



7900 Wisconsin Avenue, Site Plan 820130170



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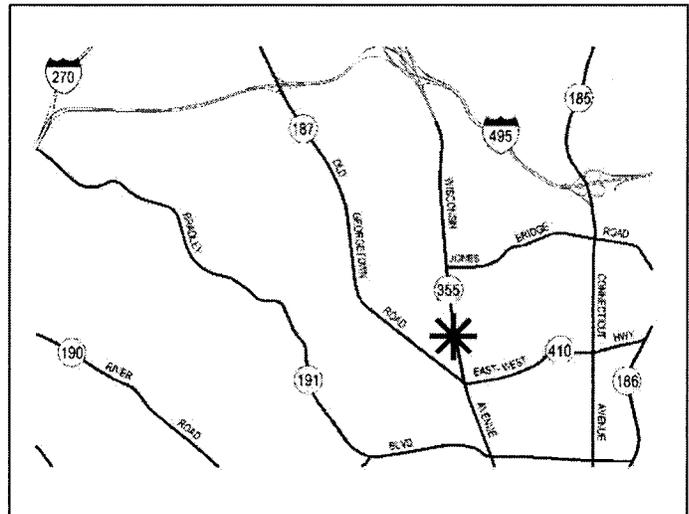


Robert Kronenberg, RLA, Acting Chief, Area 1 Division, robert.kronenberg@montgomeryplanning.org, 301.495.2187

Completed: 6.14.13

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 450 dwelling units, including 68 MPDUs (15%), and up to 21,630 sf. of ground-floor retail on a consolidated lot.
- Applicant: JBG/Wisconsin Developer, LLC
- Submitted March 5, 2013



Summary

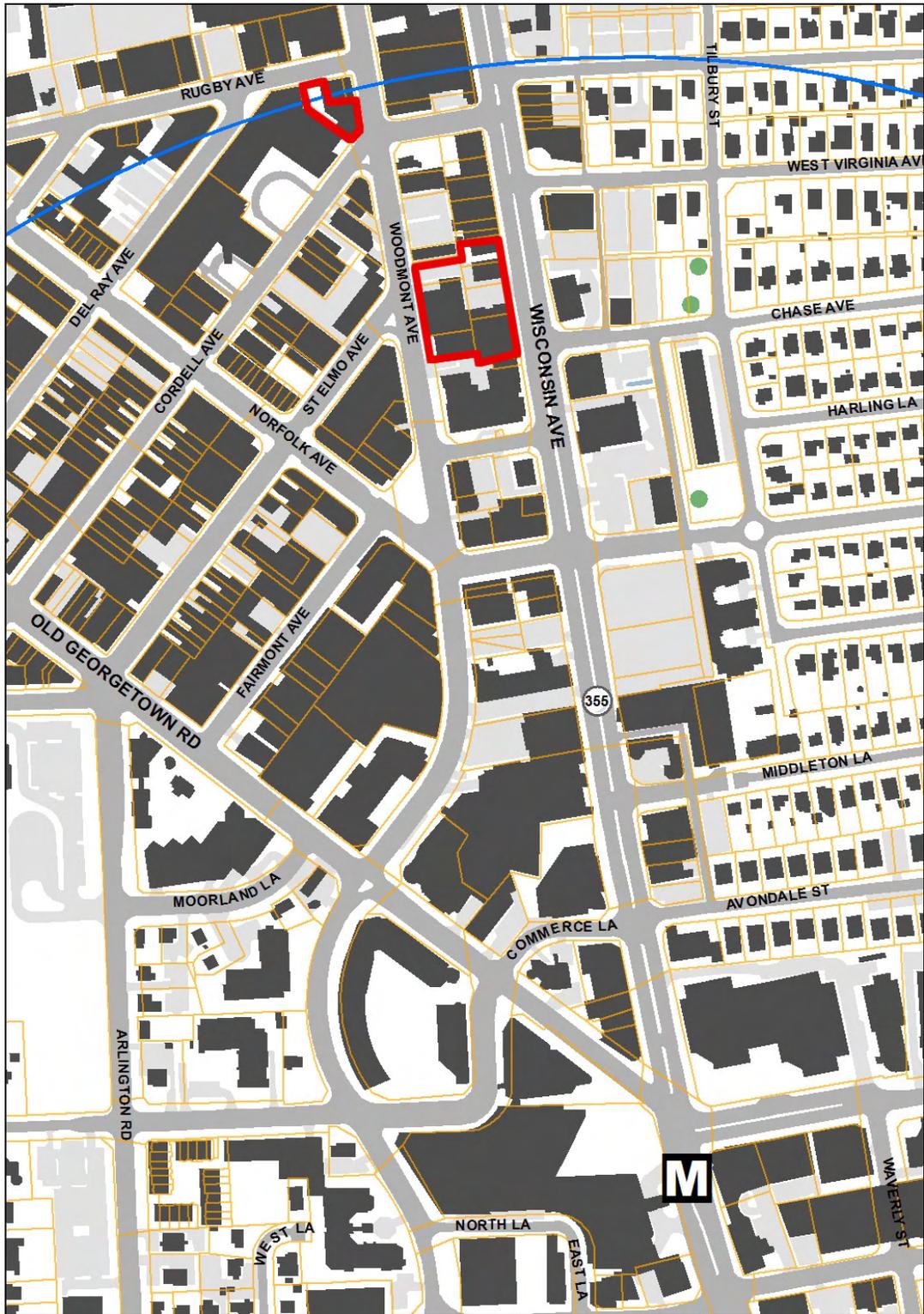
- Staff recommends **APPROVAL WITH CONDITIONS** of the Site Plan
- Project Plan included a density transfer
- Public use space and amenities includes a through-block crossing with public art, street-level retail, and occupiable landscaped forms.

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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

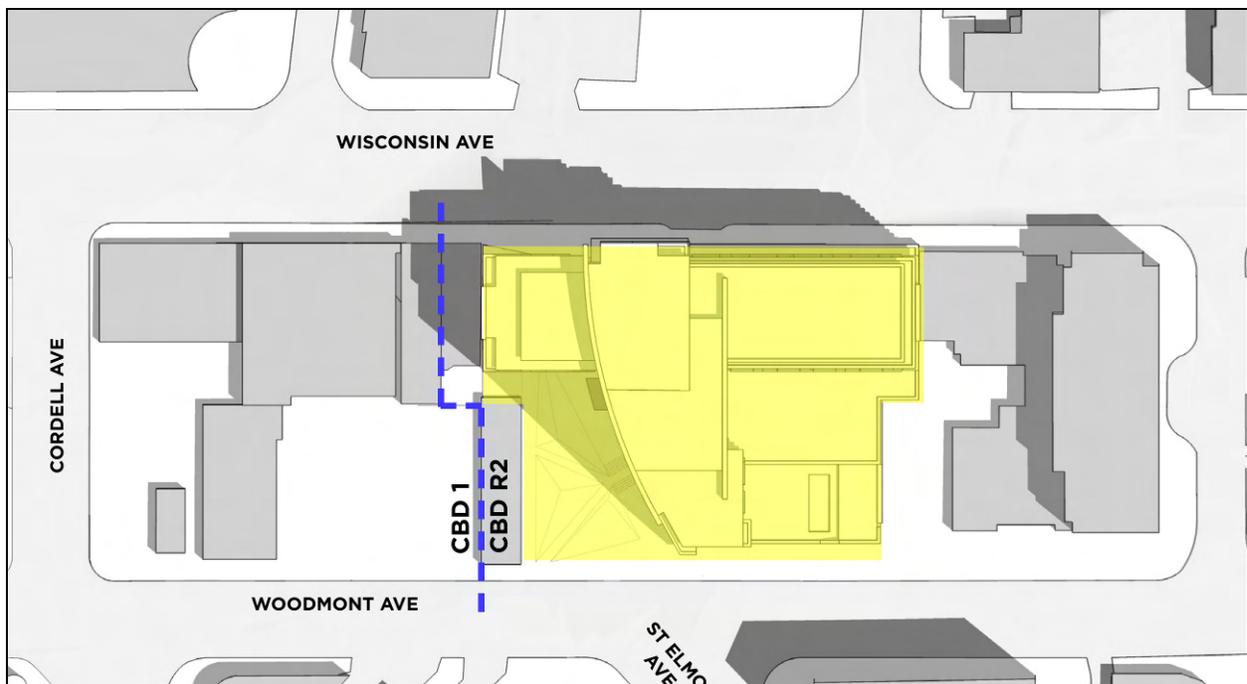
Previous Approvals

On February 14, 2013, the Planning Board approved Project Plan 920120030 and Preliminary Plan 120120200 for 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 a 66,874 sf. consolidated lot. The Planning Board approved a partial waiver of the minimum retail requirement for the site. The total included 30,186 sf. of density transferred from an off-site lot in the Woodmont Triangle. The maximum building height for the proposed building was 174', including a 22% height bonus for providing 15% MPDUs.

Proposal

Land Use

The Applicant proposes to build a 440,000 sf. multi-family residential building with a maximum of 450 dwelling units, including 68 MPDUs (15%), and up to 21,630 sf. of ground-floor retail on 1.86 acres. 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, illustrated below. 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.



View of through-block connection, with view of public art

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 as the “foot” for the northern-most portion of the building.



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. The design on Wisconsin Avenue integrates the screening for the rooftop mechanical units into the façade treatment as a whole. 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 11,329 sf. of on-site public use space and 7,775 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.



Detailed view of art component from public use space



Detailed view of art component from Wisconsin Avenue

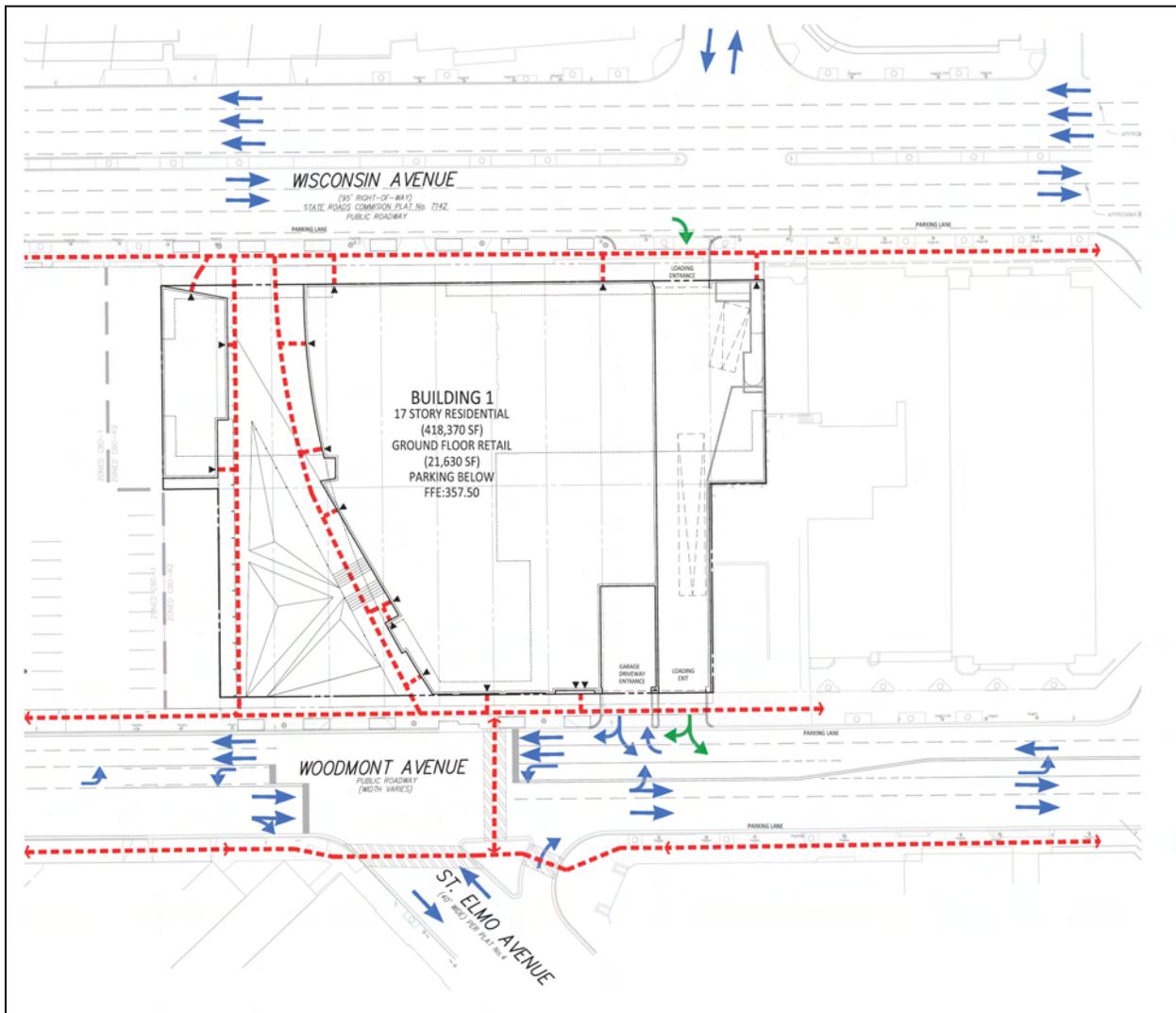
The proposed off-site amenity space would implement the Bethesda streetscape along the site frontages on Wisconsin and Woodmont Avenues.

Recreation

On-site the Applicant is providing numerous picnic/sitting areas, a modified open play area, and pedestrian paths, as well as indoor fitness and meeting space. In the neighborhood, Chase Avenue Urban Park will provide additional recreation opportunities.

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.

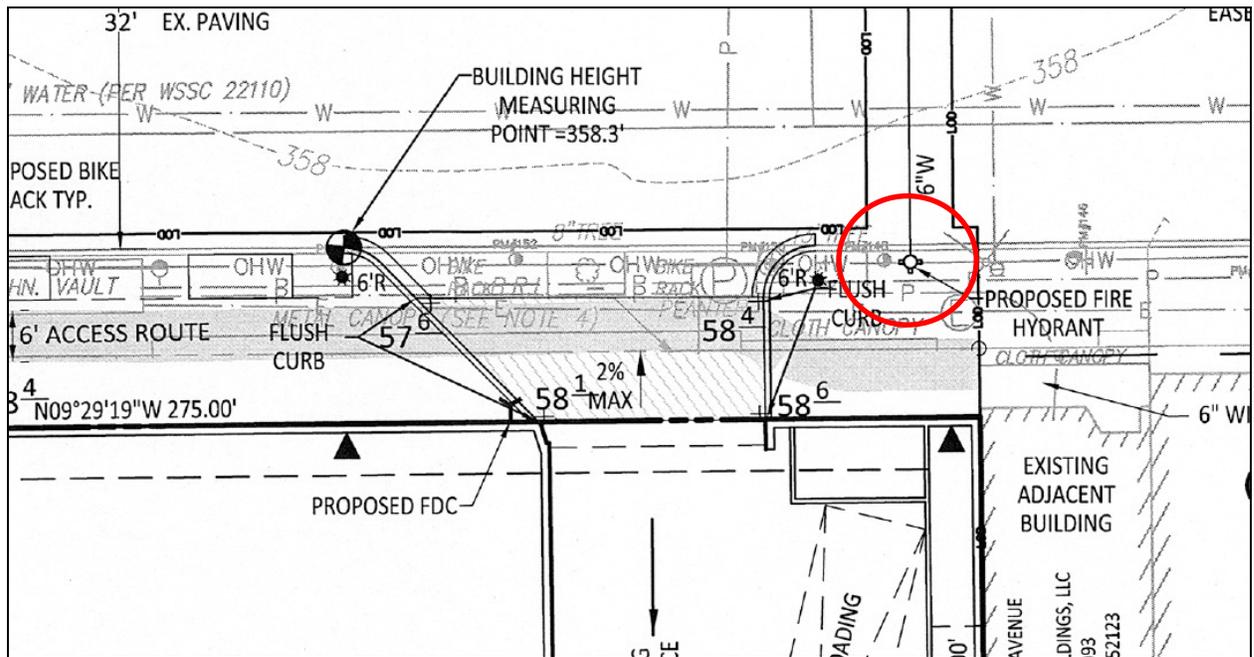


Circulation Plan (pedestrians in red, service in green, and automobiles in blue)

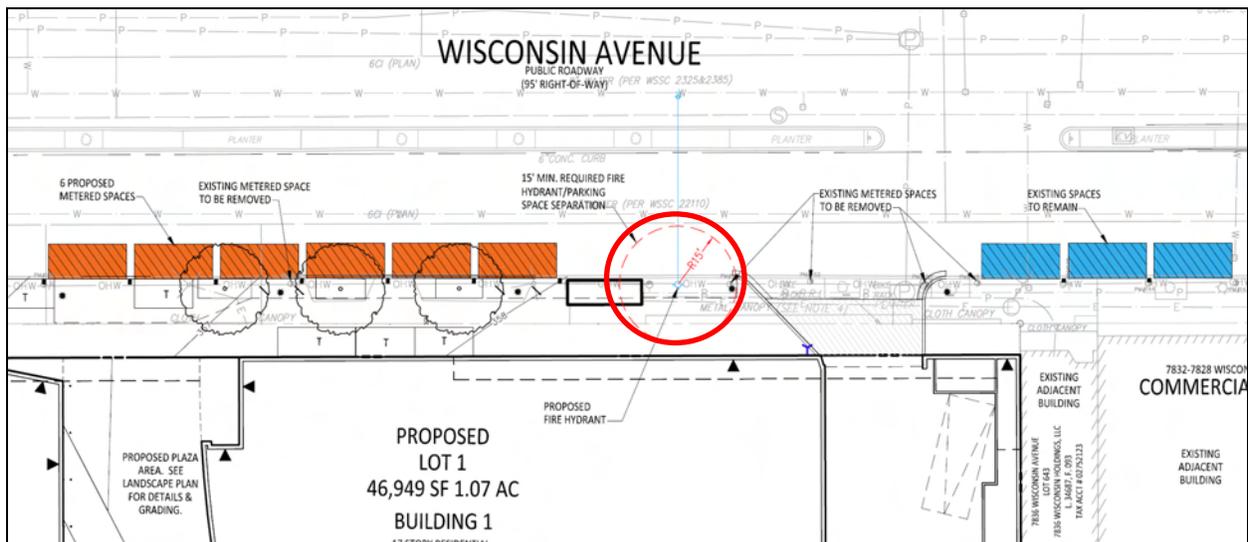
The project will provide parking on-site in an underground parking garage. The site is located within the Parking Lot District.

COMMUNITY CONCERNS

Staff received an e-mail from the owner of the adjacent business on Wisconsin Avenue, Next Day Sign Express (see Appendix B). The owner requested the Applicant to relocate the proposed fire hydrant on Wisconsin Avenue from the south side of the vehicular service drive to the north side, to minimize the potential loss of on-street parking spaces in front of his business. In coordination with staff, the Applicant has agreed to relocate the fire hydrant. Staff has included a condition to that effect.



Original proposed location of new Wisconsin Avenue fire hydrant



Proposed relocation of new Wisconsin Avenue fire hydrant

FINDINGS

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

The site plan is consistent with the approved project plan. It retains the building footprint, through-block pedestrian access, and the amenities. The gross floor area of the development is within the maximum established by the project plan.

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

The proposed uses are allowed in the CBD-R2 Zone and the site plan fulfills the purposes of the zone by providing higher-density mixed-use zoning near transit.

The site plan includes 30,186 sf. of density transferred from an off-site 13,225 gsf. recorded lot in the Woodmont Triangle. As demonstrated in the findings for Project Plan 920120030, the transfer conforms to 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 (59-C-6.2355).

As the project data table below indicates, the site plan meets all of the development standards of the zone.

Project Data Table for the CBD-R2 Zone

Development Standard	Permitted/ Required	Approved per Project Plan Approval	Proposed per Site Plan 820130170
Site Area (sf.)			
Gross Tract Area	18,000	80,099	80,099
Previous Dedications	n/a	19,836	19,836
Proposed Dedications	n/a	3,421	3,421
Net Lot Area	n/a	56,842	56,842

Density			
Floor Area Ratio, max. base	5	5	5
Floor Area, max. base (sf.)	400,495	364,556	364,556
Floor Area Ratio, max. non-residential	1.0	0.27	0.27
Floor Area, max. non-residential (sf.)	80,099	21,630	21,630
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%)	5	4.9*	4.9*
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (sf.)	22,000	21,630*	21,630*
Floor Area, base residential (sf.)	n/a	342,926	342,926
Floor Area, 22% MPDU bonus residential (sf.)	n/a	75,444	75,444
Floor Area, max. residential (sf.)	n/a	418,370	418,370
Floor Area, max. residential and non-residential total (sf.)	440,000	440,000	440,000
Dwelling Units, max. total	n/a	475	450
MPDUs, min.	60	72	68
MPDUs, min. %	12.5	15	15
Maximum Building Height (feet)	143/200	174	174
Minimum Setbacks (feet)			
North Property Line	n/a	0	0
Wisconsin Avenue	n/a	0	0
South Property Line	n/a	0	0
Woodmont Avenue	n/a	0	0
Public Use & Amenity Space, Min.			
On-Site Public Use Space, % of net lot area	20 (density receiving site), 5.7 (density sending site)		
On-Site Public Use Space, sf. total	9,954	10,953	11,329
Off-Site Amenity Space, % of net lot area		13.3	13.7
Off-Site Amenity Space, sf.		7,585	7,775
Total Public Use & Amenity Space		18,538	19,014
Parking (site is located in the Parking Lot District)	670	802	445

* At Project Plan, the Planning Board approved a partial waiver of this requirement as allowed under footnote 3 of the development standard table in 59-C-6.23

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

The building and structures of the proposed development are located directly along the public streets, which is appropriate for the character envisioned by the Sector Plan. This location provides easy access to the building from adjoining sidewalks, open spaces, and parking. The location of the building and structures are adequate and efficient, while addressing the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The proposed development would provide 11,329 sf. of on-site public use space and 7,775 sf. of off-site public amenity space. Since the subject site is receiving density from off-site, it must provide public use space equivalent to 20 percent of the net lot area of the density receiving site as well as 10 percent of the net lot area of the density sending site (pro-rated to 5.7 percent to reflect the transfer of only 57 percent of the total potentially transferrable density on the sending site). The provided public use space exceeds that minimum requirement.

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. The location and features of the open space are adequate for the surrounding community, provide desirable recreation opportunities, has been designed to encourage pedestrian activity and visual surveillance to promote safety, and presents an efficient balance between private development and public space.

Streetscape improvements, including trees, lighting, and underground utilities are provided along the adjacent streets to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The provided recreation facilities, both on-site and in the vicinity, include open space, seating, and pedestrian paths. The landscaping, site details, and recreation facilities adequately and efficiently address the needs of the proposed use and the recommendations of the Sector Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements, including new and upgraded sidewalks and ground-floor building design that features regular entrances and windows. The vehicular circulation design efficiently directs traffic into the site along the perimeter, with minimal impacts to pedestrian circulation. This balance of design with the site, the recommendations of the Master Plan, and the demands of the uses is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

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. The mix of uses of the subject site are comparable to and supportive of the existing and proposed uses and development in the general neighborhood.

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

At the time of Project and Preliminary Plan review, the Board found that the development complies with the applicable requirements of the Forest Conservation Law. ~~The Applicant will meet the total afforestation requirements through a fee-in-lieu payment.~~ A Final Forest Conservation Plan was submitted on April 9, 2013. 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 or offsite mitigation.

The MCDPS Stormwater Management Section conditionally approved the Stormwater Management Concept on January 14, 2013. 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.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of 7900 Wisconsin Avenue site plan 820130170, for a 440,000 sf. multi-family residential building with a maximum of 450 dwelling units, including 68 MPDUs (15%), and up to 21,630 sf. of ground-floor retail on 1.86 acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on May 15, 2013, are required except as modified by the following conditions.

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan 920120030. This includes but is not limited to all references to density, public use space and amenities, and transportation conditions.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 120120200. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, Montgomery County Department of

Transportation (MCDOT) conditions, and Montgomery County Department of Permitting Services (MCDPS) stormwater conditions.

3. Density

This Site Plan is limited to a maximum gross floor area of 440,000 sf., including 21,630 sf. of retail and up to 450 dwelling units. The total number of dwelling units includes 15% MPDUs, or up to 68 MPDUs, in addition to up to 382 market rate units.

4. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 15 percent of the total number of dwelling units as MPDUs on-site in accordance with Chapter 25A in order for the Applicant to receive a 22 percent residential density bonus for providing 15 percent MPDUs on-site.
- b. The MPDU agreement to build shall be executed prior to the release of any building permits, except sheeting and shoring permits.

5. LEED Certification

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

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all on-site publicly accessible amenities including, but not limited to, the public use space, the new private drive, public art, and associated landscaping and site furnishings, unless provided by contract with another party.

7. Site Design

- a. Locate the required bike racks on the site or, subject to MCDOT approval, in the adjacent public right-of-way
- b. Subject to Montgomery County Fire and Rescue Service (MCFRS) approval, the Applicant must relocate the proposed new fire hydrant on Wisconsin Avenue from south of the vehicular service drive to north of the vehicular service drive. If existing utilities are determined to be in conflict with the proposed fire hydrant location, the Applicant may pursue alternative fire hydrant locations.

8. Public Use and Amenities

- a. Provide a minimum of 11,329 sf. of on-site public use space, as illustrated on the Certified Site Plan.

- b. The Applicant must provide the Bethesda streetscape standard improvements along the site frontage, as illustrated on the Certified Site Plan. For streetscape improvements beyond the site frontage, the Applicant must comply with Project Plan 920120030 Condition 4.d..
- c. The Applicant may remove the northernmost street tree on Wisconsin Avenue, opposite the entrance to the through-block pedestrian connection.

9. Private Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. The height of the light poles shall not exceed the height shown on the Certified Site Plan, including the mounting base.

10. Public Art

- a. Provide for and install the public art concept designed and produced by FX Fowle Architects, as presented to the Planning Department's Art Review Panel on April 24, 2013, and illustrated in the Certified Site Plan.
- b. Any significant changes to the concept presented on April 24, 2013, must be presented to the Art Review Panel and approved by staff before Certified Site Plan.
- c. Significant changes to the concept, as determined by staff, proposed after Certified Site Plan, will require a Site Plan Amendment.
- d. Prior to Certified Site Plan, provide details, including but not limited to materials, key dimensions, and finishes, of the public art concept.

11. Surety

Prior to issuance of first building permit (exclusive of sheeting and shoring) within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit (other than sheeting and shoring), Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

12. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan.

The development program must include the following items in its phasing schedule:

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

13. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Modify data table to reflect development standards enumerated in the Planning Board Opinion.
- c. Ensure consistency off all details and layout between site plan and landscape plan.
- d. Provide details of the green wall on the southwest corner of the site on Woodmont Avenue.
- e. Provide additional details of the treatment of the parking and loading doors on Woodmont Avenue, in the context of visual interest on that façade.

14. Clearing and Grading

The Applicant may obtain a demolition permit, access permit, sheeting and shoring permit, and utility permits prior to the approval of the Certified Site Plan and Record Plat, subject to approval by MCDOT and DPS.

15. Record Plat

The Applicant may submit the Record Plat for processing prior to Site Plan and Forest Conservation Certification.

APPENDICES

Appendix A: Agency letters

Appendix B: Correspondence

Appendix C: Resolution for Project Plan 920120030

Appendix D: Resolution for Preliminary Plan 120120200

Appendix E: Site Plan 820130170

Appendix F: Final Forest Conservation Plan 120120200

Hisel-McCoy, Elza

From: Kuykendall, David <David.Kuykendall@montgomerycountymd.gov>
Sent: Tuesday, April 30, 2013 7:50 AM
To: Mike Goodman; Hisel-McCoy, Elza
Subject: FW: 7900 Wisconsin Avenue - Maintenance Access to bio-filter
Attachments: 7900 Wisconsin DETAILED SITE PLAN SP4.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Mike and Elza,

The comments below and the marked site plan address our comments from DRC.

David Kuykendall, CPESC/CPSWQ/CESSWI
 Senior Permitting Services Specialist
 Montgomery County, Maryland
 Department of Permitting Services
 Division of Land Development
 Water Resources Section
 ph240-777-6332/fax240-777-6339
david.kuykendall@montgomerycountymd.gov

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

From: Michael B. Goodman, P.E. [<mailto:goodman@vika.com>]

Sent: Friday, April 26, 2013 3:28 PM

To: Kuykendall, David

Cc: Payam Ostovar; Jonathan Fitch; Frank Craighill; Bryan Moll; Charles Crislip; Cynthia A. Todd RLA; Joseph Pikiwicz; Hisel-McCoy, Elza (Elza.Hisel-McCoy@montgomeryplanning.org); Robins, Steven A.

Subject: RE: 7900 Wisconsin Avenue - Maintenance Access to bio-filter

Dave,

Thanks for calling me back about this the other day. Per our discussion, I have marked up the Site Plan showing the SWM maintenance parking in the loading area and the access path that would be used by the county with a Georgia Buggy cart type of equipment to carry media, plantings, etc. We understand that the sidewalk along this path will need to meet vehicle loading requirements similar to a tertiary road section. Please review in conjunction with the below email and confirm whether DPS has any further questions or comments regarding this Site Plan please let me know. If this satisfies MCDPS Water Resources' comments please confirm to Elza.

Thanks again, and have a nice weekend,

From: Michael B. Goodman, P.E.

Sent: Wednesday, April 24, 2013 9:33 AM

To: David Kuykendall (David.Kuykendall@MontgomeryCountyMD.gov)

Cc: Payam Ostovar; Jonathan Fitch; Frank Craighill; Bryan Moll; Charles Crislip; Cynthia A. Todd RLA; Joseph Pikiwicz; Hisel-McCoy, Elza (Elza.Hisel-McCoy@montgomeryplanning.org); Robins, Steven A.

Subject: 7900 Wisconsin Avenue - Maintenance Access to bio-filter

Dave,

I left you a voice message yesterday regarding a comment we received from MCDPS Water Resources at the DRC Meeting for 7900 Wisconsin. We are formally re-submitting to MNCPPC this Friday, but I wanted to get a head start on

this comment a little earlier to give us more time to coordinate. The comment was regarding the maintenance access for the proposed bio-filter. This bio-filter will be surrounded by a trellis of structure. The trellis is proposed to be fixed in place, so we are assuming the concern is how maintenance access could enter and exit the bio-filter area to perform maintenance. The Landscape Architect (LAB) had anticipated the need to provide maintenance access and has illustrated this access point on the attached section. I have also marked up the access point on the approved SWM Concept Plan for reference.

Based on other projects, I understand that the access route must essentially meet ADA requirements. The sidewalk adjacent to the bio-filter meets our site's accessible route. Therefore, maintenance workers could use this path for access purposes as well. There is the typical type of wall around the bio-filter area to provide the necessary volume, and the depth (from top of media to top of wall) at this location is less than two feet.

Also, there was another comment regarding the lighting. All lighting and associated wiring/electrical system will be attached to the trellis and will be clear of the bio-filter media/volume area.

Please give me a call if you have any questions. If it would be helpful, I could also meet to discuss any comments or concerns. Thanks,

Mike

Michael B. Goodman, P.E.
Senior Associate



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

VIKA Maryland, LLC

20251 Century Boulevard
Suite 400

Germantown, MD 20874

301.916.4100

301.916.2262 (Fax)

Goodman@vika.com



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

May 31, 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
Site Plan No. 820130170

Elza
Dear Mr. ~~Hisel-McCoy~~:

The Department of Housing and Community Affairs (DHCA) has reviewed the above-referenced Site Plan and recommends Approval. The applicant has addressed DHCA's DRC comments, and DHCA therefore recommends Approval of the Site Plan. Please note that DHCA will need to review and approve the dwelling unit type mix at Certified Site Plan, as well as MPDU locations, sizes and unit layouts.

Sincerely,

Lisa S. Schwartz
Lisa S. Schwartz
Senior Planning Specialist

cc: James Nozar, JBG/Wisconsin Developer, LLC
Christopher J. Anderson, Manager, Single Family Housing Programs, DHCA

S:\Files\FY2013\Housing\MPDU\Lisa Schwartz\7900 Wisconsin DHCA Letter 5-31-2013.doc

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

Hisel-McCoy, Elza

From: Greg Kiel @ NDSE Bethesda <greg@nextdaysignexpress.com>
Sent: Monday, March 18, 2013 12:32 PM
To: Hisel-McCoy, Elza
Subject: Re: FW: 7900 Wisconsin Avenue

Follow Up Flag: Follow up
Flag Status: Completed

Elza
 I am concerned about the placement of the fire hydrant and the loading entrance causing us to lose meter parking in front of our building. This space is critical for our business for customer parking and loading and unloading. It looks like we will be losing meter parking in front of the driveway off Wisconsin Ave next to 7836. I am also concerned with pedestrian safety due to the loading entrance cutting across the sidewalk. How will this be addressed?
 I would also like to know the process for assuring me the building will not crack or become unstable due to the massive hole being dug for the underground parking.
 I appreciate your help on these issues.
 Thank you
 Greg Kiel
 owner of 7836 Wisconsin Ave.




7850 Wisconsin Ave., Bethesda, MD 20814
 301.986.0310
www.nextdaysignexpress.com

On 3/18/2013 11:17 AM, Hisel-McCoy, Elza wrote:

If at first you don't succeed...

Elza Hisel-McCoy, Assoc. AIA, LEED-AP
 Planner Coordinator
 Area One
 Montgomery County Planning Department
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, MD 20910
 301.495.2115, elza.hisel-mccoy@montgomeryplanning.org

From: Hisel-McCoy, Elza
Sent: Friday, March 15, 2013 2:53 PM
To: Greg Kiel @ NDSE Bethesda <greg@nextdaysignexpress.com> (greg@nextdaysignexpress.com)
Subject: 7900 Wisconsin Avenue

Hi Greg,

It was good to hear from you today. The full-size versions of the application drawings are available on our website at:

<http://www.daicsearch.org/imageENABLE/search.asp?Keyword=820130170>

As we discussed, please forward your concern (and any others you might have) to me in writing and I will raise it during our review process, which has just begun. As the process moves along, I will follow up with you to let you know where we are.

Have a delightful weekend.

Sincerely,

Elza

Elza Hisel-McCoy, Assoc. AIA, LEED-AP
Planner Coordinator
Area One
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
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MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 13-17
Project Plan No. 920120030
7900 Wisconsin Avenue
Date of Hearing: February 14, 2013

FEB 28 2013

RESOLUTION

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

WHEREAS, on April 12, 2012, JBG/Wisconsin Developer, LLC, ("Applicant"), filed an application for approval of a project plan for one 440,000 sf. multi-family residential building with a maximum of 475 dwelling units, with a minimum of 15%, or 72 of those being moderately priced dwelling units ("MPDUs"), and approximately 21,630 sf. of ground-floor retail on 1.86 acres of CBD-R2-zoned land, with a partial waiver of the 5% retail requirement of the CBD-R2 zone, located between Wisconsin Avenue and Woodmont Avenue, at St. Elmo Avenue, ("Subject Property"), in the Bethesda CBD Policy Area, in the Woodmont Triangle Amendment to the Bethesda CBD sector plan ("Sector Plan") area; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920120030, 7900 Wisconsin Avenue ("Application" or "Project Plan"); and

WHEREAS, the Subject Property, also referred to as the "Receiving Property" is receiving a portion of its density through a density transfer under Section 59-C-6.2355 of the Zoning Ordinance from Lot 634, Plat No. 14837, ("Sending Property"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 1, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 14, 2013, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

Approved as to
Legal Sufficiency:

[Handwritten Signature] 2/14/13

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board APPROVES Project Plan No. 920120030 for one 440,000 sf. multi-family residential building with a maximum of 475 dwelling units, with 15%, or 72 of those being MPDUs, and up to 21,630 sf. of ground-floor retail on the Subject Property, with a partial waiver of the 5% retail requirement of the CBD-R2 zone, subject to the following conditions:¹

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 M-NCPPC 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 the site plan Application 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 Subject 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.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- 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 residential building 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 building 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. If the Applicant is unable to obtain the consent of the property owner, the Applicant shall be relieved of the obligation to extend the streetscape on private property without the need for an amendment to the Project Plan.
- 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 for another entity to provide such maintenance.

7. Coordination for Additional Approvals Required Prior to Site Plan Approval
The Applicant must obtain written approval from MCDOT 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. Public streets and spaces must receive adequate sunlight by making adjustments, if necessary to the site plan 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
Prior to certification of the site plan, the Applicant must record an easement in a form approved by the Office of General Counsel in the County Land Records for the density transfer for this project in conformance with Section 59-C-6.2355(c) of the Zoning Ordinance.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920120030, 7900 Wisconsin Avenue, stamped received by M-NCPPC on December 13, 2012, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

- (a) *The development complies with all of the intents and requirements of the CBD-R2 zone.*

Intent and Purposes of the CBD Zones

The Montgomery County Zoning Ordinance, Section 59-C-6.212, states the purposes that the CBD zones are designed to accomplish. The Project Plan conforms to these purposes as follows:

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

With respect to density, the Sector Plan recommends intensifying development, particularly residential uses, on the block where the Subject Property is located. The development satisfies this recommendation by maximizing the residential development potential of the site, including the provision of 15 percent MPDUs. The Project Plan matches the recommended maximum building height of 174 feet as indicated on page 22 of the *Sector Plan*. 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. 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 development as proposed 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 provision of retail and housing within walking distance of the Metro is an excellent realization of the Sector Plan transit and sustainability goals.

- (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 Subject 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 fifteen percent of the total, or up to 72 dwelling units as MPDUs.

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

The 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.

Further Intentions 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 a desirable urban environment.

Requirements of the CBD-R2 zone

The following data table lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the optional method of development in the CBD-R2 zone.

DATA TABLE

Development Standard	Permitted/ Required	Approved
Property Area (square feet)		
Gross Tract Area	18,000	80,099
<i>Receiving Property</i> 66,874		
<i>Sending Property</i> 13,225		
Previous Dedications	n/a	19,836
<i>Receiving Property</i> 16,504		
<i>Sending Property</i> 3,332		
Proposed Dedications	n/a	3,421
<i>Receiving Property</i> 3,421		
<i>Sending Property (Lot 634, Plat No. 14837)</i> 0		
Net Lot Area	n/a	56,842
<i>Receiving Property</i> 46,949		
<i>Sending Property</i> 9,893		

Density		
Floor Area Ratio, max. base		
<i>Receiving Property</i>	5	5
<i>Sending Property</i>		2.28
Floor Area, max. base subtotal (square feet)	400,495	364,556
<i>Receiving Property</i>	334,370	334,370
<i>Sending Property, transferred to Receiving Property</i>	66,125	30,186
<i>Sending Property, remaining on Sending Property</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 Property	440,000	440,000
Floor Area, max. (square feet), Sending Property		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
Maximum Building Height (feet)	143/200	174
Minimum Setbacks (feet)		
North Property Line	n/a	0
Wisconsin Avenue	n/a	0
South Property Line	n/a	0
Woodmont Avenue	n/a	0

Public Use & Amenity Space, Min.		
On-Site Public Use Space, % of net lot area of density transfer Sending Property	10	5.7**
On-Site Public Use Space, % of net lot area of density transfer Receiving Property	20	20
On-Site Public Use Space, sf. from net lot area of density transfer Sending Property	565	
On-Site Public Use Space, sf. from net lot area of density transfer Receiving Property	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 Property	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***

* The Board granted a partial 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

Public Amenities

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities. The development is proffering the following package of amenities and public facilities:

On-Site Public Use Space Improvements

- Occupiable sculptural landscaped mounds
- Lighted paved paths, walkways, and sidewalks
- Landscaping
- Seating
- Special treatment of underside of building over public space.

Off-Site Amenity Improvements

- Streetscape improvements to Woodmont and Wisconsin Avenues, including undergrounding 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. The density transfer from the Sending Property will be protected through recorded documents as conditioned.

(b) The development conforms to the Sector Plan.

The Subject 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 Property, 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 Property in terms of the recommendations and guidelines for the entire CBD that are not otherwise addressed in the Amendment.

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 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% MPDUs.

- **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 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 project achieves the full FAR and also captures bonus density for providing 15% MPDUs which is a 22% bonus.
- **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 Sending Property reduces the incentive for it to be assembled with other properties and then redevelop. The building on the Sending Property 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. While the Sending Property will retain enough density to redevelop, it will reduce the pressure to redevelop, thereby meeting the spirit of the density transfer concept.
- **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 other spaces in the public realm. The inclined lawns and stone paths provide forms that are inviting. The garden theme of Bethesda is reflected in the trellis wall, and character of the lawns and paths.

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

The location and size of the development is comparable to other nearby development 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) *The development does not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter*

42A, Article II, is subject to a traffic mitigation agreement that meets the requirements of that article.

Review of the traffic study determined that the development will satisfy the Local Area Transportation Review ("LATR"), and the Transportation Policy Area Review ("TPAR") is not required under the Subdivision Staging Policy in effect because the Subject Property is located in a metro station policy area. 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 development is 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.

- (f) The development includes moderately priced dwelling units in accordance with Chapter 25A of the Montgomery County Code.*

The development will provide 15% MPDUs (more than the minimum required by Chapter 25A) in return for a 22% density bonus.

- (g) The development satisfies any applicable requirements for forest conservation under Chapter 22A of the Montgomery County Code.*

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 the Subject Property or within 50' feet of the Subject Property boundary. Under the Forest Conservation Law, the development generates a 0.20 acre afforestation planting requirement. The Applicant will meet the entire planting requirement in a fee-in-lieu payment.

- (h) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19 of the Montgomery County Code.*

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.

- (i) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the Sector Plan and 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 Subject Property frontage. This is consistent with the goals of the Sector Plan and complements the adjacent provision of streetscape improvement on-site.

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

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

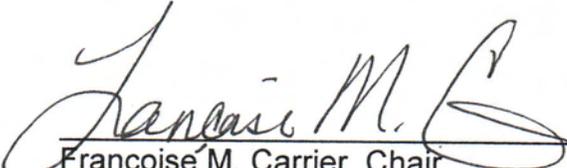
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is FEB 28 2013 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson voting in favor of the motion, and with Commissioners Dreyfuss and Presley absent, at its regular meeting held on Thursday, February 14, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board



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

FEB 28 2013

MCPB No. 13-18
Preliminary Plan No. 120120200
7900 Wisconsin Avenue
Date of Hearing: February 14, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review preliminary plan applications; and

WHEREAS, on April 12, 2102, JBG/Wisconsin Developer, LLC, ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.54 acres of land in the CBD-R2 zone, located between Wisconsin Avenue and Woodmont Avenue, at St. Elmo Avenue, ("Subject Property"), in the Bethesda CBD Policy Area, in the Woodmont Triangle Amendment to the Bethesda CBD sector plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120120200, 7900 Wisconsin Avenue, ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 1, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 14, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120120200 to create one lot on the Subject Property, subject to

Approved as to
Legal Sufficiency:

Chairman 2/14/13
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mcncppc-mc.org

the following conditions:¹

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 approximately 21,630 square feet of commercial uses, which consists of no more than 15,000-square-feet of supermarket/grocery store use, and 7,000-square-feet of general retail space. The Applicant may also create several ownership lots² within the single lot at the time of record plat.
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 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 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 and 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.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

² The term "ownership lots" refers to the separate parcel or lot that may be created without the approval of a new subdivision plan under Section 50-35A(a)(4) of the Subdivision Regulations.

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 MDSHA 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. 52 feet from the existing pavement centerline along the Subject Property frontage for Wisconsin Avenue.
 - b. 40 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. The Applicant may receive demolition permits, access permits, and utility permits prior to approval of the certified site plan and record plat, subject to approval from MCDOT and MCDPS.
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 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.
19. The Subject Property is within the Bethesda-Chevy Chase School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the high-rise unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The project satisfies several goals around which the Master Plan is organized:

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 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% MPDUs.
- **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 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 project achieves the full FAR and also captures bonus density for providing 15% MPDUs which is a 22% bonus.
- **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 reduces the incentive for that property to be assembled with other properties and then redevelop. The building on the property that is transferring density to the Subject Property under Section 59-C-6.2355 of the Zoning Ordinance, 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. While the Sending Property will retain enough density to redevelop, it will reduce the pressure to redevelop, thereby meeting the spirit of the density transfer concept.
- **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 other spaces in the public realm. The inclined lawns and stone paths provide forms that are inviting. The garden theme of Bethesda is reflected in the trellis wall, and character of the lawns and paths.

- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

As shown in the traffic study submitted by the Applicant, the critical lane volumes at the six nearby intersections are at acceptable congestion standards for these intersections located in the Bethesda Central Business District Policy Area. Thus, the Local Area Transportation Review test is satisfied. Further, under the Transportation Policy Area Review ("TPAR") test, using the 2012-2016 Subdivision Staging Policy, no transportation impact tax is required because the site is located in a metro station policy area.

Other public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and sewer house connections. Gas, electric and telecommunications services are also available to serve the Subject Property. The Subject Property is located in the Bethesda-Chevy Chase School cluster. For FY13, projects within the Bethesda-Chevy Chase School cluster must make a school facilities payment at the high school level. This project will comply with that requirement. Police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service which has determined that the Subject Property has adequate access for emergency vehicles.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

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 lot size, width, shape and orientation conform to the requirements of the zone and are appropriate for the location of the subdivision.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, 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 the Subject Property or within 50' feet of the Subject Property boundary. Under the Forest Conservation Law, the development generates a 0.20 acre afforestation planting requirement. The Applicant will meet the entire planting requirement with a fee-in-lieu payment.

5. *All storm water management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Section 19-20 through 19-35.*

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.

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

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 85 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records; or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 28 2013 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson

