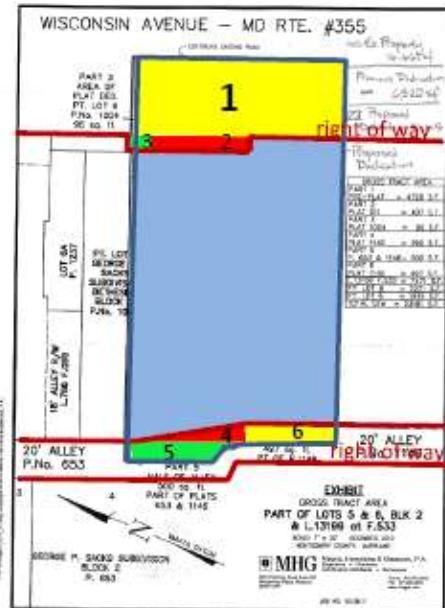


Determination of Total Area on Which the FAR Calculation is based

Existing Property



**Existing Property and Past Dedications
For Determining the Total Area
on which to calculate the allowable FAR**



Descriptions of Past Dedications Numbers 1-6

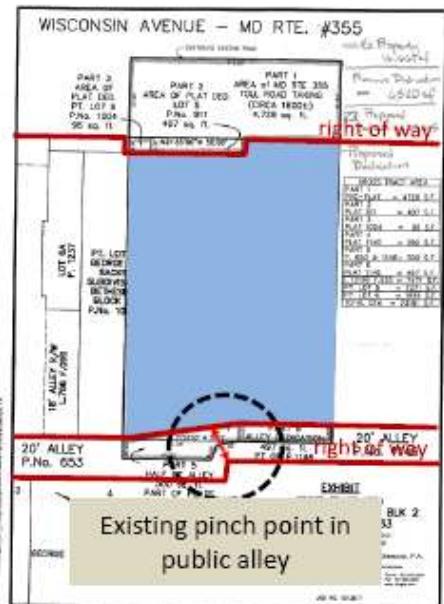
	Description	Zone	Area
1	MD 355 Toll Road Taking c. 1800	CBD - 1	4728 SF
2	Area of Plat dedicated: Lot 5 Plat Number 911	CBD-1	407 SF
3	Area of Plat dedicated: Part of Lot 6 Plat Number 2004	CBD-1	96 SF
TOTAL		CBD-1	5231 SF
4	Alley Dedication : Part of Plat Number 1146	R-10	292 SF
5	Half of Alley : Part of Plats Number 653 and Number 1146	R-10	500 SF
6	Alley Dedication: Part of Plat Number 1146	R-10	497 SF

59-A-1.71. *Zoning of public rights-of-way.* (a) Normally, all publicly owned rights-of-way for roads, streets, alleys, easements, or transit routes are classified in the least intense of adjacent zones. In order to define clearly the location of rights-of-way, the official zoning maps will not depict the zoning within existing rights-of-way.

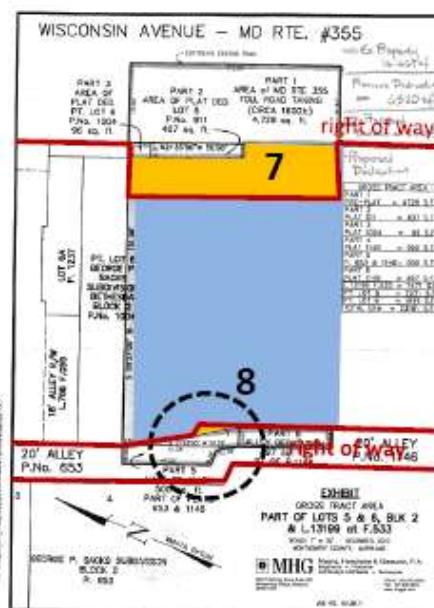
The information on this page was prepared by M-NCPCC staff and is based on ATTACHED "EXHIBIT Gross Tract Area Part of Lots 5 & 6, BLK 2 & L. 13199 at F.533" December 2012- received by M-NCPCC February 13, 2013. Prepared by MHG for the applicant.

The Requested Dedications Proposed for Approval

Existing



Proposed Dedications



Descriptions of Proposed Dedications : Numbers 7-8

	Description	Zone	Area
7	For Wisconsin Avenue	CBD-1	1,567 SF
8	For Public Alley	R-10	48 SF

The information on this page was prepared by M-NCPCC staff and is based on ATTACHED "EXHIBIT Gross Tract Area Part of Lots 5 & 6, BLK 2 & L. 13199 at F.533" December 2012- received by M-NCPCC February 13, 2013. Prepared by MHG for the applicant.

ATTACHMENT C

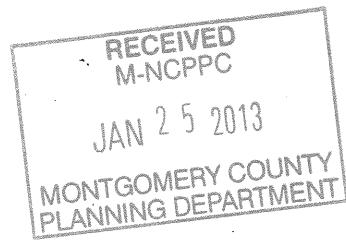
Agency Correspondence

Referenced in Conditions

MCDPS- January 22, 2013 Letter re Stormwater Management Concept

MCDOT- April 24, 2013 Letter

MDSHA-August 17, 2011 Letter



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

Pearce Wroe
Macris, Hendricks, and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

January 22, 2013

Re: Stormwater Management CONCEPT Request
for Koseian Property
Preliminary Plan #: 120110390
SM File #: 239932
Tract Size/Zone: 0.38 Ac./CBD-1
Total Concept Area: 0.30 Ac.
Lots/Block: Pt 5&6 / 2
Parcel(s): N868
Watershed: Little Falls Branch

Dear Mr. Wroe:

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 full ESD with the use of micro-bioretention planter boxes.

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. This site is considered as redevelopment since the existing impervious is greater than 40%.

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

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

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, Division Chief
Water Resources Section
Division of Land Development Services

RRB: lla CN239932 Koseian Property REVISION.DWK

cc: C. Conlon
SM File # 239932

ESD Acres:	0.30
STRUCTURAL Acres:	0.0
WAIVED Acres:	0.0



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

July 29, 2011

Pearce Wroe
Macris, Hendricks, and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Koseian Property
Preliminary Plan #: 120110390
SM File #: 239932
Tract Size/Zone: 0.38 Ac./CBD-1
Total Concept Area: 0.29 Ac.
Lots/Block: Pt 5&6 / 2
Parcel(s): N868
Watershed: Little Falls Branch

Dear Mr. Wroe:

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 with the use of an 8 inch green roof and micro-bioretention planter boxes.

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. The green roof must be 8 inches thick. It will be located on some of the top parking deck and on approximately 70% of the building roof.
6. This site is considered as redevelopment since the existing impervious is greater than 40%.
7. The covered portion of the garage must drain to WSSC. Provide copy of mechanical drawings showing profile of drains to verify that the covered portion of the garage drains to WSSC and that the top deck and roof area drains to the stormwater structures.

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

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

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,


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

RRB: tla CN239932 Koseian Property.DWK

cc: C. Conlon
SM File # 239932

ESD Acres:	0.29
STRUCTURAL Acres:	0.0
WAIVED Acres:	0.0



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

April 24, 2013

Ms. Margaret Rifkin, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1210110390
Koseian Property

Margaret:
Dear Ms. Rifkin:

We have completed our review of the amended preliminary plan dated December 6, 2011. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on August 15, 2011. 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.

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for future widening of Wisconsin Avenue/MD 355 and the alley in accordance with the master plan and the County Code.
3. Access and improvements along Wisconsin Avenue (MD 355) as required by the Maryland State Highway Administration.
4. Submit storm drain capacity and impact studies (for the enclosed system within the public alley) prior to submission of the record plat. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.

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. Margaret Rifkin
Preliminary Plan No. 120110390
April 24, 2013
Page 2

5. Prior to MCDPS approval of the record plat, the applicant will need to submit an updated Sight Distances Evaluation certification form, for the existing and proposed driveway(s), which indicates dumpster and/or other obstacle removal has been completed to achieve a minimum of one hundred and fifty (150) feet of sight distance in each direction for the proposed alley driveway.
6. 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.
6. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
7. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy. Please note that that policy requires a WB-50 truck loading space when the office space exceeds 10,000 square feet.
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. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement (TMAg) with MCDOT and MNCPPC. Submit an electronic file of the draft agreement to the attention of Ms. Sande Brecher. Ms. Brecher may be contacted at 240-777-8333 or at sandra.brecher@montgomerycountymd.gov.
11. Relocation of utilities along existing roads to accommodate the required site improvements shall be the responsibility of the applicant.
12. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
13. 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.
14. 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.

Ms. Margaret Rifkin
Preliminary Plan No. 120110390
April 24, 2013
Page 3

18. 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. Widen the public alley to twenty (20) feet per MCDOT commercial alley standard and transition to existing pavement at each end of the site.
 - B. Improvements to the public storm drain system in the vicinity of the public alley may be required following review of the aforementioned storm drain capacity and impact analysis..
 - 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

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

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/correspondence/FY13/Traffic/Active/120110390_Koseian_Property_MCDOT_plan_review_ltr.doc

cc: Arut Koseian; 6950 Wisconsin Avenue, LLC
Brian Donnelly; Macris, Hendricks, and Glascock, P.A.
Matthew Folden; M-NCPPC Area 1
Scott Newill; MSHA AMD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Sam Farhadi; MCDPS RWPR
Sandra Brecher; MCDOT DTS
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
Tommy Shoemaker; MCDOT DTEO
David Adams; MCDOT DTEO



August 17, 2011

Ms. Catherine Conlon
Chairwoman, Development Review
Committee (DRC)
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Montgomery County
Koseian Property
File No. 120110390
MD 355 (Wisconsin Avenue)
SHA Tracking No. 11-AP-MO-050

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the Preliminary Plan submittal for the Koseian Property. We offer the following comments for the August 15, 2011 Development Review Committee (DRC) meeting:

- SHA has no objection to the site work shown on the preliminary plan.
- An access permit will be required for all work within SHA right-of-way. All future submittals must show entrance standard and label all proposed work within SHA right-of-way.
- All right-of-way dedications/donations need to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications/donations be platted to SHA standards. These plats must be submitted in hard copy format for review, checking, and final issuance. Please contact Ms. Pattianne Smith of the Plats and Surveys Division @ 410-545-8860 for additional information. Additionally, please contact Mr. Paul Lednak, District 3 Right-of-Way Chief at 301-513-7466 for information regarding the deed process.
- Please submit six revised copies of the plan to this office for review.

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

Ms. Catherine Conlon
August 17, 2011
Page Two

If you have any questions, please contact Mr. Scott Newill at 410-545-5606, by using our toll free number in Maryland only, 1-800-876-4742 (x-5606), or by email at snewill@sha.state.md.us.

Sincerely,



Steven D. Foster, Chief
Access Management Division



SDF/DSN

cc: 6950 Wisconsin Avenue, LLC, c/o Mr. Arut Koseian, applicant \
6950 Wisconsin Avenue, Chevy Chase, MD 20815
Macris, Hendricks & Glascock, P.A. \
9220 Wightman Road, Suite 120, Montgomery Village, MD 20886
Mr. Victor Grafton *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Cedric Ward *sent via e-mail*