



**7100 Wisconsin Avenue, Preliminary Plan 120130200, Site Plan 820130230**

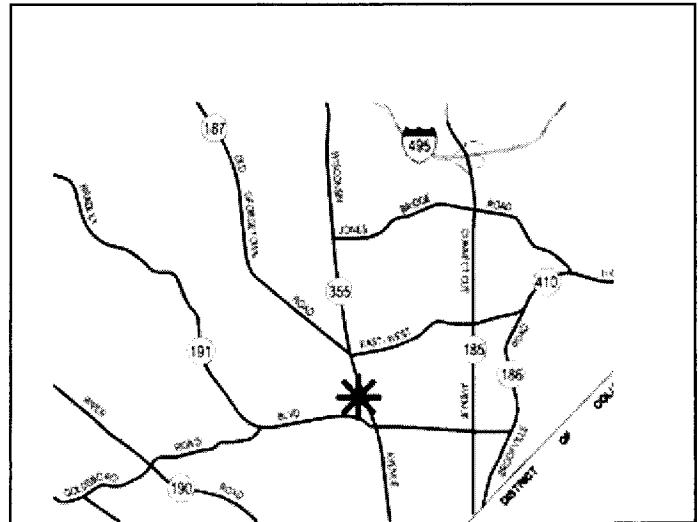
*PAK* Robert Kronenberg, Acting Chief, Area One, robert.kronenberg@montgomeryplanning.org, (301) 495-2187



Staff Report Date: 6/28/13

**Description**

- Subdivision to create 1 lot; construction of 145 multi-family units and a maximum on 6,500 square feet of retail
- 0.58 acres gross tract area
- CBD-R2 zone
- Located 7100 Wisconsin Avenue at the intersection with Woodmont Avenue
- Bethesda CBD Sector Plan
- Preliminary Plan Submitted: 4/17/13
- Site Plan Submitted: 4/17/13
- Applicant: Wisconsin Project, LLC/7120 Wisconsin LLC



**Summary**

- **Staff recommendation: Approval of the preliminary plan and site plan with conditions**
- The Application complies with the Bethesda CBD Plan.
- Section 59-D-2.42 of the Zoning Ordinance allows an increase in both FAR and height above the master plan recommended limit to accommodate MPDUs and bonus density.
- The Applicant requested a Public Improvement Easement (PIE) in-lieu-of truncation at the Woodmont/Wisconsin Avenue intersection. The Montgomery County Department of Transportation (MCDOT), the State Highway Administration (SHA) and Planning Staff support the PIE.

## PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of the preliminary plan subject to the following conditions:

- 1) This Preliminary Plan is limited to one lot for 145 multi-family dwelling units, including at least 15% moderately priced dwelling units (MPDUs), and a maximum of 6,500 square feet but no less than 6,500 square feet of retail.
- 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 the approved 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 Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 27, 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.
- 4) The Applicant must dedicate and show on the record plat(s) the following dedications:
  - a. Wisconsin Avenue, to the east of the site, as a six- to eight-lane divided major highway (M-6) with a minimum right-of-way width of 114 feet.
  - b. Miller Avenue, to the north of the site, as a two-lane business street with a minimum right-of-way width of 50 feet.
  - c. Woodmont Avenue, to the south of the site, as a two-lane arterial (A-68) with a minimum right-of-way width of 80 feet.
- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 6) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated October 8, 2012, 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.
- 7) 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.
- 8) The record plat must reflect a public use and access easement over all public use space areas and adjacent parallel sidewalks.
- 9) The record plat must reflect all areas under Condominium Association ownership and specifically identify stormwater management parcels.
- 10) The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff prior to release of

the final building permit that the Applicant's recorded Condominium Documents incorporate the Covenant by reference.

- 11) 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 applicable unit rate for which a building permit is issued and a School Facilities Payment is applicable for a new residential unit. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 12) Prior to recordation of any plat, Site Plan No. 820130230 must be certified by Staff.
- 13) No clearing, grading or recording of plats prior to certified site plan approval.
- 14) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 15) The record plat must show necessary easements.
- 16) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

### **SITE PLAN RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Site Plan 820130230, 7100 Wisconsin Avenue, for 145 multi-family dwelling units, including 15 percent MPDUs and a maximum of 6,500 square feet but no less than 6,000 square feet of retail on 0.58 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on June 3, 2013, are required except as modified by the following conditions.

#### **Conformance with Previous Approvals**

1. Project Plan Conformance  
The Applicant must comply with the conditions of approval for Project Plan No. 920130010 as listed in the Planning Board Resolution, unless amended.
2. Preliminary Plan Conformance  
The Applicant must comply with the conditions of approval for Preliminary Plan No. 120130200 as listed in the Planning Board Resolution, unless amended.

#### **Parks, Open Space, & Recreation**

3. Public Use Space, Facilities and Amenities
  - a. The Applicant must provide a minimum of 23.2% of the net lot area for on-site public use space and a minimum of 36.1% of the net lot area for off-site public use space for the enhancement of Eastham Park.
  - b. The Applicant must provide a minimum of 34.7% of the net lot area for public amenity space, including but not limited to the area along Woodmont Avenue.
  - c. The public use and public amenity space must be easily and readily accessible to the general public and available for public enjoyment.
  - d. The Applicant must install the art piece, titled "the Dance" by Alan Binstock.
4. Recreation Facilities
  - a. At a minimum, the Applicant must provide three picnic/sitting areas, pedestrian walkway system, indoor community space and indoor fitness facility to satisfy the M-NCPPC Recreation Guidelines.

- b. The Applicant must meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
5. Maintenance of Publicly Accessible Amenities  
The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to landscaping, walkways, lighting and benches.

## **Environment**

6. Noise
- a. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscaping, walkways, lighting, and benches. Prior to certified site plan, provide noise analysis which includes current and projected noise contours (60 and 65 dBA Ldn) delineated for all noise generating roads, or other uses where noise levels will affect the proposed dwelling units and common outdoor activity (such as the pocket park).
  - b. Prior to certified site plan, provide M-NCPPC staff with a certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to certified site plan. The builder commits to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
  - c. If the proposed use will generate noise that could impact adjacent uses (i.e., trash pickup, generators etc.), appropriate onsite measures must be provided to avoid or minimize the impacts.
  - d. Prior to certified site plan, the details for and location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity (such as the pocket park) must be approved by staff.
  - e. After construction is complete, and prior to use and occupancy, the builder must provide M-NCPPC staff a certification from an engineer specialized in acoustics confirming that interior noise levels do not exceed 45 dBA Ldn.
  - f. For all residential dwelling units constructed within identified noise impact areas, the applicant/developer/builder shall disclose in writing to all prospective purchasers that they are located within an area impacted by current or future highway or railway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

## **Transportation & Circulation**

7. Transportation
- a. The development is limited to a maximum of 145 multi-family dwelling units and 6,500 square feet of retail.
  - b. The Applicant must enter into a traffic mitigation agreement (TMAg) with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda Transportation Management District (TMD) and must execute the TMAg prior to the release of any new building permit for the development on the site.
  - c. The Applicant must construct the streetscape improvements within the Woodmont, Wisconsin and Miller Avenues in accordance with the Bethesda Streetscape standards,



except as those deviations from the Bethesda Streetscape standards as shown on the Site Plan and Landscape Plans, including the undergrounding of utilities.

### **Density & Housing**

8. Moderately Priced Dwelling Units (MPDUs)
  - a. The development must provide 15 percent MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated June 17, 2013 (Attachment B).
  - b. The MPDU agreement to build must be executed prior to the release of any building permits.
  - c. All of the required MPDUs must be provided on-site.
  - d. The Planning Board has accepted the recommendations of the Montgomery County Department Housing and Community Affairs ("MCDHCA") in its letter dated June 17, 2013, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

### **Site Plan**

9. Site Design
  - a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings dated June 3, 2013, as determined by Staff.
10. 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 any perimeter fixtures abutting the adjacent residential properties.
  - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
  - e. The height of the light poles must not exceed the height specified on the Certified Site Plan.
11. Surety

Prior to issuance of the first building permit, excluding the sheeting and shoring permit, within each relevant phase of development, the 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. The 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, artwork, site furniture, the street and alleys, sidewalks, and entrance piers within the relevant phase of development.
  - c. Prior to issuance of the first building permit, excluding the sheeting and shoring permit, the 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. The bond/surety must 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 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. Prior to release of building permits, the Applicant must provide documentation to M-NCPPC Staff that any required soil remediation and/or removal of underground storage tanks has been appropriately completed.
- b. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- c. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, recreation facilities and bicycle facilities must be installed prior to release of the final residential use and occupancy permit.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, and M-NCPPC inspection and approval of all protection devices.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. Community-wide pedestrian pathways and public use space and amenity areas, including benches, landscaping, artwork and hardscape, must be completed prior to issuance of the final residential use and occupancy permit.
- g. Improvements to Eastham Park must be completed prior to the final use and occupancy permit.
- h. The development program must provide phasing of stormwater management and sediment and erosion control.

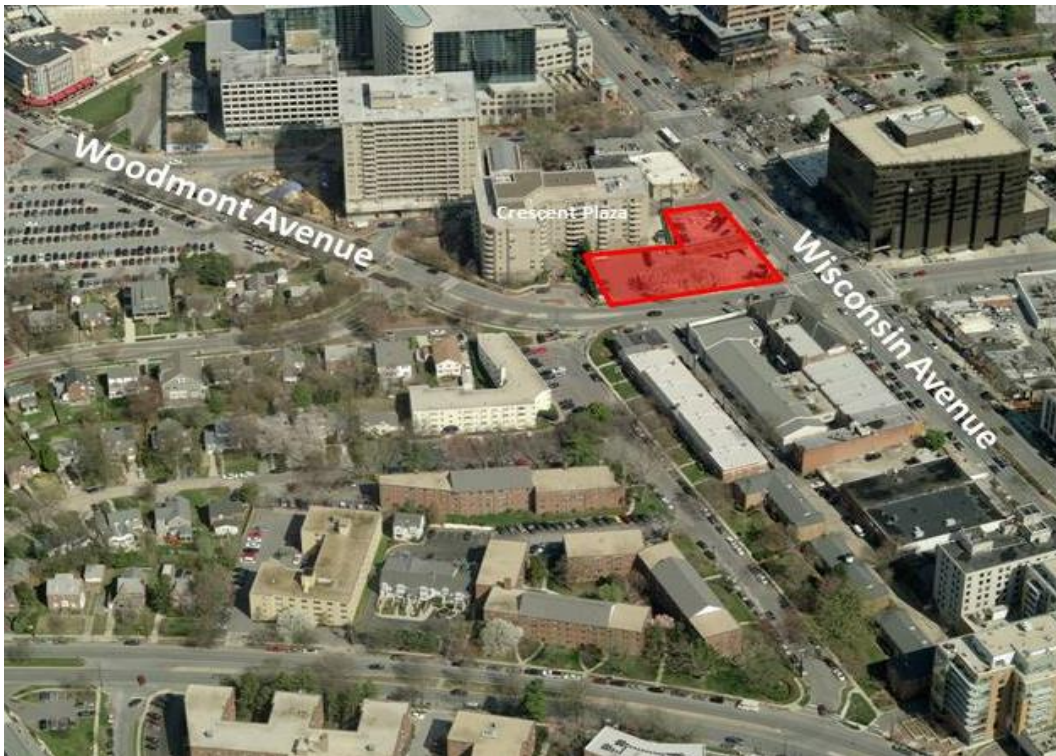
13. Certified Site Plan

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 forest conservation exemption, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Modify data table to reflect development standards enumerated in the Staff Report as needed.
- c. Ensure consistency off all details and layout between Site Plan and landscape plan.
- d. Update the recreation calculations for the final number of units.
- e. Correct the overall square footage in the data table to match what was approved in the project plan.
- f. Label all deviations from the Bethesda Streetscape standards on the Site Plan and Landscape Plans.

## SITE DESCRIPTION

The subject property is located at the corner of Woodmont Avenue and Wisconsin Avenue in the southern part of the Bethesda CBD. The site is L-shaped with its longest side along Woodmont Avenue. The only adjacent use within the block is a high rise residential condominium known as Crescent Plaza to the west. Across Wisconsin Avenue to the east is a high rise office building. Across the street to the south, on Woodmont Avenue are one story retail uses, garden apartments, and one-family homes. Across Miller Avenue are bank sites and retail stores. The site is within walking distance of the Bethesda Metro Station, the future Purple Line station and future southern entrance to the Metro Station, the Capital Crescent Trail, and many restaurants, store, amenities and shops including those on Bethesda Row.



Part of the subject property is currently used for a surface parking lot along Woodmont Avenue. The gas station known as Eastham's Exxon, that faces Wisconsin Avenue has recently removed the underground storage tanks and pumps associated with the existing gas station. There is little existing vegetation on the site. However there are several shade trees along the southern edge of the existing gas station. There are several utility poles with overhead wires. The photograph below is taken from Woodmont Avenue looking east toward Wisconsin Avenue.

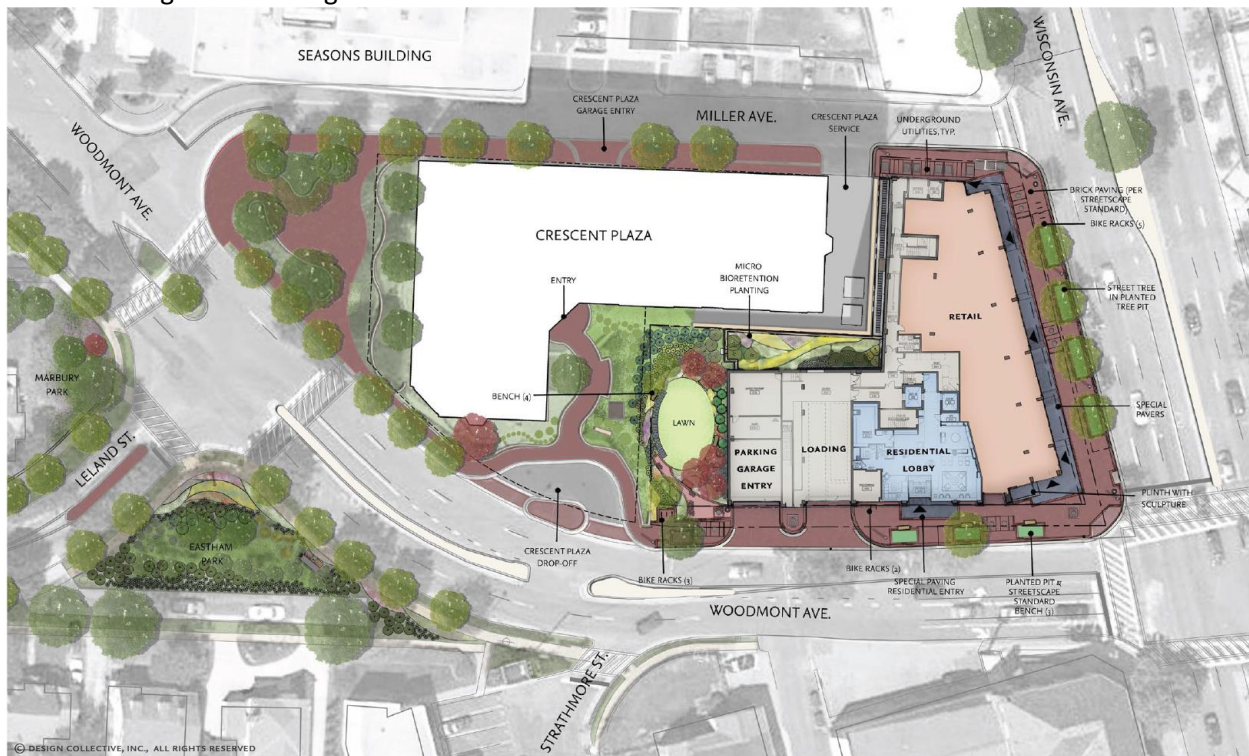
## PROJECT DESCRIPTION

### Previous Approvals

Project Plan 920130010 was approved by the Planning Board on November 1, 2012, for creation of one lot to accommodate 145 multi-family dwelling units and a minimum of 6,000 square feet of retail space (Attachment A). The Planning Board approved a waiver of the required 5 percent of ground floor service retail for the project, requiring the applicant to provide a minimum of 6,000 square feet of retail. The Board approved a building with height stepping down from 120 feet along Wisconsin Avenue to 45 feet further west on Woodmont Avenue. The height variations respond to concerns from the residents of the Crescent Plaza condominium about potential impacts on their light, air, privacy and views. Public use space and amenities included public art, streetscape improvements, a green space that visually expands the exterior space at the Crescent Plaza and improvements to Eastham park.

### Proposal

The applicant proposes to construct a multi-family building with varying heights that responds to the master plan and the architecture of the neighboring Crescent Plaza. The Application would provide a total of 159,584 square feet of mixed-use development including a maximum of 145 dwelling units and 6,500 square feet of ground floor retail. Twenty-two of the proposed units (15%) will be moderately priced dwelling units (MPDUs), which includes a bonus density. The application proposes a significant amount of on and off-site public use space and amenities including a green area on the west side of the building, streetscape improvements to all three frontages, a commissioned art piece intended to change moves around the form and an attractive building design that compliments the Crescent Plaza building while creating an urban edge for the street.







Illustrative Image of Building Stepbacks along Woodmont Avenue

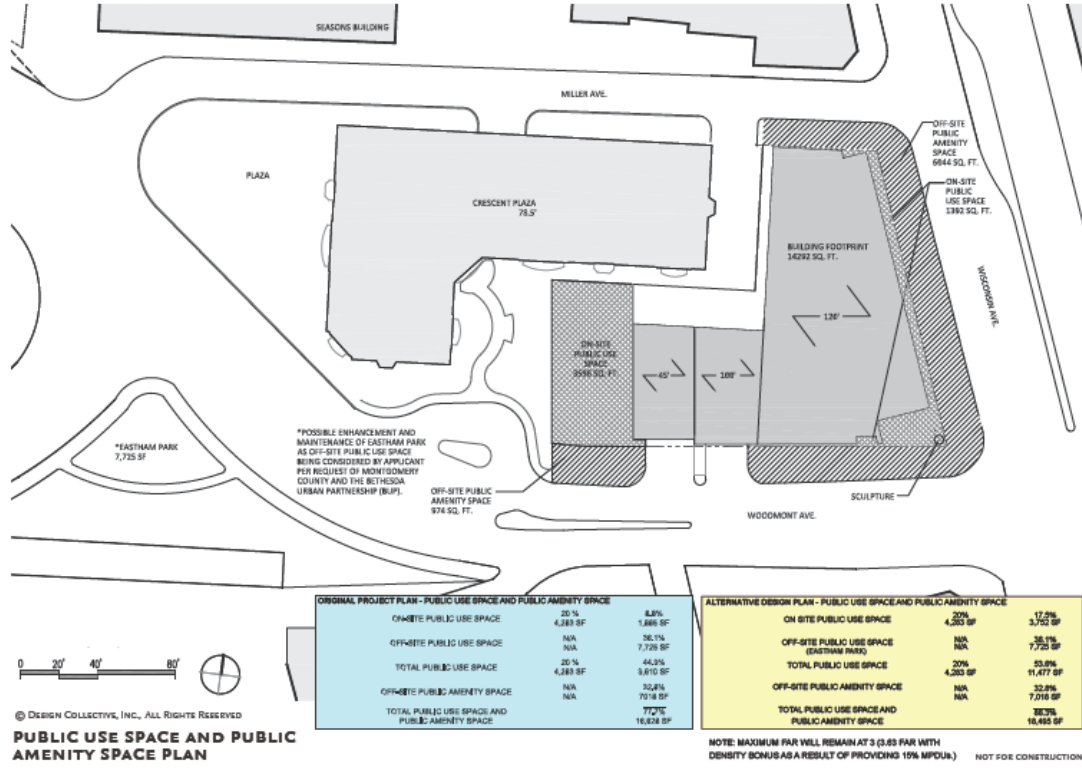


*View from the intersection of Woodmont and Wisconsin Avenues*





Illustrative View from the Southwest Corner from Woodmont Avenue



**DESIGN COLLECTIVE**

PROJECT PLAN  
 POST DRC SUBMISSION  
 SEPTEMBER 24, 2012  
 ALTERNATIVE DESIGN PLAN

OWNER / DEVELOPER  
**WASHINGTON PROPERTY COMPANY**

CONSULTANTS  
**BOHLER ENGINEERING**

PROJECT ADDRESS  
**7100 WISCONSIN AVE  
 BETHESDA, MD 20814**

PROJECT NAME  
**7100 WISCONSIN AVE**

APPLICATION NUMBER  
**920330010**

SHEET NUMBER  
**B5**

Plan View of the Public Use Space





*Illustrative View of Public Use Space*



SHAMROCK INKBERRY HOLLY



SNOWFLAKE OAKLEAF HYDRANGEA



DWARF FOUNTAIN GRASS



AUTUMN JOY SEDUM



LITTLE GEM CANDYTUFT



RUSSIAN SAGE

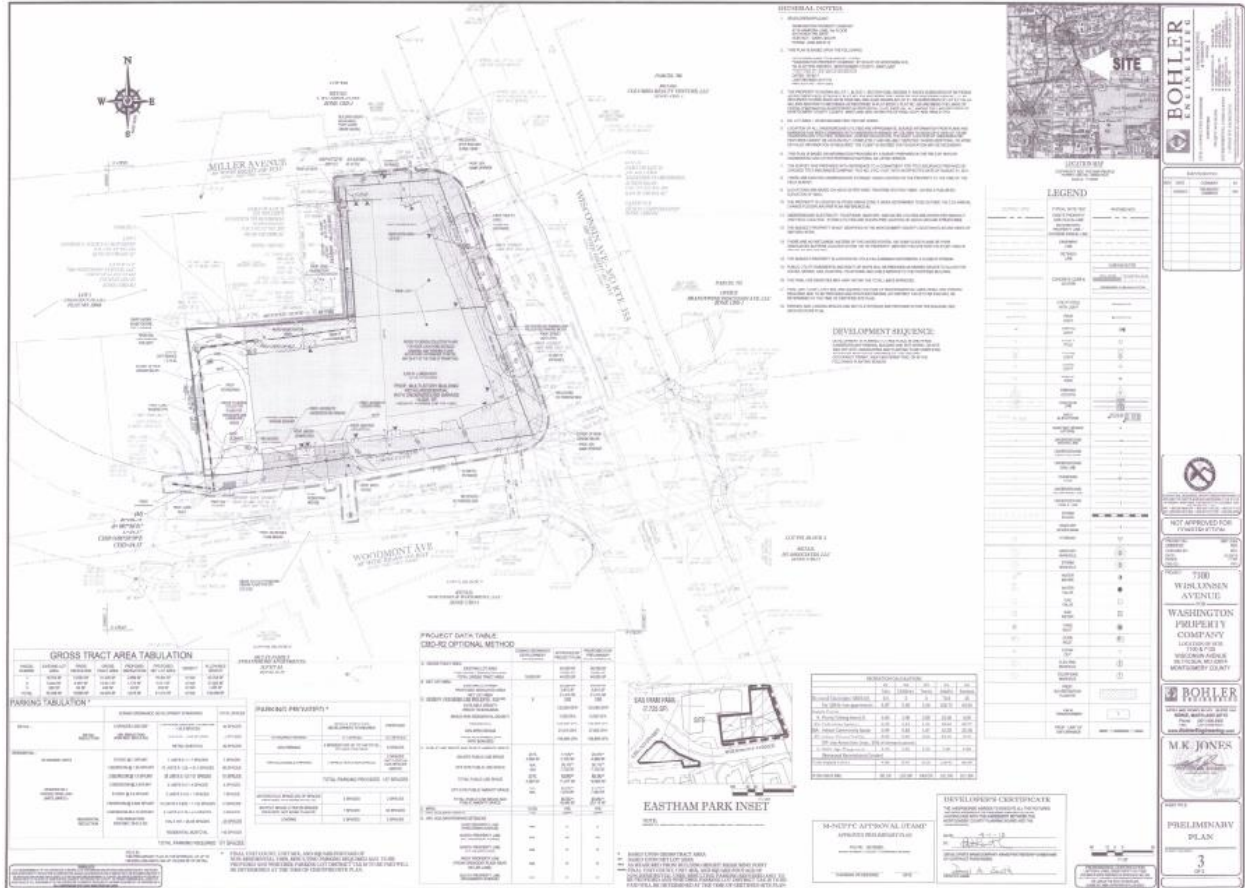


7100 WISCONSIN  
EASTHAM PARK ENLARGEMENT PLAN  
February 4, 2013  
DESIGN COLLECTIVE

*Illustrative Rendering of Eastham Park*

Subdivision of Land

The preliminary plan proposes to subdivide three existing parcels into one lot for a mixed-use multi-family building. In addition, the preliminary plan proposes to dedicate right-of-way along Wisconsin Avenue. No additional dedication is required for Woodmont and Miller Avenues.



*Preliminary Plan*

**ANALYSIS AND FINDINGS**

**Preliminary Plan**

**Conformance to the Master Plan**

The Application substantially conforms to the goals, recommendations, and design guidelines of the Bethesda CBD Sector Plan. The Sector Plan recommends a maximum density of 3 FAR and a maximum building height of 75 feet, which can be increased to accommodate affordable housing and associated density bonus according to the provisions of Section 59-D-2.42 of the Zoning Ordinance.



The Sector Plan recommends that the height of buildings on this site be limited to 75 feet (Pages 124 and 127). This reflects the overall Sector Plan concept for Urban Form (pages 37-40) that directs the tallest buildings to be located in the center of the CBD. Height is then to step down outward to the edges of the CBD as it approaches the adjacent existing single family neighborhoods

The Application is for a building of up to 120 feet, primarily along the Wisconsin Avenue property frontage. The length of the building is reduced along Woodmont Avenue, effectively eliminating volume and mass in one place and shifting it to another. The building starts at a height of 45 feet, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue. This creates a more compatible relationship with the existing Crescent Plaza residential building, and allows more light, air and privacy for residents of the Crescent Plaza, and of the future 7100 Wisconsin building. This configuration also allows a greater number of residents of the Crescent Plaza to maintain views to the south of nearby neighborhoods. The average height along the Woodmont Avenue frontage is 87'. Numerically, this is a modest increase.

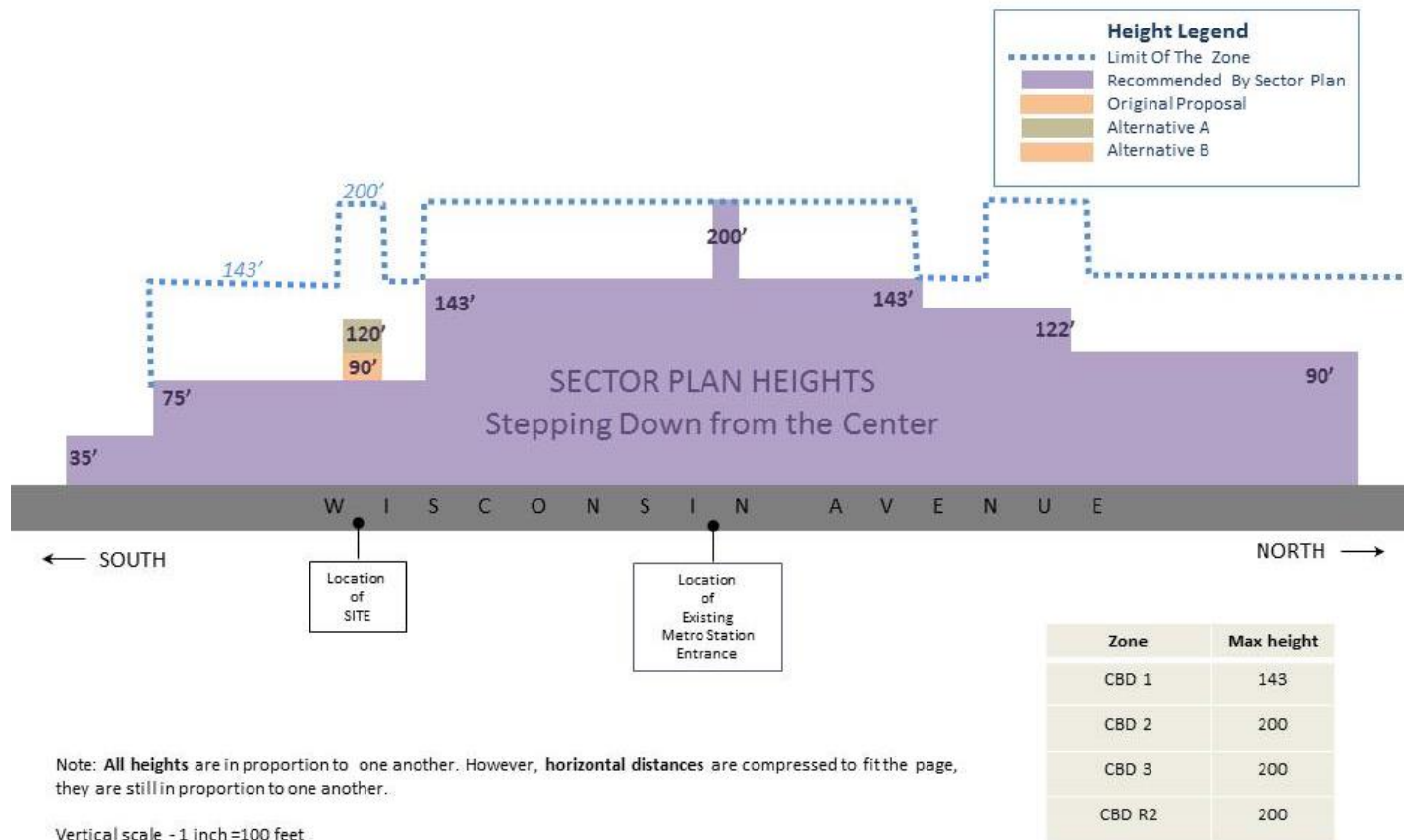


Image showing the Sector Plan Height limits (purple) and the zoning height limits (blue dots). The location of the proposed building is in brown.

This configuration successfully achieves the intended goals and objectives of the Sector Plan; however, it is not a strict interpretation of the Sector Plan recommendation for height. The Sector Plan recommends 75 feet for several blocks along south Wisconsin Avenue, in order to step down from core to the edge. The building height still achieves a general stepping down. Its tallest portions are close to the Core and its taller heights. Its lowest portions are closest to the existing one family neighborhood outside the CBD diagonally across Woodmont Avenue. The Application achieves greater compatibility with the Crescent Plaza next door by rearranging the same yield using different volumes. The proposal therefore still provides just as much residential use including 15% MPDUs which contributes to housing choices.

While the Application exceeds both the height and density limits in the master plan, the zoning ordinance pursuant to Section 59-D-2.42 allows an increase in both FAR and height above a master plan recommended limit to accommodate Moderately Priced Dwelling Units and bonus density.<sup>1</sup> The development is found to conform to the intents and requirements of the zone relative to the Sector Plan.

### **Public Facilities**

The site currently has access points on Miller Avenue (one full-movement driveway), Wisconsin Avenue (two right-turn in/right-turn out driveways; southbound direction only), and Woodmont Avenue (two full-movement driveways). Vehicular ingress/ egress to/ from the proposed on-site private residential garage will be limited to a right-turn in/ right-turn out driveway off Woodmont Avenue located on the southwest corner of the property. Pedestrian/ bicyclist access to the site will be provided primarily along Wisconsin Avenue and Woodmont Avenue. The immediate area is well served by transit and includes the Red Line Bethesda Metrorail Station (located approximately 0.3 mile or 1,700 feet to the north of the site) served by Metrobus, RideOn, and the Bethesda Circulator. Future transit in the area includes a proposed Purple Line station and a second entrance to the Metrorail station, both of which are located to the north of the Site. RideOn Route 34, between Wheaton Metro Station and Friendship Heights Metro Station, currently runs along Wisconsin Avenue and has stops adjacent to the Site.

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

The 1994 *Bethesda CBD Sector Plan* has the following master-plan facilities along property frontage:

1. Wisconsin Avenue, to the east of the site, as a six- to eight-lane divided major highway (M-6) with a minimum right-of-way width of 114 feet.

---

<sup>1</sup> Section 59-D-2.42

2. Miller Avenue, to the north of the site, as a two-lane business street with a minimum right-of-way width of 50 feet.
3. Woodmont Avenue, to the south of the site, as a two-lane arterial (A-68) with a minimum right-of-way width of 80 feet.

Immediately to the southwest of the Site, the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan* recommends bike lanes along Woodmont Avenue (BL-6) between Battery Lane to the north and Strathmore Street to the south and along Strathmore Street from Woodmont Avenue to Bradley Boulevard. The Capital Crescent Trail (SP-44) is to the north (along Bethesda Avenue) and to the west of the site.

#### Adequate Public Facilities Review

A traffic study (dated April 23, 2013) was submitted with the application per the *LATR/TPAR Guidelines* since the proposed development was estimated to generate **30** or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study evaluated the scope of the proposed development and determined traffic-related impacts on nearby roadway intersections during the weekday peak periods.

#### **Trip Generation**

The peak-hour trip generation estimate for the proposed 7100 Wisconsin Avenue development was based on Bethesda CBD trip generation rates included in the *LATR/PAMR Guidelines*. A site trip generation summary is provided in Table 1, which shows that the density proposed on the site will generate 40 net new peak-hour trips during weekday morning peak period and 49 net new peak-hour trips during weekday evening peak period.

#### **Local Area Transportation Review**

A summary of the weekday peak-hour Capacity and Critical Lane Volume (CLV) analysis is presented in Table 2. According to that analysis, CLV values for intersections in the study area following project build-out are estimated to be well below the Bethesda CBD congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the subject application satisfies the LATR requirements of the APF test.

#### **Policy Area Mobility Review**

Since the proposed development is within the Bethesda CBD Policy Area, the project is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy.

As a result, the proposed development is not required to pay transportation impact tax to satisfy the TPAR requirement.

*Conclusion*

Staff concludes that the proposed development satisfies the *LATR and TPAR requirements* of the APF review and will provide safe, adequate, and efficient vehicular and pedestrian access.

**TABLE 1  
SUMMARY OF SITE TRIP GENERATION  
PROPOSED 7100 WISCONSIN AVENUE DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
<b>Existing</b>						
Gas Station (10 Pumps)	30	29	59	42	47	89
Gas Station (Primary Trip Credit) <sup>1</sup>	(5)	(4)	(9)	(6)	(7)	(13)
<b>Proposed Development (CBD Rates)</b>						
High Rise Apartments (145 DUs)	9	35	44	29	15	44
Retail (7,000 SF)	3	2	5	9	9	18
<b>Proposed Subtotal</b>	<b>12</b>	<b>37</b>	<b>49</b>	<b>38</b>	<b>24</b>	<b>62</b>
<b>Net Increase/Decrease in Peak Hour Trips</b> (Proposed – Existing Credit)	<b>7</b>	<b>33</b>	<b>40</b>	<b>32</b>	<b>17</b>	<b>49</b>

Source: Kimley-Horn and Associates, Inc. Traffic Study dated April 23, 2013.

<sup>1</sup> Credit for existing primary trips

**TABLE 2**  
**SUMMARY OF CAPACITY CALCULATIONS**  
**PROPOSED 7100 WISCONSIN AVENUE DEVELOPMENT**

Intersection	<i>Traffic Conditions</i>					
	<i>Existing</i>		<i>Background</i>		<i>Total</i>	
	AM	PM	AM	PM	AM	PM
Woodmont Ave/ Bethesda Ave	595	749	811	1073	812	1076
Wisconsin Ave/ Woodmont Ave/ Leland St	909	961	1060	1303	1072	1329
Bradley Blvd/ Leland St/ Hillandale Rd	789	755	720	713	720	713
Site Driveway	--	--	--	--	415	821

Source: Kimley-Horn and Associates, Inc. Traffic Study dated April 23, 2013.

Other Public Facilities and Services

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

Environmental Guidelines and Forest Conservation

The subject property is located in the Bethesda CBD within the Willett Branch watershed which is a tributary to Little Falls Branch Stream, a Use I-P<sup>2</sup> watershed. Aside from the watershed the site is not

---

<sup>2</sup> Use I-P:

*WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY*  
*Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.*

associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains steep slopes or specimen trees. There are few street trees along the site ranging in sizes from approximately 8" to 20" diameter at breast height (DBH). London plane trees exist along Wisconsin Ave per the Bethesda streetscape plans (approximately 8" DBH in size) and Bradford pears exist along Woodmont Ave. (approximately 20" DBH in size).

A forest conservation exemption was confirmed for the property on June 14, 2012 and is still valid for the project as currently proposed. The project qualifies for a small property exemption under section 22A-5(s)(1) of the Montgomery County Forest Conservation Law- *an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.*

### **Soils and Potential Remediation Requirements**

A Gas station recently occupied the portion of the site fronting Wisconsin Ave. The same portion of the site has been occupied by service stations for many decades. Due to the previous uses of the property there is potential for underground tanks and/or contaminated soils to be present. The remediation of such areas is outside of the purview of M-NCPPC. However a condition of approval is recommend by Staff that prior to the release of building permits the applicant must provide documentation that the appropriate remediation occurred.

### **Noise**

The project will provide residential units which are located adjacent to major roadway- Wisconsin Avenue (Route 355). Noise levels for affected units will be attenuated by the design and appropriate installation of the building shell (and windows). The proposed pocket park will be located on the west side the building where it would generally be shielded from the noise associated with Wisconsin Avenue. A number of conditions are recommended to ensure the noise levels are appropriately mitigated.

### **Stormwater Management**

The MCDPS Stormwater Management Section approved the stormwater management concept on October 8, 2012. According to the approval letter, the stormwater management concept meets stormwater management requirements using environmental site design to the maximum extent practicable. The full volume of environmental site design is provided using permeable pavement, micro-bioretenion, planter boxes, bio-swales, and dry wells.

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

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the CBD-R2 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The Applicant is requesting a Public Improvement Easement (PIE) in-lieu-of truncation at the intersection of Woodmont and Wisconsin Avenues. A PIE is requested in order to facilitate the underground parking structure and hold the building nearest the corner at the street edge as appropriate in urban settings. The PIE provides the same public benefit by allowing the development to maintain the urban setting while accommodating sight distance, visibility, traffic controls and pedestrian improvements to compliment the streetscape.

Table 4: Preliminary Plan Data Table

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>
Minimum Tract Area	18,000 sq. ft.	0.58 acres (gross) 44,023 sf
Public Use Space	20% Min.	20%
Setbacks		
From Any Public Street	0 ft. Min.	Must meet minimum <sup>1</sup>
Maximum FAR	5.0 <sup>2,3</sup>	3.63
MPDUs	12.5%	15%
TDRs	N/a	N/a
Site Plan Required	Yes	Yes

<sup>1</sup> As determined by MCDPS at the time of site plan.  
<sup>2</sup> Including a 22% density bonus for providing 15% MPDUs.  
<sup>3</sup> Limited to 3.0 FAR per the Master Plan plus density bonus (3.63) .

**Site Plan**

- 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 Application complies with all of the conditions of approval for Project Plan 920130010. The Application is providing a total of 145 multi-family units, including 15 percent MPDUs and a maximum of 6,500 square feet but no less than 6,000 square feet of retail in accordance with the waiver granted by the Board during the project plan. Consistent with the project plan, the building height steps down from a maximum of 120 feet at Wisconsin Avenue, to 100 feet in the center, and then to 45 feet on the west end. The Application increases the amount of public use space by approximately 6 percent from 86.3 to over 93% when off-site public facilities are included. As conditioned, the Application is providing a PIE in-lieu-of truncation at the intersection of Wisconsin/Woodmont to accommodate the typical requirement for dedication. Finally, the Crescent Plaza Condominium provided a letter regarding future coordination, and MCDOT provided a letter supporting the modifications to the public use space and for the improvements to Eastham Park. Both letters were required as part of the project plan approval.

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 site is zoned CBD-R2, which is governed by the development standards in Section 59-C-6.23 of the Montgomery County Zoning Ordinance. The site meets the intent of the CBD-R2 zone by providing high density residential development in the Bethesda Central Business District. The minimum lot size of 18,000 square feet for optional method projects is met. There is no maximum building coverage for optional method projects, but there is a requirement to devote a minimum of 20% of the net lot area to be devoted to public use space. The Application satisfies their public use space requirement by providing a small amount of public use space on-site coupled with enhancements to off-site public spaces within the pedestrian areas of public right of way. The maximum FAR for optional method projects in the CBD-R2 Zone is 5 FAR; however, the Sector Plan recommends a 3 FAR. The proposal is for 3.63 FAR incorporating a 22 percent density bonus, which is well within the range of the zone and supported by the Sector Plan.

The only other development standard for a CBD-R2 optional method project is building height, which normally limits height to 143 feet but may be increased to 200 feet under Section 59-C-6.235(b) of the Montgomery County Zoning Ordinance which states “[if] approved by the Planning Board in the process of site plan ... as not adversely affecting surrounding properties”. Height and density may be increased above that recommended in a Sector Plan to accommodate MPDUs and any bonus density associated with them. This project is recommended in the Sector Plan for 3.0 FAR however with the provision of 15% MPDUs, a bonus density of 0.63 FAR accrues to the



project. <sup>3</sup> Therefore, the height of the building may increase to accommodate MPDUs on site plus the number of bonus density units. The additional height does not adversely affect the surrounding properties. The zoning ordinance makes no requirement for a finding of measured proportionality but more importantly, does continue to require consistency with the Sector Plan. As discussed in the Master Plan Section in the Preliminary Plan, the proposed development is consistent with the Sector Plan.

As the data table shows, all of the requirements of the zone are met by the subject site plan. Because this project is within a Parking Lot District, parking spaces are not required to be provided on site. Nevertheless, parking calculations have been estimated and will be finalized at certified site plan.

Development Standard	Permitted/ Required	Approved with Project Plan	Proposed for Site Plan
Max. Building Height (feet)	143	120 <sup>4</sup>	120
Min. Setback (feet)			
▪ East Property Line Wisconsin Avenue	n/a	5	7
▪ North Property Line at Crescent Plaza	n/a	14	16
▪ North Property Line at Miller Lane	n/a	0	0
▪ West Property Line from Crescent Plaza near Miller Lane	n/a	5	5
▪ South Property Line Woodmont Avenue	n/a	0	0

<sup>3</sup> 59-D-2.42 (1) to permit the construction of all MPDUs under Chapter 25A, including any bonus density units, on-site in zones with a maximum permitted density more than 39 dwelling units per acre or a residential FAR more than .9, a project plan may exceed:

- (A) any dwelling unit per acre or FAR limit recommended in a master plan or sector plan, but must not exceed the maximum density of the zone; and
- (B) Any building height limit recommended in a master plan or sector plan, but must not exceed the maximum height of the zone. The additional FAR and height allowed by this subsection is limited to the FAR and height necessary to accommodate the number of MPDUs built on site plus the number of bonus density units.”

<sup>4</sup> The Planning Board approved a maximum height of 120 feet stepping down to 45 as consistent with the Bethesda CBD Sector Plan

Development Standard	Permitted/ Required	Approved with Project Plan	Proposed for Site Plan
Site Area (square feet)			
Net Tract Area	n/a	21,414	21,414
Dedications	n/a		
▪ -Previous dedication:	n/a	18,694	18,694
▪ -Future dedication:	n/a	3,915	3,915
Gross Tract Area	18,000	44,023	44,023
Max. Density 59-C-6.234(b)iii			
▪ Floor Area Ratio	5.0 <sup>5</sup>	3.63	3.63
▪ Square Footage (sf)		159,584	159,584
▪ Dwelling Units	n/a	145	145
MPDUs (as percent of final unit count)	12.5	15	15
Max. Non-Residential Use	1.0 FAR	1.0 FAR	1.0 FAR
Retail or personal service commercial uses (sf)	7,979 (5% of GFA)	6,000 <sup>6</sup> (3.8% of GFA)	6,500 (4% of GFA)
Public Use Space (%/SF)			
On-Site Public Use Space	20% 4,283	17.5% 3,752 SF	23.2% 4,965 SF
Off-Site Public Use Space (Enhanced Eastham Park)	N/A	36.1% 7,725 SF	36.1% 7,725 SF
Total Public Use Space	20% 4,283 SF	53.6% 11,477 SF	59.3% 12,690 SF
Off-site Public Amenity Space	N/A	32.8%	34.7%

<sup>5</sup> However, the Bethesda CBD Sector Plan recommends 3 FAR.

<sup>6</sup> Footnote No. 3 of the Zoning Ordinance requires that..."In order to provide services to residents and continuity of retail street frontage activity, at least 5 percent of the gross floor area must of retail or personal service commercial uses. During the Project Plan hearing, the Planning Board waived a portion of this requirement upon a finding that full compliance with this requirement is not practical, feasible, or would result in such uses being required on other than the ground or first floor. The Board required a minimum of 6,000 square feet of retail.

Development Standard	Permitted/ Required	Approved with Project Plan	Proposed for Site Plan
		7,018 SF	7,420 SF
Total Public Use Space and Public Amenity Space	20%	86.3% 18,495 SF	93.90% 20,110 SF
<b>Parking</b>			
<b>Retail</b> (6,500 sf)	33 spaces @5/1,000		
-15% reduction per §59-E-3.32	4 spaces		
Retail Subtotal	29 spaces		
<b>Residential</b>			
Studio @1 sp/du (7 x 1 du)	7		
1 Bedroom @ 1.25 sp/du (75 x 1.25)	94		
2 Bedroom @ 1.5 sp/du (34 x 1.5)	51		
3 Bedroom @ 2 sp/du (2 x 2)	4		
MPDU Studio @ 0.5 sp/du (0.5 x 1 du)	1		
MPDU 1 Bedroom @ 0.625 sp/du (13 x 0.625)	9		
MPDU 2 Bedroom @ 0.75 sp/du (7 x 0.75)	6		
-15% reduction per §59-E-3.33	25		
Residential Subtotal	147		
Total Required/Provided	176		86 <sup>7</sup>

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

The multi-family building is situated on the site in a manner that provides urban character for the street fronts along Wisconsin and Woodmont Avenues and provides for a compatible relationship with the adjacent Crescent Plaza building on the block. The location of the building is adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

Open space areas are provided along the building edge on Wisconsin, Woodmont and Miller Avenues. The building edge provides an urban character allowing outdoor seating, dining and street activity. The primary on-site public use space is located on the west side of the building nestled between the adjacent Crescent Plaza building near the western end of this site. The public space will visually expand the green space between the two buildings with direct access from Woodmont Avenue. A commissioned art piece by Alan Binstock is located near the intersection with Woodmont and Wisconsin Avenue to signify the gateway into the CBD from the southern end. These open and public use space areas will be available for recreation for the

<sup>7</sup> Site is within the Bethesda Parking Lot District and will pay the PLD tax for the remainder of the spaces.

residents of the proposed development and the surrounding neighborhood. Eastham park, a remnant of a county right-of-way is also being improved as an off-site amenity. Street trees and lighting are provided to enhance the pedestrian environment. The undergrounding of utilities will provide for a safer pedestrian experience on all three public streets. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties.

Recreation facilities provided for this site plan include picnic/sitting areas in the public use space and along the street, an improved pedestrian system on all property frontages, an indoor community space and indoor fitness facility for the residents. The recreation calculations show compliance with the Recreation Guidelines for the maximum number of units. The Applicant is meeting their demand points through credits from a multi-age playground at Norwood Recreational Park.

<b>Recreation Calculations</b>						
	<b>D1</b>	<b>D2</b>	<b>D3</b>	<b>D4</b>	<b>D5</b>	<b>Totals</b>
	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>	
<b>Demand Points</b> (per 100 du)	4	4	4	77	46	
-For 145 hi-rise apartments	5.80	5.80	5.80	111.65	66.7	195.75
<b>Supply Points</b>						
-Picnic/Sitting Area (3)	3.0	3.0	4.5	15.0	6.00	31.50
-Pedestrian System	0.58	1.16	1.74	50.24	30.02	83.74
-Indoor Community Space	0.58	0.87	1.74	33.50	26.68	63.37
-Indoor Fitness Facility	0.00	0.58	0.58	22.33	10.01	33.50
Total On-Site Supply	4.16	5.61	8.56	121.07	72.71	203.68
<b>Off-Site Amenities (max. 35% credit)</b>						
-Multi-age Playground (Norwood Rec. Center)	2.03	2.03	2.03	7.0	1.0	14.09
Total Supply Points	6.19	7.64	10.59	128.07	73.71	226.20
% Demand Met	107%	132%	183%	115%	109%	

The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Vehicular circulation around the site will be better because the two access points currently serving the former gas station from Wisconsin Avenue , and to the surface parking lot, will no longer be needed to this site will be consolidated and limited to one location on Woodmont Avenue. The development is limited to a right turn in and right

turn out on Woodmont Avenue. Left turns into the site from Woodmont Avenue will be prevented by the lengthening of the median on Woodmont Avenue. Pedestrian circulation will be improved by way of enhancements to the pedestrian realm of the public right-of-way. In addition, the Capital Crescent Trail is nearby as is a north south bikeway that runs along Strathmore Lane to Wisconsin Avenue. The addition of up to 145 dwelling units in this location and the enhancements to the pedestrian realm by way of streetscape and undergrounding utilities support this finding.

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

The Application is compatible with the Crescent Plaza building and with surrounding adjacent development. This is achieved by reducing the height of the building that faces the south side of Crescent Plaza and by shortening the building to create more open space. This opens up views and provides more light and air.

The building mass rises up to 120 feet with its height and massing predominately located on Wisconsin Avenue, while offering a lesser degree of massing along Woodmont Avenue. As a result, the Woodmont Avenue section starts with a height of 45 feet, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue. This creates a more compatible relationship with the existing Crescent Plaza residential building, and allows more light, air and privacy for residents of the Crescent Plaza, and of the future 7100 Wisconsin building. This configuration also allows a greater number of residents of the Crescent Plaza to maintain views to the south of nearby neighborhoods. The average height along the Woodmont Avenue frontage is 87 feet.

Additional design features are characterized by distinct volumes that produce a better relationship with Crescent Plaza and hold the corner of Wisconsin and Woodmont Avenues as a gateway into the southern area of Bethesda. The façade on Wisconsin Avenue is glazed and organized by a series of bay windows and balconies. The retail storefronts along Wisconsin will activate the streetscape. The Woodmont Avenue façade is broken into three segments; a base, middle section and top to mitigate the perceived height of the building and to allow for views from the existing building. The design solution maximizes natural light and breaks up the sun/shade patterns on the nearby uses.

The proposal for residential also compliments the surrounding residential uses including 15% MPDUs, which contributes to housing choices and is more compatible with the general neighborhood.

The design provides a desirable relationship between the proposed building and the existing building, Crescent Plaza. The proposal currently shows a separation between the existing and the new building of 30 feet. The Application provides an appropriate transition from the edge of the Central Business District where it is located, to the existing one-family neighborhood in an adjacent area which is diagonally across Woodmont Avenue to the southwest. The proposal also improves vehicular and pedestrian circulation around the site and to the nearby retail services and transportation hubs.

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.*

A forest conservation exemption was confirmed for the property on June 14, 2012 and is still valid for the project as currently proposed. The project qualifies for a small property exemption under section 22A-5(s)(1) of the Montgomery County Forest Conservation Law- *an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.*

The MCDPS Stormwater Management Section approved the stormwater management concept on October 8, 2012. A stormwater management concept has been submitted for review by the Montgomery County Department of Permitting Services and will address best management practices for on-site runoff and treatment according to the County stormwater regulations.

## **CITIZEN CORRESPONDENCE AND ISSUES**

The applicant has complied with all submittal and noticing requirements. As of the date of this staff report, staff received one email regarding the construction impacts as they relate to the cumulative impacts to the block and nearby activity at Lot 31. The applicant will be required to submit a traffic control plan addressing construction traffic and temporary circulation on Woodmont and Miller Avenue. A number of letters were received during the project plan with respect to the building height and proximity of the new building. Staff did not receive any letters from the residents with these applications. Staff did receive a letter from the Crescent Plaza regarding future coordination efforts (Attachment C) and from Montgomery County Department of Transportation, as conditioned by the project plan, regarding improvements to Eastham park (Attachment D).

## **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Bethesda CBD Sector Plan. Access

and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

The site plan for the mixed-use development meets all of the requirements of the zone, provides building, open space, landscaping, public use space and circulation system locations that are adequate, safe, and efficient, are compatible with existing and proposed adjacent development, and meet all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection.

### **Attachments**

Attachment A – Project Plan Resolution

Attachment B – Agency Correspondence

Attachment C – Letter from Crescent Plaza

Attachment D- Letter from MCDOT regarding Eastham park

Attachment E-Letter from Applicant



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

MCPB No. 12-152  
Project Plan No. 920130010  
7100 Wisconsin Avenue  
Date of Hearing: November 1, 2012

FEB 18 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 August 2, 2012, Washington Property Company ("Applicant"), filed an application for approval of a project plan for 159,584 square feet of mixed-use development comprised of up to 145 dwelling units and 7,000 square feet of retail on 0.58 acres of CBD-R2 zoned-land, located at 7100 Wisconsin Avenue in the northwestern quadrant at the intersection of Woodmont and Wisconsin Avenues ("Subject Property"), in the Bethesda CBD Sector Plan ("Master Plan") area; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920130010, 7100 Wisconsin Avenue ("Application" or "Project Plan"); and

WHEREAS, The Application consisted of two separate plans for the same amount of development, i) the *Proposed Development* illustrating a 90-foot tall building of uniform height, mass and form but with less on-site public use space, and ii) the *Alternative Plan* illustrating a building with a smaller footprint and more public use space, with height stepping from 120 feet predominately along Wisconsin Avenue to 45 feet along Woodmont Avenue and adjacent to the existing Bethesda Crescent building; 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 October 19, 2012, setting forth its analysis and recommendation for approval of the *Alternative Plan*, subject to certain conditions ("Staff Report"); and

---

Approved as to  
Legal Sufficiency:

A handwritten signature in black ink, appearing to be "C. W. Smith", with the date "2/4/13" written next to it.

M-NCPPC Legal Department  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org



WHEREAS, on November 1, 2012, 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, on November 1, 2012, the Planning Board voted to approve the *Alternative Plan* as set forth in the Application<sup>1</sup>, subject to conditions on motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board APPROVES Project Plan No. 920130010 for 159,584 square feet of mixed-use development comprised of a maximum of 145 dwelling units and a minimum of 6,000 square feet of retail, including a waiver of the gross floor area to be devoted to retail or personal service commercial uses<sup>2</sup> on the Subject Property, subject to the following conditions:<sup>3</sup>

1. Development Ceiling

The development is limited to a maximum of 159,584 square feet of gross floor area, including a minimum of 6,000 square feet of non-residential and 153,584 square feet of residential uses.

2. Building Height and Mass

The development is limited to the building footprint as delineated in the Project Plan drawings submitted to the M-NCPPC dated September 24, 2012 for the Alternative Plan that steps down from a maximum of 120 feet at Wisconsin Avenue, to 100 feet in the center, and then to 45 feet on the west end, unless modified at site plan review.

3. Housing

The Applicant must provide a minimum of 15 percent of the total number of units as Moderately Priced Dwelling Units ("MPDUs"), in accordance with Chapter 25A of the Montgomery County Code.

---

<sup>1</sup> With the Planning Board's approval of the Alternative Plan, those provisions in the Application that are limited to the Proposed Development are deemed denied. Therefore, all references hereinafter to Application or Project Plan shall be to the Alternative Plan.

<sup>2</sup> The Planning Board approved a waiver pursuant to §59-C-6.234(iii)(A) of the Montgomery County Zoning Ordinance requiring a minimum of 5 percent or 7,979 square feet of the gross floor area to be retail or personal service commercial uses. The Planning Board approved the waiver for a minimum of 6,000 square feet of retail or personal service commercial uses.

<sup>3</sup> 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.

4. LEED Certification

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

5. Transportation

- a. The Applicant must limit future development on the site associated with this Application to a maximum of 145 multi-family residential units and 6,000 SF of ground-floor retail

The Applicant must satisfy requirements of the APF test required under the regulatory requirements in effect at the time of the filing of the preliminary plan application.

- b. The Applicant must dedicate and show on the final record plat the following rights-of-way along the Subject Property frontage consistent with the Master Plan:
- i. Wisconsin Avenue – minimum of 57 feet from the roadway right-of-way centerline.
  - ii. Miller Avenue – minimum of 25 feet from the roadway right-of-way centerline.
  - iii. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline.
- c. The Applicant must provide corner truncation within the northwest corner of Wisconsin Avenue and Woodmont Avenue to the extent determined at the time of preliminary plan. If a full corner truncation is not required, then the full truncation area that would have otherwise been required may instead require a Public Improvement Easement (PIE) to implement any future modifications within this Wisconsin Avenue/Woodmont Avenue corner.
- d. The Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and the Montgomery County Department of Transportation ("MCDOT") to participate in the Bethesda Transportation

Management District ("TMD") and must execute the TMAg prior to the release of any new building permit for development on the site.

- e. The Applicant, as part of the TMAg or separately, must investigate locating a bike share station on the site or in close proximity to the site in coordination with MCDOT.

**6. Public Use Space, Amenities and Facilities**

- a. The Applicant must provide a minimum of 17.5% of the net lot area for on-site public use space and a minimum of 36.1% of the net lot area for off-site public use space for the enhancement of Eastham Park. The final design and details will be determined during site plan review.
- b. The Applicant must provide a minimum of 32.8 % of the net lot area for public amenity space, including but not limited to the area along Woodmont Avenue adjacent to the Crescent Plaza.
- c. The public use space must be easily and readily accessible to the general public and available for public enjoyment.
- d. The Applicant must present the final public artwork to the Art Review Panel for comment prior to approval of the site plan.
- e. Prior to the submittal of the site plan application, the Applicant must provide a letter of agreement from the Bethesda Crescent Condo Association Board for the use and redesign of their public use space.
- f. Prior to the submittal of the site plan application, the Applicant must provide a letter from Montgomery County agreeing to the enhancements to Eastham Park, which is in the County-owned right-of-way. The letter must also address the maintenance responsibilities of the County property.

**7. 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, including the implementation of the consolidated public use space improvements and the enhancements to Eastham Park, prior to issuance of the final residential 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.

**8. Maintenance and Event Management Organization**

Prior to issuance of use-and-occupancy permits, the Applicant must create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another entity.

9. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan Approval

- a. 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.
- b. The Applicant must present preliminary and final public art and amenity concepts to the Art Review Panel prior to approval of the site plan.
- c. On behalf of the Crescent Plaza, the Applicant must amend the site plan for the Crescent Plaza development for the modifications to the public use space. The amendment may be processed as an Administrative Amendment.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920130010, 7100 Wisconsin Avenue stamped received by M-NCPPC on September 24, 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<sup>4</sup>, 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.*

Intents and Purposes of the CBD Zones

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 master 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."*

The Application substantially conforms to the Master Plan with respect to height, affordable housing and density.

The CBD-R2 zone allows for a height of 143 feet and a 5.0 floor area ratio ("FAR"); however, the Master Plan recommends a maximum 3.0 FAR and a maximum height of 75 feet for the Subject Property. The Zoning Ordinance

---

<sup>4</sup> Unless otherwise indicated, Section references are to the Montgomery County Zoning Ordinance.

permits an increase in FAR and building height is permitted by providing additional affordable housing.

The Master Plan recommendation of 75 feet reflects the overall Master Plan concept for urban form that directs the tallest buildings to be located in the center of the central business district ("CBD"). Height is then to step down outward to the edges of the CBD as it approaches the adjacent existing one-family neighborhoods.

The building starts at a height of 45 feet along the Woodmont Avenue frontage, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue. The increase in height reduces the overall length of the building, effectively eliminating volume and mass in one place and shifting it to another. This creates a more compatible relationship with the existing one-family homes, as well as the existing Crescent Plaza residential building, and allows more light, air and privacy for residents of the Crescent Plaza and of the future residents of the 7100 Wisconsin building.

The Planning Board approved the Application for a building with a maximum height of 120 feet because the building configuration successfully achieves the intended goals and objectives of the Master Plan. The Master Plan recommends 75 feet for several blocks along south Wisconsin Avenue, in order to accommodate a step down from the core to the edge. The Application still achieves a general stepping down with the taller height closer to the Core and its lowest portions closest to the existing one-family neighborhood outside the CBD diagonally across Woodmont Avenue. The Project Plan achieves greater compatibility with the Crescent Plaza building next door by rearranging the same yield using different volumes.

The inclusion of 15% MPDUs contributes to the additional housing choices in the CBD.

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

The Project Plan directly responds to the current market for multi-family units by providing them where the infrastructure, public facilities, and amenities already exist to support their incorporation into the community.

The additional density of the optional method provides an incentive by contributing to a variety of land uses and activities; specifically by providing retail at the street level of a residential building, and by providing highly visible art that enhances the public realm. The Project Plan also provides enhancements to space within the public right-of-way to create a more inviting environment for activities in the public realm. This includes the enhancements to Eastham Park which is located in the County owned public right-of-way.

- (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 Alternative Plan design encourages a desirable relationship between the proposed building and the existing building, Crescent Plaza. The Application currently shows a separation between the existing building and the new building of 30 feet. The Project Plan will provide enhancements in the form of streetscape and undergrounding of utilities that will improve the pedestrian circulation system by increasing its attractiveness and the ease of use. It will provide an appropriate transition from the edge of the CBD where it is located, to the existing one-family neighborhood in an adjacent area which is diagonally across Woodmont Avenue to the southwest. The design will enhance bicycle circulation by providing bike lanes or a marked shared roadway on Woodmont Avenue between County Parking Lot 31 and the crossing of Wisconsin Avenue. Moreover, the Application will improve vehicular circulation by eliminating the existing two access points on Wisconsin Avenue and thereby avoiding conflicts with vehicles travelling south on Wisconsin Avenue. Pedestrian circulation will be improved by creating an uninterrupted pedestrian route on Wisconsin Avenue and by providing the full 20 foot curb to building setback that is appropriate.

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

The Application promotes the effective use of transit facilities within the CBD. The Subject Property is approximately 1,600 feet from the Bethesda Metro Station, with easy access to Wisconsin Avenue and the bus routes. There is a bus stop on the next block of Wisconsin Avenue. The future Purple Line Station and the future south entrance to the Metro Station are two blocks away.

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

Vehicular circulation around the site will be improved due to the elimination of vehicular ingress and egress from Wisconsin Avenue and a consolidated access point from Woodmont Avenue. The development is limited to a right turn in and right turn out on Woodmont Avenue. Left turns into the site from Woodmont Avenue will be prevented by the lengthening of the median on Woodmont Avenue. Pedestrian circulation will be improved by way of enhancements to the pedestrian realm of the public right-of-way. In addition, the Capital Crescent Trail is nearby as is a north south bikeway that runs along Strathmore Street to Wisconsin Avenue. The addition of up to 145 dwelling units in this location and the enhancements to the pedestrian realm by way of streetscape and undergrounding utilities will improve pedestrian and vehicular circulation.

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

The Application provides a variety of housing options, which will attract a range of residents with diverse incomes, including 15% of the total number of units as MPDUs, and a mix of unit types ranging from one to two-bedroom units.

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

The project will ultimately combine three separate parcels representing the remainder of the block bound by Wisconsin Avenue, Woodmont Avenue, and Miller Avenue into one recorded lot. The Project Plan will develop as high rise multi-family units, the most desirable use of the land on this block as recommended in the Master Plan.

### **Requirements of the CBD-R-2 zone**

The data table below lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds that the Application meets all of the applicable requirements of the optional method of development in the CBD-R2 zone.

**DATA TABLE**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
Max. Building Height (feet)	143' 200 <sup>5</sup>	120'
Min. Setback (feet)		
▪ East Property Line Wisconsin Avenue	n/a	5
▪ North Property Line at Crescent Plaza	n/a	14
▪ North Property Line at Miller Lane	n/a	0'
▪ West Property Line from Crescent Plaza near Miller Lane	n/a	5'
▪ South Property Line Woodmont Avenue	n/a	0
Site Area (square feet)		
Net Tract Area	n/a	21,414
Dedications	n/a	
▪ -Previous dedication:	n/a	18,694
▪ -Future dedication:	n/a	3,914
Gross Tract Area	18,000 SF	44,023
Max. Density 59-C-6.234(b)iii		
▪ Floor Area Ratio	5.0 <sup>6</sup>	3.63
▪ Square Footage (sf)		159,584
▪ Dwelling Units	n/a	145
MPDUs as percent of final unit count	12.5%	15%
Max. Non-Residential Use	1.0 FAR <sup>7</sup>	7,000

<sup>5</sup> —If approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties, height may be increased to: 200'.

<sup>6</sup> However, the Bethesda CBD Sector Plan recommends 3 FAR.

<sup>7</sup> Footnote No. 3 of the Zoning Ordinance requires that... "In order to provide services to residents and continuity of retail street frontage activity, at least 5 percent of the gross floor area must of retail or personal service commercial uses. The Planning Board may waive a portion of this requirement during the course of project plan approval upon a finding that full compliance with this requirement is not practical, feasible, or would result in such uses being required on other than the ground or first floor. A hotel or motel up to FAR 1 is permitted. A hotel or motel with up to 3 FAR may be allowed where recommended as appropriate in the relevant sector plan.



Development Standard	Permitted/ Required	Approved by the Planning Board and Binding on the Applicant
Retail or personal service commercial uses (sf)	7,979 (5% of GFA)	7,000 (4.4% of GFA) <sup>8</sup>

*Project Data Table for the CBD-R2 Zone for Required Public Use Space,  
 also showing Additional Open Space and Enhancements*

	Required	Approved
Public Use Space (%) <sup>9</sup>		
On-Site Public Use Space	20% 4,283	17.5% 3,752 SF
Off-Site Public Use Space (Enhanced Eastham Park)	N/A	36.1% 7,725 SF
Total Public Use Space	20% 4,283 SF	53.6% 11,477 SF
Off-site Public Amenity Space	N/A	32.8% 7,018 SF
Total Public Use Space and Public Amenity Space	20%	86.3% 18,495 SF

Under Section 59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

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

<sup>8</sup> The Applicant has submitted a waiver request for an amount less than the 5%

<sup>9</sup> As a percentage of the net lot area after dedication

To this end, the Application is proffering the following package of public use space, amenities and public facilities:

1. Streetscape on Wisconsin Avenue and Woodmont Avenue.
2. 3,752 square feet of on-site public use space adjacent to Crescent Plaza and along the Wisconsin Avenue frontage. The public use space will expand Crescent Plaza green space and widen the sidewalk in front of the building.
3. Enhancements to public property including Eastham Park, which is County-owned right-of-way totaling 7,725 square feet, which qualifies as public amenity space<sup>10</sup>.
4. Eastham Park maintenance in perpetuity through contributions to the Bethesda Urban Partnership.
5. Public art:
  - a. At the corner of the site at Woodmont and Wisconsin Avenues
  - b. Facing Woodmont Avenue on the roll up garage doors.
6. Undergrounding of utilities.

*(b) The development conforms to the Master Plan.*

The Application substantially conforms to the adopted 1994 Bethesda CBD Sector Plan with respect to height, affordable housing and density.

Although the Master Plan recommends that the height of buildings on this site be limited to 75 feet to address compatibility with the neighboring one-family detached community to the south; an increase in height is permitted when an increase in the number of MPDUs is provided. The Master Plan recommends 75 feet for several blocks along south Wisconsin Avenue, in order to accommodate a step down from the core to the edge. The Planning Board approved the Application for a building with a maximum height of 120 feet. The increase in

---

<sup>10</sup> **Public facilities and amenities:** Those facilities and amenities of a type and scale necessary to provide an appropriate environment or to satisfy public needs resulting from, or related to, the development of a particular project, or to support County or State government programs or services. Facilities and amenities may include, but are not limited to:

- (a) green area or open space which exceeds the minimum required, with appropriate landscaping and pedestrian circulation;
- (b) streetscaping that includes elements such as plantings, special pavers, bus shelters, benches, and decorative lighting;
- (c) public space designed for performances, events, vending, or recreation;
- (d) new or improved pedestrian walkways, tunnels, or bridges;
- (e) features that improve pedestrian access to transit stations;
- (f) dedicated spaces open to the public, such as museums, art galleries, cultural arts centers, community rooms, recreation areas;
- (g) day care for children or senior adults and persons with disabilities;
- (h) public art; and
- (i) A publicly owned or operated government facility.

Public facilities and amenities may be recommended or identified in an approved and adopted master or sector plan. Public amenities do not include road improvements or other capital projects that are required under the Adequate Public Facilities Ordinance (APFO) to serve the property.

height reduces the overall length of the building, effectively eliminating volume and mass in one place and shifting it to another. The building, as a result, starts at a height of 45 feet along the Woodmont Avenue frontage, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue.

The increase in height along Wisconsin reflects the overall Sector Plan concept for urban form that directs the tallest buildings to be located in the center of the CBD. The height steps down outward to the edges of the CBD as it approaches the adjacent existing one-family neighborhoods.

- (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 Project Plan is for a building that starts at a height of 45 feet, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue. Height and massing predominately located on Wisconsin Avenue, while offering a lesser degree of massing along Woodmont Avenue creates a compatible relationship with the existing Crescent Plaza residential building, and allows more light, air and privacy for residents of the Crescent Plaza, and of the future residents of 7100 Wisconsin Avenue.

The Project Plan provides an appropriate transition from the edge of the CBD where it is located, to the existing one-family neighborhood in an adjacent area which is diagonally across Woodmont Avenue to the southwest. The Project Plan also improves vehicular and pedestrian circulation around the site and to the nearby retail services and transportation hubs.

The proposal for residential also compliments the surrounding residential uses including 15% MPDUs, which contributes to housing choices and is more compatible with the general 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.*

Project Plan approval is conditioned on Applicant's entry into a TMAg with the Planning Board and MCDOT to participate in the Bethesda TMD prior to the release of any new building permit for development on the Subject Property. The

Application will not overburden existing public services. 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.

- (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 allow a density of 1.0 FAR (59-C-6.234(a) <sup>11</sup> on this site, a significant change in total density permitted at the zone limit of 5 FAR. The project will develop to 3.63 FAR, which is closer to the 3 FAR recommended in the Master Plan. The requirement for public amenities would be absent and the public use space requirement would be reduced by one-half under a standard method of development. The optional method of development is much more desirable and more efficient for this site because infill development and density at transit hubs is a core value of smart growth.

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

The Application will provide 15% MPDUs which exceeds the 12.5% MPDUs required by Chapter 25A. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review.

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

The Project Plan is located on one existing lot and does not propose any transfers involving public open space or development density.

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

Applicable requirements for forest conservation will be finally determined at site plan. The project received an exemption from preparing a forest conservation

---

<sup>11 1111</sup> The zoning ordinance says that The total FAR for mixed-use development may be exceeded under the special regulations of Sec. 59-C-6.2354

plan; however, a reassessment will be made at the time of site plan review to evaluate the limit of disturbance with greater accuracy, including the offsite improvements, which may result in a requirement for a forest conservation plan.

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

The project is exempt from Chapter 19 water quality resources protection requirements.

A stormwater management concept has been submitted for review by the Montgomery County Department of Permitting Services and their ultimate approval during the site plan review will address best management practices for on-site runoff and treatment according the County stormwater regulations.

- (j) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the Bethesda CBD Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

While the final details of the public open space and amenities will be determined during the review of the site plan, the components and amounts are determined at the time of Project Plan. The Applicant proffered the public use space, amenities and public facilities as discussed above.

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 8 2013~~ (which is the date that this Resolution is mailed to all parties of record); and

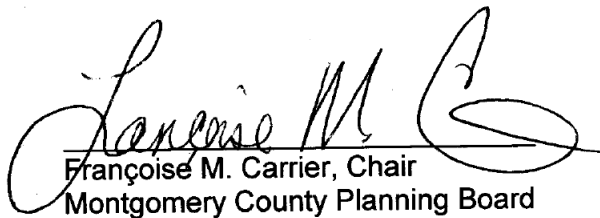
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, January 31, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



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

June 14, 2012

Mr. Daryl South  
Washington Property Company  
4719 Hampden lane, 3<sup>rd</sup> Floor  
Bethesda, MD. 20814

Re: Forest Conservation Exemption # 42012184E; Washington Property Group;  
Existing Conditions plan

Dear Mr. South

This letter is to inform you that your request for an exemption from submitting a forest conservation plan 42012184E, Existing Conditions plan, is **confirmed**. This plan submitted on May 31, 2012 is in compliance with Chapter 22A-5 (s)(1) of the Forest Conservation Law. This exemption covers an activity conducted on a tract less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance. The property owner, construction superintendent, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4581 or at david.wigglesworth@montgomeryplanning.org .

Sincerely,

A handwritten signature in cursive script that reads "David Wigglesworth".

David Wigglesworth  
Sr. Planner  
Development Applications & Regulatory Coordination Division

CC: 42012184E  
Matthew K. Jones (Bohler Eng.)



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

June 17, 2013

Richard Y. Nelson, Jr.  
Director

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

Re: 7100 Wisconsin Avenue  
Preliminary Plan No. 120130200  
Site Plan No. 820130230

Dear Mr. Kronenberg:

The Department of Housing and Community Affairs (DHCA) has reviewed the proposed Preliminary and Site Plans for the above project. DHCA recommends Approval of the plans, with the following condition, which is stated on the plans:

- At certified site plan, DHCA will need to review and approve MPDU bedroom compositions, locations and unit layouts.

Please note that the Architectural Plans include one more market-rate efficiency unit and one less market-rate three-bedroom unit than indicated in Parking Tabulation on the Preliminary and Site Plans; however, the MPDU bedroom composition is correct in either case, and as noted by the applicant, final unit counts and bedroom mix will be determined at certified site plan.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Elza Hisel-McCoy, M-NCPPC  
C. Robert Dalrymple, Linowes and Blocher LLP  
Heather Dlhopsky, Linowes and Blocher LLP

S:\Files\FY2013\Housing\MPDU\Lisa Schwartz\7100 Wisconsin DHCA Letter 6-17-2013.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

montgomerycountymd.gov/311



240-773-3556 TTY





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

October 8, 2012

Diane R. Schwartz Jones  
Director

Matthew K. Jones, P.E.  
Bohler Engineering  
16900 Science Drive, Suite 104  
Bowie, MD 20715

Re: Stormwater Management **CONCEPT** Request  
for Washington Property Company  
Preliminary Plan #: Pending (920130010)  
SM File #: 243204  
Tract Size/Zone: 0.58 Ac./CBD-R2  
Total Concept Area: 0.87 Ac.  
Lots/Block: 1, 31 & 32 / 1  
Parcel(s): 1-3  
Watershed: Little Falls Branch

Dear Mr. Jones:

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 by the use of green roof technology and a micro-bioretenion planter box. Due to site constraints full ESDv cannot be provided and a waiver is granted for site quantity control.

Please submit a revised stormwater management concept for review and approval. All submissions must be accompanied by a resubmittal application. Concept resubmissions do not require submission of additional review fees. The revised submission must incorporate the following items:

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. Provide easements and covenants for both stormwater BMPs.
7. Use the latest MCDPS design criteria for the micro-biofilter and green roof.

---

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

8. The green roof will be 8 inches and take up 5,500 square feet of the roof area (34%). The green roof is to be designed by a professional with green roof experience.
9. Street improvements are to be treated by a Filtera (or similar type device approved by MCDPS). DOT and DPS (Right of Way Section) must approve the structure as well..
10. The park area (which is considered to be in a different drainage area) is to be replanted, which will be considered as maintenance. No other stormwater maintenance is required for this area.

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

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

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

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

Sincerely,  


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

RRB: tla CN243204 Washington Property Company.DWK

cc: C. Conlon  
SM File # 243204

ESD Acres: 0.58  
STRUCTURAL Acres: 0.0  
WAIVED Acres: 0.58



February 14, 2013

Washington Property Company  
4719 Hampden Lane, 3<sup>rd</sup> floor  
Bethesda, Maryland 20814  
Attention: Mr. Daryl South

Re: 7100 Wisconsin Redevelopment

Dear Mr. South:

This letter is submitted in response to the meeting that we had with you and your consultants on January 28, 2013, at which Washington Property Company ("WPC") presented its conceptual plans for the design of the public use space located on the west side of the 7100 Wisconsin project, directly adjacent to the Crescent Plaza condominium building's front landscaping and building entrance (a copy of the conceptual plans presented at this meeting is attached for reference). We understand that WPC is required as a condition of the 7100 Wisconsin project's Project Plan approval (No. 920130010) to obtain a letter from the Crescent Plaza condominium indicating Crescent Plaza's agreement regarding the conceptual plans for the design of this landscaped space, and our desire to continue working with WPC on detailed design of this space.<sup>1</sup>

It is our understanding that WPC's plans currently propose that the vast majority of the landscaping improvements will be located on WPC's 7100 Wisconsin property, and that the only changes proposed on Crescent Plaza's property are some planting enhancements such as pruning of existing trees and some additional plantings to make the space look unified and to provide seasonal color.

It is also our understanding that WPC will undertake these planting enhancements on Crescent Plaza's property at their sole cost, and that, in addition, WPC will provide funds for the maintenance of the plantings through a one time payment to Crescent Plaza, to be negotiated between the parties. WPC will warrant the survival of said plantings for a period of five (5) years from the date of planting and WPC will prune the existing trees located on the Crescent Plaza property at no expense to Crescent Plaza. Further, it is our understanding that WPC will work with Crescent Plaza to field locate the plantings and species proposed for our property and will hand dig to accomplish any plantings, rather than using mechanized equipment.

This letter expresses Crescent Plaza's desire to continue coordinating with WPC on the design of 7100 Wisconsin's public use space, and it further reflects our support for the conceptual plans presented for the planting enhancements and landscape pruning on Crescent Plaza's property. We understand that moving forward this arrangement and proposed scope of work may require further legal documentation, and we pledge our cooperation in this regard as well.

---

<sup>1</sup> Project Plan Condition #6(e) states: "Prior to the submittal of the site plan application, the Applicant must provide a letter of agreement from the Bethesda Crescent Condo Association Board for the use and redesign of their public use space."



We also understand that there will be a need for construction-related agreements, including easements to accomplish the plantings/pruning, between Crescent Plaza and WPC, and Crescent Plaza will cooperate with WPC as is reasonable, typical, and ordinary for neighboring properties in more urban settings. We look forward to working with WPC as this project continues through design and construction.

Sincerely,

Crescent Plaza, A Condominium

A handwritten signature in blue ink, appearing to read "Lilian Burch", is written over a light blue horizontal line.

Lilian Burch, President

cc: Carolyn Lallemand, Manager

Rebecca D. Walker, Esquire



DEPARTMENT OF TRANSPORTATION

RECEIVED  
0272  
APR 15 2013

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

Arthur Holmes, Jr.  
Director

Isiah Leggett  
County Executive

April 10, 2013

Ms. Francoise Carrier, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 7100 Wisconsin Avenue, Bethesda ("Property") – Eastham Park

Dear Chairman Carrier:

We have been contacted by Washington Property Company ("Developer"), who we understand is proposing to redevelop the Property with a mixed-use project ("Project") consisting of up to 145 multi-family dwelling units and up to 6,500 square feet of non-residential uses, along with parking and on- and off-site amenities. We further understand that as part of Project Plan approval for the Project (Project Plan No. 920130010 – the "Project Plan"), and at the request of the Bethesda Urban Partnership ("BUP"), the Developer agreed to improving, and assume the maintenance of, an area informally known as Eastham Park, consisting of approximately 7,725 square feet and located within the Leland Street public right-of-way just west of its intersection with Woodmont Avenue and just west of the Property. As a prerequisite to filing for site plan approval for the Project, the Project Plan establishes by condition that the Developer must have written authorization from Montgomery County ("County") to allow the Developer to improve and thereafter maintain (or fund the maintenance of) Eastham Park as a public use amenity associated with the approval of the Project (because Eastham Park is located within public right-of-way controlled by the County).

It is our understanding that the Developer is now in the process of pursuing site plan approval for the Project. This letter serves as the County's agreement in concept with the Developer's proposal to upgrade the quality of Eastham Park (as conceptually evidenced in the planting plan attached as Exhibit "A") and thereafter to maintain Eastham Park (or for BUP to maintain Eastham Park with reimbursement from the Developer).

Prior to the Developer performing any work to or within Eastham Park, the Developer must enter into a Memorandum of Understanding or Right of Entry Agreement with the County that will further detail the scope of the Developer's rights and responsibilities relative to Eastham Park. The purpose of this letter is to allow the Developer to tentatively move forward with the

Office of the Director


101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX  
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Ms. Francoise Carrier  
April 10, 2013  
Page 2

site plan application as the Project Plan requires while the County and the Developer negotiate a Right of Entry Agreement that is acceptable to the County. If you have any questions, please feel free to contact the undersigned or Al Roshdieh.

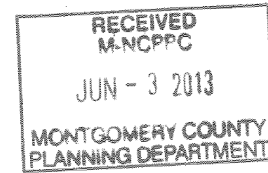
Sincerely,

  
Arthur Holmes, Jr.  
Director

AH:sl

cc: Al R. Roshdieh  
Ken Hartman  
Daryl South  
C. Robert Dalrymple, Esq.  
Heather Dlhopsky, Esq.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW



June 3, 2013

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Heather Dlhopsky**  
301.961.5270  
hdlhopsky@linowes-law.com

**VIA HAND DELIVERY**

Mr. Elza Hisel-McCoy  
M-NCPPC Development Review Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 7100 Wisconsin Avenue – Preliminary Plan No. 120130020 and Site Plan No. 820130230  
(the “Applications”): Post-Development Review Committee (“DRC”) Submission

Dear Mr. Hisel-McCoy:

On behalf of Washington Property Company (the “Applicant”), we are hereby responding to DRC comments received from the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) (dated May 20, 2013) relative to the Applications. The property that is the subject of the Applications is located at 7100 Wisconsin Avenue and 7120 Wisconsin Avenue (collectively, the “Property”), which in total comprises approximately 44,023 gross square feet. The Property is located on the west side of Wisconsin Avenue between Miller Avenue to the north and Woodmont Avenue to the south in the Bethesda Central Business District (the “CBD”). The Property is zoned CBD-R2 (Central Business District, Residential, 2.0), consistent with the recommendation of the Approved and Adopted 1994 Bethesda CBD Sector Plan (the “Sector Plan”).

On November 1, 2012, the Montgomery County Planning Board (the “Planning Board”), approved Project Plan No. 920130010 for the Property (the “Project Plan”) for up to 145 multi-family dwelling units on the Property, including 15% moderately priced dwelling units (“MPDUs”), and at least 6,000 square feet of non-residential uses. Consistent with the Project Plan, the Applicant seeks Preliminary Plan and Site Plan approval for up to 145 multi-family residential units, including 15% MPDUs, up to 6,500 square feet of non-residential uses, underground parking, significant undergrounding and relocation of dry utilities, and on- and off-site public use space and off-site public amenity space (the “Project”).

DRC comments received from M-NCPPC are shown in italics below, followed by the Applicant’s response to each comment; three copies of all revised materials, as noted below, have also been enclosed. In addition, we have enclosed copies of our post-DRC response letters sent to the following agencies for your records: the Montgomery County Department of Housing and Community Affairs, the Montgomery County Department of Permitting Services (“MCDPS”)

\*\*L&B 2400890v1/10361.0067

7200 Wisconsin Avenue | Suite 800 | Bethesda, MD 20814-4842 | 301.654.0504 | 301.654.2801 Fax | www.linowes-law.com

Mr. Elza Hisel-McCoy  
June 3, 2013  
Page 2

Right-of-Way Plan Review Section, the MCDPS Water Resources Section, the MCDPS Zoning Section, the Montgomery County Department of Transportation (“MCDOT”), the Office of the Fire Marshal, and the State Highway Administration. The Applicant is following up with these agencies to ensure that their comments are submitted to M-NCPPC by your deadline of June 17<sup>th</sup>, in sufficient time for the Applications to be scheduled for a July 11<sup>th</sup> Planning Board hearing date.

In response to Preliminary Plan comments:

1. *Clearly identify parcel lines and remove all non-preliminary plan-related data from the sheet.*

The enclosed Preliminary Plan has been revised to clearly identify parcel lines and remove all non-Preliminary Plan-related data from the Preliminary Plan.

2. *If you have not already done so, provide a justification for waiver of truncation.*

The enclosed email communications between the Applicant’s civil engineer and State Highway Administration (“SHA”) Staff indicate that at the time of Project Plan, both M-NCPPC and MCDOT deferred to SHA on whether any truncation would be required at the intersection of Wisconsin Avenue/Woodmont Avenue or Wisconsin Avenue/Miller Avenue, and per Mr. Scott Newill at SHA, no truncation will be required for the Project.

There is safe and sufficient sight distance without the truncation, as well as generous sidewalk area for pedestrian traffic and sufficient area for any proposed utilities and/or traffic devices without the truncation. As such, the truncation is not needed at this location (as was similarly concluded by SHA as noted above). Further, the proposed truncation would create practical difficulties given the unique and unusual circumstances of the Property and the Project. As noted at the time of Project Plan, the Project is located on a very small Property that is uniquely situated in that it is adjacent to three public roadways and the adjacent Crescent Plaza condominium building. As a result, the Property is severely constrained on all four sides, and there is a very small area in which to construct the mixed-use Project to begin with; providing truncation at the intersection of Wisconsin Avenue/Woodmont Avenue or Wisconsin Avenue/Miller Avenue would additionally constrain the Project and is unnecessary. The adjacent public right-of-way widths provide significant and sufficient area for pedestrians and bicycles and any future public streetscape infrastructure needs without requiring truncation.

In conclusion, there are both practical difficulties and unusual circumstances that justify the Planning Board’s approval of the requested waiver of truncation for this Project as explained in detail above. The requested waiver is the minimum necessary to provide relief from the general requirement for truncation in Section 50-26(c)(3) of the Subdivision Regulations; the approval of the requested waiver of truncation is consistent with the General Plan and the Sector Plan; and the



Mr. Elza Hisel-McCoy  
June 3, 2013  
Page 3

approval of the waiver is in the public interest. It will enable the Project to proceed with the desired mixed-use development that will anchor the southern end of the Bethesda CBD with housing, including 15% MPDUs, ground-floor non-residential/retail uses, improved streetscapes, and public use space and public amenities.

3. *Provide a gross tract area exhibit.*

A Gross Tract Area exhibit is included in this submission.

4. *Forest Conservation: The SWM concept shows the Eastham Park within 0.18 acres of LOD.*
- *The forest conservation exemption #42012184E does not include the park LOD; therefore the existing exemption would not be valid for the project, assuming the park LOD is required.*
  - *Since the total disturbance (including the park) still appears to be under 1.5 acres the project would still qualify for an exemption. (File for a new exemption if park LOD is needed.)*
  - *Coordinate with Marco Fuster (301-495-4521).*

Per Note #10 in the attached Stormwater Management Concept approval letter (issued by MCDPS and dated October 8, 2012), Eastham Park is to be partially replanted, and this work is considered maintenance only which does not require any additional stormwater management in this area. As a result, Eastham Park is not located within the Limits of Disturbance (LOD). [The Applicant notes that confusion might have arisen because on a prior submitted plan an LOD line was placed around Eastham Park, but this was only done to demonstrate what the impacts would have been if MCDPS determined that the improvements to the park are to be considered as disturbance. As noted, MCDPS has approved the improvements to Eastham Park as maintenance and replanting only, and determined that there are no other stormwater management requirements for the park area.] As a result, on the Eastham Park Inset on the revised Preliminary Plan and revised Site Plan included with this submission, a note has been added to the plans indicating that Eastham Park improvements are not considered land disturbance per MCDPS.

In response to Site Plan comments:

1. *Locate street trees along Miller Avenue and Woodmont Avenue. It also looks like there might be room for another street tree on Wisconsin Avenue. Please explore.*

The Applicant has added one street tree on Woodmont Avenue, strategically placed to avoid conflicts with sight lines at the intersection of Woodmont Avenue and Wisconsin Avenue, while also avoiding blockage of views and sun exposure to the proposed sculpture at the southeast corner of the Project. Additional planted paving cutouts have been added along Woodmont Avenue as

Mr. Elza Hisel-McCoy  
June 3, 2013  
Page 4

well as the Bethesda CBD standard bench. The addition of street trees on Miller Avenue is impractical due to constraints of proposed and existing utilities there. The same number of street trees on Wisconsin Avenue has been maintained in order to keep views open to corner retail at the intersection of Wisconsin Avenue and Miller Avenue, while also allowing room to provide bike racks in this area adjacent to the curb.

2. *Revisit proposed public use space with regard to desired outdoor eating areas.*

The public use space along Wisconsin Avenue is configured to allow space for outdoor dining possibilities, and the lawn in the on-site public use space located on the west side of the Project adjacent to the Crescent Plaza condominium building provides opportunities for informal picnicking.

3. *Provide continuous level crossing from both sides of the loading/garage entrance.*

Continuous level crossing from both sides of the loading/garage entrance has been provided and is now labeled on both the Preliminary Plan and Site Plan (shown as “flush sidewalk crossing at driveways”).

4. *Coordinate with MCDPS to replace Filterra box on Woodmont Avenue with a street tree.*

The Filterra on Woodmont Avenue has been replaced with a street tree, and a note has been placed on the plans stating: “Proposed Filterra system has been replaced with a standard tree per M-NCPPC comments. MCDPS to confirm there are no issues with this alternative prior to site plan certification.”

5. *Coordinate with MCDOT regarding all non-standard treatments in ROW.*

The Applicant is coordinating with MCDOT on non-standard treatments.

6. *Clarify eastbound pedestrian access to pocket park.*

Pedestrian access to the pocket park is obtained by the curvilinear brick path leading from the sidewalk along Woodmont Avenue. The paving in this area has been widened to provide easier access for eastbound pedestrians.

7. *Clarify pocket park elements on adjacent property.*

Mr. Elza Hisel-McCoy  
June 3, 2013  
Page 5

As shown on Sheet L301, existing plantings on the adjacent Crescent Plaza property will be supplemented to blend with the plantings proposed in the on-site public use space on the west side of the Project.

8. *Remove references to "off-site public use space".*

The approved Project Plan includes provision of 7,725 square feet (36.1% of net lot area) of off-site public use space in the form of the Applicant's proposed planting enhancements to Eastham Park (this requirement is reflected in Project Plan condition of approval #6(a) and in the Project Data Table on page 10 of the Planning Board's resolution approving the Project Plan). As a result, both the Preliminary Plan and Site Plan continue to reflect provision of this off-site public use space.

9. *Provide locations for on-site bike racks. Coordinate with Matthew Folden for the number.*

Ten bike racks have been added to the streetscape (accommodating parking for 20 bicycles), which are shown on Sheet L100.

Thank you for your consideration of the Applications and the enclosed revised materials. This letter and the enclosed materials are fully responsive to all of the M-NCPPC DRC comments as well as all other agencies' DRC comments. As such, we understand that the Applications will be scheduled for a Planning Board hearing on July 11<sup>th</sup>. Additionally, the Applicant will continue to follow up with all agencies to ensure that their comments are submitted to M-NCPPC by your deadline of June 17<sup>th</sup>. Please do not hesitate to contact us if additional information is necessary prior to the Planning Board hearing.

Very truly yours,

**LINOWES AND BLOCHER LLP**

*C. Robert Dalrymple*

C. Robert Dalrymple

*H. Dalrymple*

Heather Dlhopsky

Enclosures

cc: Mr. Daryl South  
Mr. Matt Jones  
Mr. Eric Wohnsigl  
Mr. Ed Papazian

