



AVA Wheaton, Preliminary Plan 120140250 and Site Plan 820140190

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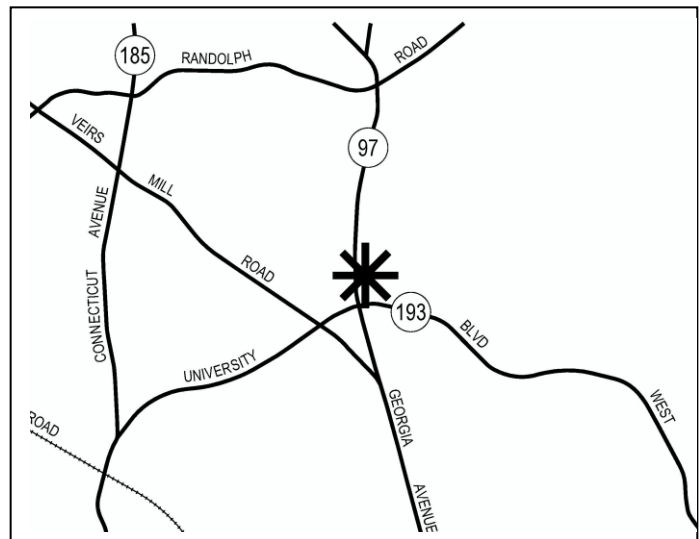
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Completed: 11/21/2014

Description

- Construction of 350,000 square feet of residential development for 324 multi-family dwelling units and a parking garage;
- Current uses: vacant buildings and surface parking lot;
- Located at the northeast corner of the intersection of Georgia and Blueridge Avenues;
- 3.7-acre site zoned CR 4.0, C 3.5, R 3.5 H 100 in the *Wheaton CBD and Vicinity Sector Plan* area;
- Applicant: Avalon Bay Communities, Inc.
- Acceptance Date: July 18, 2014



Summary

- Staff recommends approval with conditions of the Preliminary and Site Plans.
- The Planning Board approved Sketch Plan No. 320140020 MCPB Resolution No. 14-24 dated June 12, 2014.
- Per Section 50-26(c)(3), the Applicant requests a non-standard right-of-way truncation at the intersection of Georgia Avenue and Blueridge Avenue. The Planning Staff supports the finding; MCDOT does not support the request.
- Per Section 49-32, the Applicant requests a modification from the applicable design standard for Elkin Street. The Planning Staff supports the finding; MCDOT does not support the request.
- The application provides dedication along Georgia Avenue for the minimum right-of-way needed to accommodate Bus Rapid Transit recommended in the approved 2013 *Countywide Transit Corridors Functional Master Plan*.
- The project lies within the Wheaton Enterprise Zone and is therefore exempt from impact taxes including school facility payment and transportation fees.
- The application proposes an alternative streetscape along Georgia Avenue than the one prescribed in the *Wheaton Central Business District Road Code Design Standards*. The Planning Staff, Department of Housing and Community Development, Wheaton Urban District and Mid-County Regional Services Center Director support the proposed alternative.

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SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN

Staff recommends approval of Preliminary Plan No. 120140250, subject to the following conditions:

1. Approval is limited to one (1) lot for a maximum of 350,000 residential square feet to allow up to 324 dwelling units, of which a minimum of 12.5% must be moderately-priced dwelling units (MPDUs).
2. The Applicant must dedicate, and show on the record plat the following:
 - a. The Countywide Transit Corridors Functional Master Plan recommended 129-foot right-of-way (64.5 feet from the centerline along the Subject Property frontage) for Georgia Avenue (MD 97) as shown on the Preliminary Plan; and
 - b. The Wheaton CBD and Vicinity Sector Plan recommended 70-foot right-of-way (35 feet from the centerline along the Subject Property frontage) for Blueridge Avenue as shown on the Preliminary Plan.
3. The Applicant must provide the Sector Plan recommended, LB-4, on-street/signed shared bikeway along the north side of Blueridge Avenue.
4. Prior to the first Use and Occupancy Permit being issued, the Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (“MCDOT”) and the Planning Board to help promote alternative modes of transportation and implement traffic reducing Transportation Demand Management strategies such as car sharing and bikesharing that would contribute to achieving and maintaining the non-auto driver mode share (NADMS) goal recommended in the Wheaton CBD and Vicinity Sector Plan. The TMAg will serve as the Applicant’s participation in the Wheaton Transportation Management Organization when it is established.
5. The Planning Board accepts the recommendations of the MCDOT in its letter dated August 15, 2014 and hereby incorporates them as conditions of Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter except Nos. 3 and 4 (modification of road code standard and truncation at Georgia and Blueridge Avenues respectively). This letter may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendation of the Maryland State Highway Administration (MDSHA) in its letter dated August 18, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 - a. The Applicant must satisfy the provisions for improvements as required by MDSHA.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) - Water Resources Section in its letter of stormwater management concept approval dated October 10, 2014. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

8. The Applicant must comply with the Final Forest Conservation Plan (FFCP) approved with Site Plan No. 820140190.
9. No demolition, clearing, grading, or recording of plats can occur prior to Certified Site Plan approval.
10. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment (except the modifications required by these conditions), the Applicant must obtain approval of a Preliminary Plan Amendment prior to approval of the Site Plan.
11. 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 review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
12. All necessary easements must be shown on the Record Plat.
13. 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

Staff recommends approval, with conditions, of Site Plan No. 820140190, for up to 324 dwelling units on 3.7 acres. All site development elements shown on the latest electronic version as of the date of this Staff Report, November 21, 2014, submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan 320140020 as listed in the MCPB Resolution No. 14-24 dated June 12, 2014.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120140250.

3. Forest Conservation & Tree Save

The development must comply with the Final Forest Conservation Plan approved concurrently with this application.

4. Noise Attenuation

- a. Prior to Certified Site Plan approval, the Applicant must submit a noise study to M-CNPPC Staff.
- b. Prior to issuance of the first building permit, the Applicant must provide certification to Planning Staff from an engineer that specializes in acoustical treatment that the building shell for residential units affected by exterior noise levels above 65 dBA, Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 Dba,Ldn.
- c. Prior to release of a Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- d. For all residential dwelling units to be constructed at or above the 65 dBA, Ldn noise contour, the Applicant must disclose in writing to all prospective tenants that those homes are impacted by noise. Such notification will be accomplished by inclusion of this information and any measures to reduce the impacts in all lease agreements, brochures and promotional documents, including: any illustrative site plan(s) on display within any leasing related office(s); with all Deeds of Conveyance; and by inclusion on all Certified Preliminary and Site Plans. Prior to release of a Use and Occupancy Certificate for residents, notification measures must be provided to Montgomery County Department of Permitting Services Site Plan Enforcement (DPS-SPE).

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines, as amended, for each one.

- a. Transit Proximity
- b. Through-Block Connections
 - The development must include a pedestrian connection between Georgia Avenue and Elkin Street as shown on the Certified Site Plan.

- c. Wayfinding
 - The Applicant must coordinate with MDSHA and MCDOT to establish a way-finding circulation system. The Wayfinding Plan may include, but is not limited to internal and external signage, banners, lighting, and design elements. The Wayfinding Plan will be incorporated into the Certified Site Plan. The locations of the proposed signage shall be free of all obstructions and clearly visible from the directed routes.
- d. Dwelling Unit Mix
 - The development must include a minimum of twenty-four (24) efficiency units, twenty-five (25) 1-bedroom units, twenty-five (25) 2-bedroom units, and sixteen (16) 3-or-more bedroom units. Locations of each type of units will be finalized at Certified Site Plan.
- e. Enhanced Accessibility for the Disabled
 - The Applicant must construct seven (7) dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County Standards. Locations of such units will be finalized at Certified Site Plan.
- f. Streetscape
 - The Applicant must construct off-site streetscape along the frontage of adjoining "Lot 8" as shown on the Certified Site Plan.
- g. Structured Parking
 - The development must include all parking spaces in an above-grade parking structure as shown on the Certified Site Plan.
- h. Architectural Elevations
 - The Applicant must construct the exterior architectural binding elements as shown on the Certified Site Plan and must be substantially similar to architectural elevations shown on Sheets A4.10, A4.11, A4.12, and A4.13 of the approved architectural drawings, as determined by M-NCPPC Staff.
- i. Exceptional Design
 - The Applicant must construct the building and site design with visual and functional elements that enhance the character of the setting as shown on the Certified Site Plan.
- j. Public Open Space
 - The development must include a minimum of 3,400 square feet (2% of net lot area) of on-site open space in addition to the minimum public use space required, as shown on the Certified Site Plan.
- k. Building Lot Terminations (BLTs)
 - The Applicant must provide proof of purchase and/or payment of 0.906 BLTs to the Department of Permitting Services (DPS).
- l. Vegetated Wall
 - The Applicant must install and maintain a vegetated wall that covers the north façade of the parking garage as shown in the Certified Site Plan.
- m. Tree Canopy
 - The Applicant must provide a minimum of 4,900 square feet of on-site tree canopy coverage at 15 years of growth through the planting of approximately 27 shade trees in addition to canopy used to satisfy Forest Conservation requirements, as shown on the Certified Site Plan.

- n. Vegetated Area
 - The Applicant must install plantings in a minimum of 12 inches of soil covering a minimum of 5,000 square feet of the site as shown on the Certified Site Plan.
 - o. Cool Roof
 - The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ration of 2:12, and a minimum SRI of 25 for slopes above 2:12.
 - p. Recycling Facility Plan
 - The Applicant must provide a recycling facility plan as shown on the Certified Site Plan, featuring the elements outlined in the application, to be approved by the Division of Solid Waste Services.
6. Public Use Space, Facilities, and Amenities
- a. The Applicant must provide a minimum of 19,400 square feet of public use (16,000 sf) and public open space (3,400 sf) for a total 12% of net lot area on-site as shown on Certified Site Plan.
 - b. Prior to release of Use and Occupancy Certificate for residents, on-site amenities including but not limited to, recreation amenities and public open/use space amenities must be installed.
7. Recreation Facilities
- a. Prior to Certified Site Plan, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to Planning Staff that each required recreational element is in conformance with the approved 1992 M-NCPPC Recreation Guidelines.
 - b. The Applicant must provide at a minimum the following recreation facilities conforming to the 1992 M-NCPPC Recreation Guidelines:
 - Seven Picnic/Sitting areas
 - Pedestrian System
 - Swimming Pool
 - Indoor Community Space
 - Indoor Fitness Facility
8. Maintenance of Public Amenities
- The Applicant is responsible for maintaining and ensuring the long term maintenance of all publicly accessible amenities including, but not limited to, paving, plantings, lighting, benches, tables and bike racks as shown on the Certified Site Plan.
9. Pedestrian & Bicycle Circulation
- a. The Applicant must construct the streetscape improvements along the property's frontage on Georgia Avenue and Blueridge Avenue as shown on the Certified Site Plan.
 - b. The Applicant must widen the existing 4-foot wide sidewalk along the Property frontage of Elkin Street to be 5-foot wide in accordance with the Montgomery County's Context Sensitive Road Design Standards.
 - c. The Applicant must provide 100 private bicycle spaces in a secured, clearly marked, well-lit area dedicated to long-term bicycle parking.

- d. The Applicant must provide 10 public bicycle spaces, which must be inverted-U racks or equivalent approved by Planning Staff. Racks must be identified on the Certified Site Plan with a portion installed near the main entrance.
- e. The Certified Site Plan must delineate a location for a bikesharing station in coordination with MCDOT.

10. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service – Fire Code Enforcement Section in its letter dated November 19, 2014, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by Montgomery County Fire and Rescue Service – Fire Code Enforcement Section provided that the amendments do not conflict with other conditions of Site Plan approval.

11. Building Lot Terminations (BLTs)

Prior to issuance of the first building permit, the Applicant must provide proof of purchase and/or payment of 0.906 BLTs to the Department of Permitting Services (DPS).

12. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A of the County Code.
- b. Prior to issuance of the first building permit, the Applicant must execute the MPDU agreement-to-build with the Department of Housing and Community Affairs (DHCA).
- c. The Planning Board accepts the recommendations of DHCA in its letter dated November 14, 2014, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include 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. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, paths and associated improvements of development.
- c. The bond or surety shall be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.

14. 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.

15. Certified Site Plan

The following revisions must be made and/or information provided subject to Staff review and approval for inclusion on the Certified Site Plan:

- a. Include the Final Forest Conservation Plan approval letter, stormwater management concept approval letter, development program, and Preliminary Plan and Site Plan resolutions in the Certified Site Plan set.
- b. Add a note stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices prior to demolition, clearing and grading".
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Remove unnecessary sheets as identified by Planning Staff.
- e. Make corrections and clarifications to details, calculations, recreation facilities, labeling, data tables, and schedules as needed and directed by Planning Staff.
- f. Ensure consistency of all details and layout between architectural, site, and landscape plans.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The subject site (Site) comprises one parcel and three lots located on the north side of Blueridge Avenue between Georgia Avenue and Elkin Street. It lies within the Blueridge District as identified in the *2012 Wheaton CBD and Vicinity Sector Plan* (Sector Plan). The Site is within walking distance of the Core, Wheaton Regional Park, and nearby residential neighborhoods. The entire Site falls within the ½ -mile radius from the Wheaton Metro Station entrance. The existing 4-story commercial building at the corner of Blueridge Avenue and Elkin Street is not included in this application.

To the west, across Georgia Avenue is a 3-story office building and an auto service shop. To the south across Blueridge Avenue is a retail shopping strip with frontage along Georgia Avenue, a 3-story commercial building, and County-owned, Parking Lot 14. The majority of the northern property line abuts a vacant parcel owned by WMATA. A small portion of the northern property line abuts a garden apartment complex along Elkin Street. To the east, across Elkin Street are more garden apartment buildings owned by Montgomery Housing Partnership (MHP).



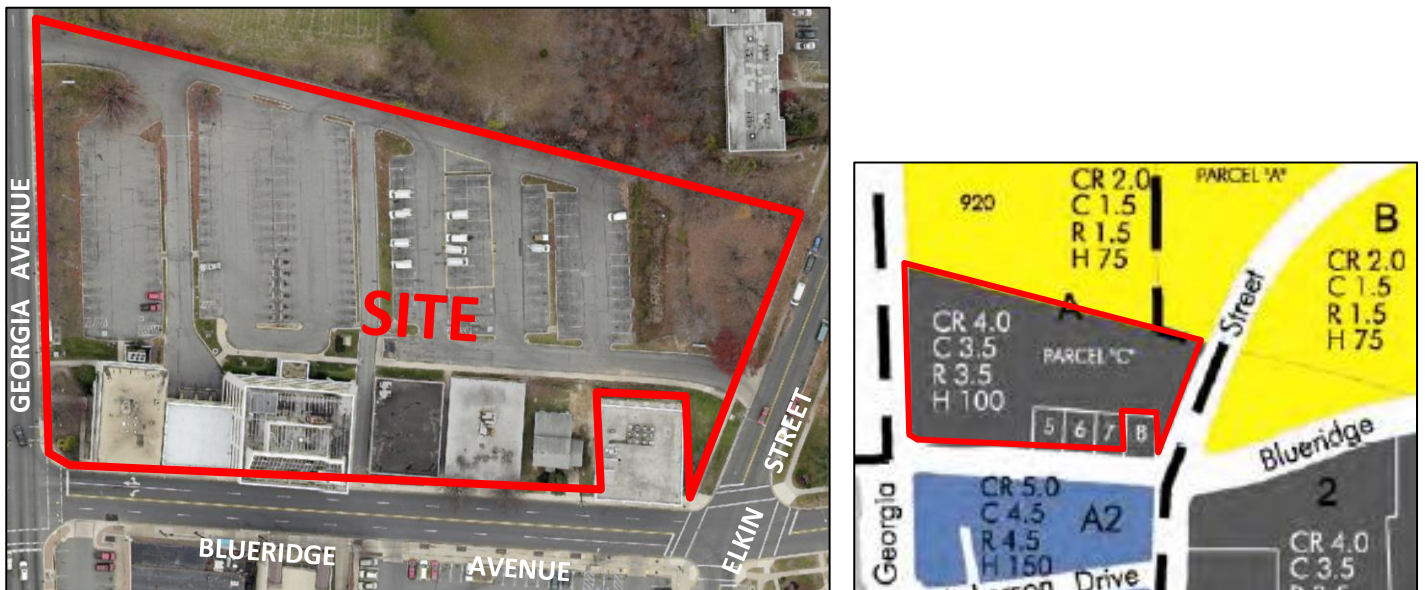
Vicinity Map

Site Analysis

The Site consists of Parcel C and Lots 5, 6, and 7 of the Villa Verde subdivision, all of which are owned by Avalon Bay Communities. The Site is currently improved with four office buildings and surface parking lot. The main office building onsite, 11501 Georgia Avenue, varies in height from a 3-story building on Georgia Avenue to a 7-story building along Blueridge Avenue. 2413 Blueridge Avenue is a one-story building on Lot 5. 2411 Blueridge Avenue is a two-story

building on Lot 6. 2409 Blueridge Avenue is a two-story building with basement on Lot 7. The Site is approximately 3.7 acres and zoned CR4.0: C3.5, R3.5, H100.

The Site is located in the Wheaton Urban District, which is a special taxing district that enables the County to provide services including security, streetscape maintenance, tree maintenance, sidewalk repairs, marketing, and event programming. It is also in the State-designated Wheaton Arts and Entertainment District, which provides property tax credits for building new or renovating existing spaces for qualifying residency artists, or for an arts and entertainment business including live-work space for artists. It is also in a State Enterprise Zone, an economic development program that provides tax incentives to eligible businesses. The southern portion of the Site fronting Blueridge Avenue is within the Wheaton Parking Lot District, which facilitates reduced parking requirements and shared parking strategies.

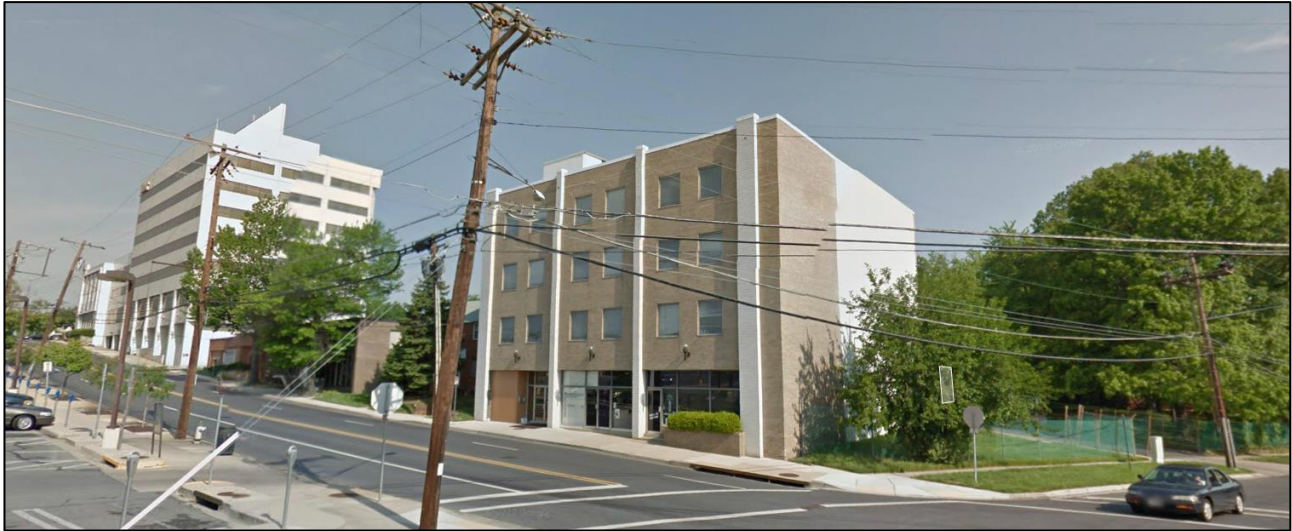


Site Aerial (left) Blueridge District Proposed Zoning- 2012 Wheaton CBD and Vicinity Sector Plan (right)

Staff approved Natural Resource Inventory/Forest Stand Delineation plan (NRI/FSD) #420131840 on June 27, 2013. There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or other environmentally sensitive features on site. The Site has 5 trees between 24" and 30" DBH and 3 trees ≥ 30 " DBH. There is a stormwater management pond on site at the east side of the existing parking lot. There are no known historic properties or features on site. The Site topography slopes from Georgia Avenue to Elkin Street with approximately 40 feet of grade change. The Site is within the Upper Sligo subwatershed of Sligo Creek – a Use I/I-P Watershed.



Street level view from the intersection of Georgia and Blueridge Avenues



Street level view from the intersection of Blueridge Avenue and Elkin Street. Building in the foreground not part of this application



Street level view of frontage along Blueridge Avenue viewed from across Parking Lot 14

SECTION 3: PROJECT DESCRIPTION

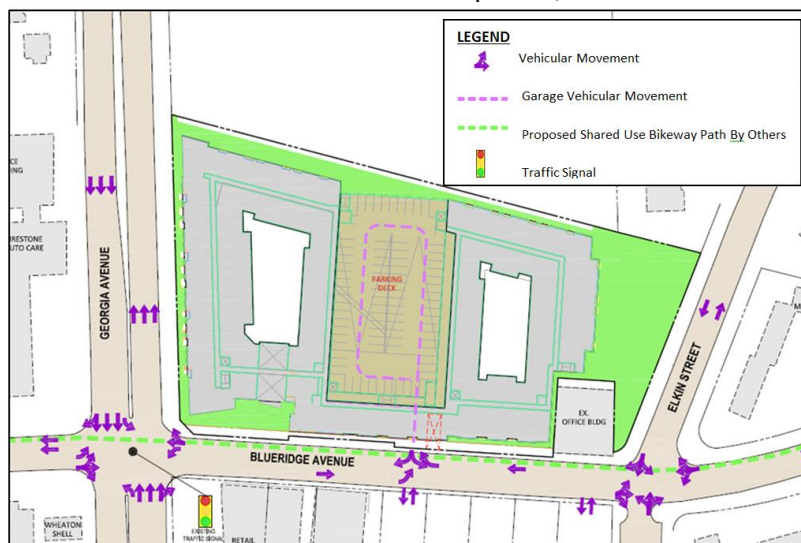
Previous Approval

The Planning Board approved Sketch Plan 320140020 by MCPB Resolution No. 14-24 dated June 12, 2014. This approval established several binding elements on the entire site that are subject to conditions and modification at Site Plan per Section 59-C-15.43(d). The Sketch Plan approved binding elements are as follows:

1. Maximum total density of 460,500 square feet of residential development with a maximum height of 50 feet;
2. The general location of lot and public dedications;
3. General location and extent of public use space;



4. General location of vehicular access points; and



5. Public benefits schedule approved at Sketch Plan.

Public Benefits Schedule	
Public Benefit	Approved Points
Transit Proximity	30
Connectivity and Mobility Options	
Through Block Connection	7
Wayfinding Signage	5
Diversity of Uses and Activities	
Dwelling Unit Mix	5
Enhanced Accessibility	6.5
Quality of Building and Site Design	
Structured Parking	10
Public Open Space	2
Exceptional Design	2.5
Architectural Elevations	5
Protection and Enhancement of the Natural Environment	
Building Lot Terminations	5
Vegetated Wall	5
Tree Canopy	7.5
Vegetated Area	5
Cool Roof	5
TOTAL	100.5

Proposal

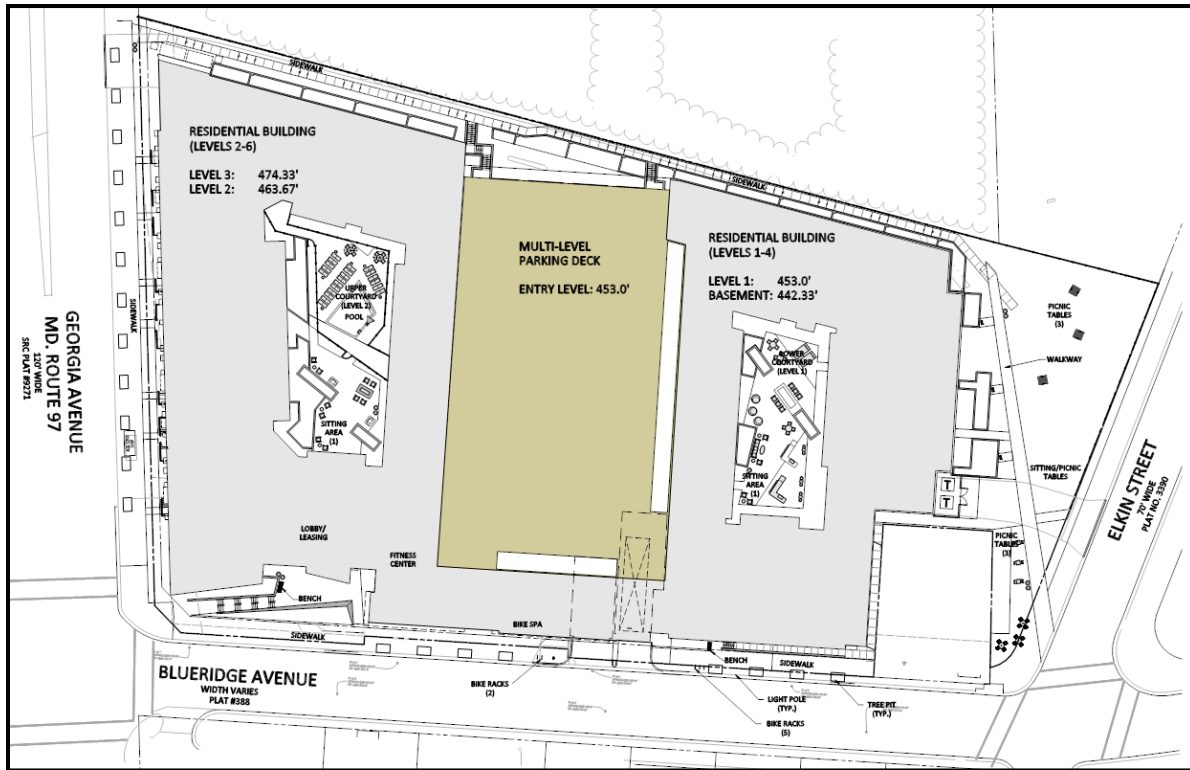
Subdivision

The proposed Preliminary Plan will create one lot to allow for a maximum residential density of 350,000 square feet of residential development with up to 324 residential units. Dedication is required along Georgia Avenue and Blueridge Avenue.

Building

The proposed building closely resembles the approved Sketch Plan. Changes include reconfiguration of the main entryway, addition of a service hall egress along Blueridge Avenue, and two pedestrian connections between the garage and the east-west pedestrian connection.

The building varies in height between four and five stores as it steps down along Blueridge Avenue. Along Georgia Avenue, the building reaches a maximum height of approximately 50'. The proposed parking garage will be visible only from the north as the residential building wraps around it along Georgia Avenue, Blueridge Avenue and Elkin Street. The parking structure has 5.5 floors, accommodating 430 parking spaces.



Proposed site layout



Illustrative building elevations

Open Space and Environment

The proposed open space concept features both public and private spaces. The key public spaces are at the main entrance to the lobby and along Elkin Street. The entry plaza near the intersection of Georgia and Blueridge Avenues will feature ornamental grasses, specimen trees, pavers and monumental stairs all designed and organized to accentuate the lobby area. The open space along Elkin Avenue is the largest open space for public use. It includes features such as picnic tables, chess tables, butterfly garden and a dog waste station.

Private open spaces include two courtyards for a combined total of 12,000 square feet. They will have amenities such as moveable tables and chairs, swimming pool, grilling stations, fire pits and outdoor lounges.

The Project features a sustainable design strategy that includes bioretention areas, areas for vegetated plantings, cool roof, and enhanced recycling program.

Transportation

The Project is served by Georgia Avenue (MD 97), Blueridge Avenue and Elkin Street. Pedestrian and bicycle movements will continue as they exist today on sidewalks at the periphery. Access to the main lobby entrance is provided directly from the sidewalks near the intersection of Georgia and Blueridge Avenues. A mid-block connection along the northern property line will provide a pedestrian connection parallel to Blueridge Avenue between Georgia Avenue and Elkin Street. Vehicular access to/from the parking garage is proposed along Blueridge Avenue. All required parking for residents and visitors will be provided within the parking garage.

Public Benefits

Staff recommends changes to the public benefit schedule based on the details of the Site Plan application. These proposed public benefits total over 100 points. As listed in the conditions and detailed in the findings, the proposed development will provide the following public benefits:

- Transit Proximity
- Through-Block Connection
- Wayfinding Signage
- Dwelling Unit Mix
- Enhanced Accessibility
- Streetscape*
- Structured Parking
- Public Open Space
- Exceptional Design
- Architectural Elevations
- Building Lot Termination
- Vegetated Wall
- Tree Canopy
- Vegetated Area
- Cool Roof
- Recycling Facility Plan*

*New public benefits added with the Site Plan application

Phasing

The proposed development will be built in one phase.

Community Outreach

The Applicant has met all proper signage, noticing, and submission meeting requirements. The Applicant also held the required pre-submission community meeting at the Wheaton Library on June 23, 2014. Staff has not received any correspondence on this application.

SECTION 4: PRELIMINARY PLAN REVIEW

Master Plan Conformance

The Project is consistent with, and furthers the recommendations of the 2012 *Wheaton CBD and Vicinity Sector Plan*. The Site is located in the Blueridge District. The Sector Plan states that the “Blueridge District is the northern gateway to downtown Wheaton and is within walking distance of the Core, Wheaton Regional Park, and nearby neighborhoods. It is evolving into a residential neighborhood with small, neighborhood-serving retail on the ground floor and some office uses. Future development should include street-oriented businesses along Georgia Avenue and University Boulevard West, along with housing, professional offices, and neighborhood retail centered on a public space in the vicinity of Parking Lot 14” (p.49).



Portion of Map 6: Proposed Priority Retail Streets from the Wheaton CBD and Vicinity Sector Plan with the Site highlighted

The Sector Plan highlights the Priority Retail Streets within the Blueridge District on page 22. The Project’s frontages along Georgia Avenue, Blueridge Avenue and Elkin Street are not designated Priority Retail Streets. Although the Project does not include any retail uses, it provides activation along Georgia Avenue and Blueridge Avenue with individual residential entrances, and by locating the lobby, fitness center and bike spa at the sidewalk level.

Density and Building Height

The proposed density and height are within the envelope established by the Sector Plan.

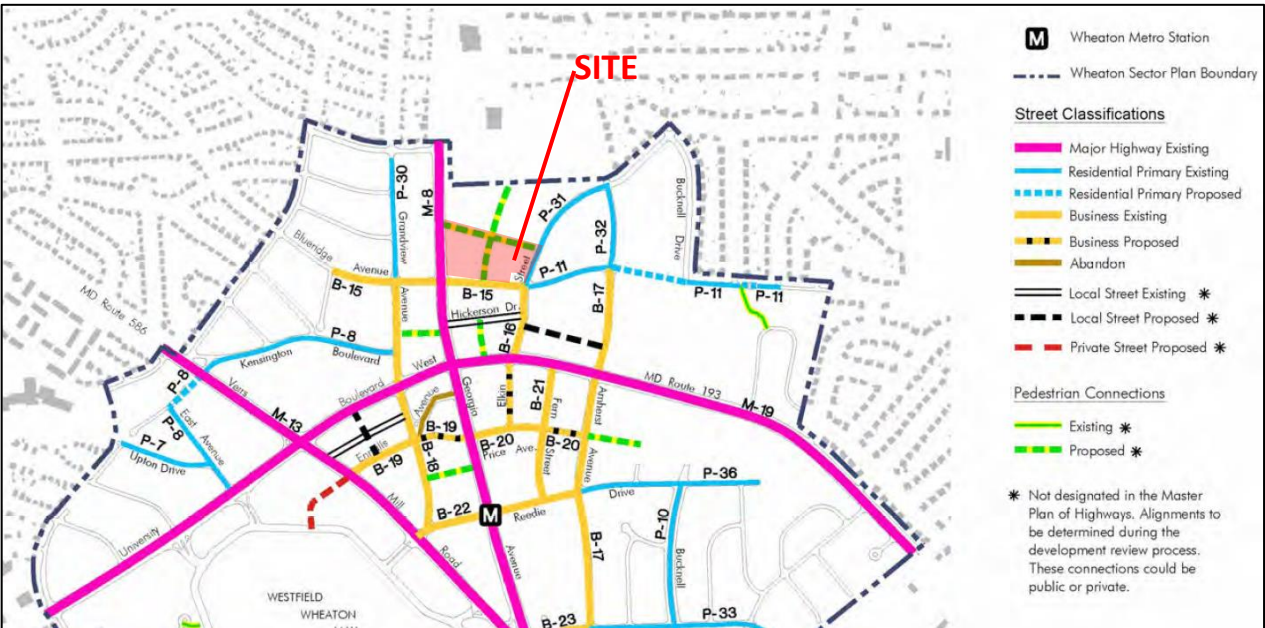
Master-Planned Streets

The streets are consistent with Sector Plan recommendations and Wheaton Design Guidelines for streets.

1. The Sector Plan designates Georgia Avenue (MD 97) as a six-lane divided major highway, M-8, with a recommended minimum 120-foot wide right-of-way and no bikeway. However, the 2013 *Countywide Transit Corridors Functional Master Plan* for the Bus Rapid Transit (BRT) recommends a wider, 129-foot wide right-of-way between 400 feet north of Blueridge Avenue and Reddie Drive, to the south (p. 33). It states that this 129-foot width “may not include land needed for spot improvements such as turn lanes and stations.” The Project therefore provides dedication necessary for a total of 64.5 feet dedication from the centerline of Georgia Avenue.
2. Blueridge Avenue is designated as a two-lane business street, B-15, with the recommended 70-foot wide right-of-way and an on-street bike lane/signed shared roadway, LB-4. The Project provides dedication for a total 35 feet from the centerline of Blueridge Avenue.
3. Elkin Street is designated as a two-lane residential primary street, P-31, with a 70-foot wide right-of-way and no bikeway. The existing right-of-way dedication is 35 feet from the centerline. No additional dedication is necessary.

Pedestrian and Bikeway Network

The Sector Plan recommended two pedestrian connections for this Site: an east-west connection along the Site’s northern property line between Georgia Avenue and Elkin Street; and a north-south connection between the Site’s northern property line and Blueridge Avenue. The Sector Plan states, “The north-south pedestrian connection shown on this block ... should be designed as a safe and pleasant, direct passage, open to the public, with ample width, height and adequate lighting between Blueridge Avenue and future connection provided on the Leesborough development site to the north. Pedestrians should be able to travel from Blueridge Avenue to points north, including any future development at the underdeveloped WMATA site, the Leesborough community, the Wheaton Library, and the Wheaton Recreational Center, without obstacles and in an inviting and safe manner. This connection may also be provided as a private street.” (p. 50)



Portion of Map 17: Existing and Proposed Street and Pedestrian Network from the Wheaton CBD and Vicinity Sector Plan with the Site highlighted

The Project provides an east-west pedestrian path along the northern property line and a modified alignment of the north-south connection illustrated on page 61 of the Sector Plan. The proposed alignment for the north-south connection is on the eastern edge of the project, between the east-west connection and Elkin Street, traversing the proposed open space along Elkin Street. The modified alignment, in combination with the proposed east-west connection along the northern property line, achieves the Sector Plan’s intent to provide pedestrian access between Blueridge Avenue and points north without obstacles and in an inviting and safe manner.

The Planning Board approved the Sketch Plan with this modified alignment. During the hearing, the Board requested that the final design of the east-west pedestrian connection consider CPTED (Crime Prevention Through Environmental Design) principles to create a safe walking path. The Applicant has proposed adequate lighting and the appropriate landscape elements to ensure safe, year-round enjoyment of the path.

A Signed Shared Roadway/On-Road bikeway is recommended in the Sector Plan for Blueridge Avenue (LB-4). The Project accommodates the implementation of the recommended bikeway.

Environment

The Sector Plan envisions the area as growing “greener through redevelopment by creating a sustainable community that conserves energy and uses roofs and green spaces to filter stormwater and purify air” (p. 73). Minimization of carbon emissions; minimization and mitigation of impervious surface; and increasing tree canopy are some of the Plan’s environmental goals. The proposed Project features vegetated wall, cool roof, and planting areas throughout the development along with bio-filters and stormwater vaults.

Wheaton Design Guidelines

While the Design Guidelines do not provide specific recommendations for the Site, the Project furthers the goal of supporting an identifiable center (Guidelines p. 10), and providing appropriate transitions by enhancing Georgia Avenue as an urban boulevard through wider sidewalks. It also establishes the corner of Georgia and Blueridge Avenues with a distinctive design treatment that will mark it as the gateway.

The Project provides appropriate transitions (Guidelines p. 25) by stepping the building height down in relation to the topography and retaining the existing open space along Elkin Street. These two design elements minimize the impact on adjacent and confronting properties.

The Project improves the public realm (Guidelines p. 30) by enhancing pedestrian access along the street and by providing the east-west pedestrian connection through the site.

In concert with the Sector Plan, the Design Guidelines recommend pedestrian through-block connections to shorten walking distances, to create connections between open spaces, and to promote additional retail activity (p. 24). The Project provides an east-west connection along its northern property line and provides for a future connection to points north.

Wheaton CBD Road Code Design Standards

The original application proposed improvements to the Georgia Avenue streetscape as specified by the *1990 Wheaton CBD Road Code Design Standards*. The *2013 Countywide Transit Corridors Functional Master Plan* calls for an expanded roadway width that would necessitate moving the curb approximately 4'-6" into the sidewalk. Planning Staff concluded that the implementation of the expanded roadway would adversely affect the streetscape improvements if designed per the 1990 CBD Design Standards.

Planning Staff met with the Mid-County Regional Services Center Director and the Wheaton Urban District Chief of Operations to discuss an alternative street tree placement and pavement pattern along Georgia Avenue that could accommodate the implementation of Bus Rapid Transit (BRT) with minimal impact to the streetscape given the anticipated movement of the curb into the sidewalk. In consultation with representatives from the Department of Housing and Community Affairs, the group proposed an alternative pattern in lieu of "TYPE A-2 Sidewalk Layout" as prescribed in the CBD Design Standards. The Applicant has agreed to implement the alternate streetscape design recommended to them.

Public Facilities

Transportation Adequate Public Facilities Review

The proposed 324 mid-rise apartments generate 133 peak-hour trips within the weekday morning peak period (6:30 to 9:30 am) and 153 peak-hour trips within the evening peak period (4:00 to 7:00 pm.). These trips were reduced by 18% as the proposed development is located in

a Metro Station Policy Area in accordance with the *Local Area Transportation Review and Transportation Policy Area Review Guidelines*.

The Applicant submitted a traffic study because the proposal generates 30 or more peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: The traffic condition as it exists now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the trips generated by the proposed apartments.

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition (CLV)</i>		
		<i>Existing</i>	<i>Background</i>	<i>Total</i>
University Boulevard & Georgia Avenue	Morning	1,213	1,239	1,259
	Evening	1,251	1,274	1,289
Georgia Avenue & Arcola Avenue	Morning	1,196	1,208	1,209
	Evening	1,377	1,392	1,393
Georgia Avenue & Blueridge Avenue	Morning	1,051	1,064	1,090
	Evening	1,083	1,098	1,146
Blueridge Avenue & Grandview Avenue	Morning	475	475	488
	Evening	734	734	766
Blueridge Avenue & Elkin Street	Morning	208	208	241
	Evening	322	322	396
Blueridge Avenue & Amherst Avenue	Morning	585	585	594
	Evening	624	624	628
Blueridge Avenue & Site & Parking Lot Access	Morning	69	69	176
	Evening	128	128	229

The calculated CLV values at all analyzed intersections do not exceed the applicable CLV congestion standards:

- a. 1,600 for the Georgia Avenue/Arcola Avenue intersection located within the Kensington/Wheaton Policy Area.
- b. 1,800 for the other six intersections located within or on the border of the Wheaton Central Business District Policy Area.

Regarding the Transportation Policy Area Review (TPAR) test, a payment of the transportation impact tax is not required because the proposed apartments are located in the Wheaton CBD (Metro Station) Policy Area.

Transportation Demand Management

A Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT is required to promote non-auto modes of transportation. The Sector Plan recommends a non-auto driver mode share goal of 30% that could be achieved with transportation demand strategies for alternative non-single-auto-occupancy modes including but not limited to:

- Promote transit use for residents.
- Cooperate with the MCDOT to obtain residential and non-residential tenant participation in TMD Annual Commuter Survey.
- Provide a permanent information display in a highly used location in the lobby of the building.
- Provide space for real time transit information sign at a highly-used location.
- Provide car sharing parking spaces in a highly visible location.
- Provide electric vehicle charging stations in a highly visible location.
- Provide an annual summary report (1-2 pages) to MCDOT and/or the future TMO outlining the on-site traffic mitigation efforts.

Public Transit Service

The Property is located 0.4 miles northeast of the Wheaton Metrorail Station. The following bus routes currently operate along the Property's adjacent and nearby roadways:

1. Ride-On route 33 and Metrobus routes Y5, Y7, Y8, & Y9 operate along the Property frontage of Georgia Avenue.
2. Ride-On routes 9 and 31 operate along the Amherst Avenue one block to the east of Elkin Street.

No transit routes operate along the Property frontages of Blueridge Avenue and Elkin Street.

Other Public Facilities and Services

The Site will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Site has appropriate access for fire and rescue vehicles, as indicated in letter dated November 19, 2014. Other public facilities and services including police stations, firehouses and healthcare are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the Project. Electric, gas and telecommunications services will also be available and adequate.

The Site is located in the Downcounty Consortium. According to Montgomery County Public Schools' estimate, the project will generate 41 elementary, 17 middle and 22 high school

students. While this consortium is subject to a School Facility Payment at the elementary, middle and high school levels, the Site lies within an Enterprise Zone and is exempt from the School Facility Payment. County Code Ordinance Sections 52-89(c)(5) stipulates that development impact tax for public school improvements must not be imposed on “any development located in an enterprise zone designated by the State or in an area previously designated as an enterprise zone.”

Environment

The proposed project does not have any proposed activities within any streams, wetlands, or environmental buffers and is therefore in compliance with the Environmental Guidelines.

Forest Conservation

This Site is subject to the Chapter 22A Montgomery County Forest Conservation Law and the Applicant has submitted a Final Forest Conservation Plan (FFCP) in support of the Preliminary and Site Plans (Attachment C). There is no forest on site but eight trees greater than 24” diameter at breast height (DBH) exist on-site. There is a 0.61-acre afforestation requirement, which the Applicant is proposing to meet by preserving 0.08 acres of credit for retaining existing trees and 0.53 acres of off-site afforestation.

Forest Conservation Variance

Section 22A-12(b)(3) of County Code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree’s Critical Root Zone (CRZ) requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Code. The code requires no impact to trees measuring 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; or are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species, or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on July 3, 2014 for the impacts to trees with the proposed layout (Attachment B). The Applicant proposes to remove two trees and to impact but not remove one tree that is considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law. The table below describes the impacts to the trees proposed to be impacted or removed.

ID	Type	DBH	Condition	Impacts	Comments
V2	Tulip poplar	31”	Good	19%	Impacted by stormwater management facilities and sidewalk.
V7	Pin oak	40”	Good	Remove	Within the footprint of the building.
V8	Pin oak	36”	Good	Remove	Impacted by stormwater management facilities and sidewalk

Unwarranted Hardship

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. The variance is necessary because the site is only 3.68 acres but zoned to encouraged high density development with an urban character. Tree "V7" is located along the Georgia Avenue frontage. Achieving the Sector Plan goal and design guidance of street-oriented development with a consistent street wall along sidewalks necessitates the removal of "V7". While the open space surrounding "V8" is being preserved, the tree will be impacted by underground proprietary filters needed to implement the environmental site design (ESD) criteria to the maximum extent possible (MEP). While the open space surrounding "V2" is being preserved, the tree will be impacted by the construction of the sector plan-recommended through block connection. The proposed alignment in the Sector Plan would have necessitated removal. The proposed, modified alignment will impact 19% of the CRZ.

Variance Findings

Based on the review of the variance request and the proposed Final Forest Conservation Plan, Staff makes the findings that granting the variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Disturbance of the specified trees is due to the need to substantially conform to the sector plan and design guidelines and implement ESD to MEP. Granting a variance request to remove two trees and disturb the CRZs of one tree for these purposes is not unique to this Applicant. Therefore, M-NPPC Staff believes that is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based on the locations of the trees and the minimum disturbance required to develop the Site.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed development on the Property and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause a measurable degradation in water quality. The proposed development does not impact environmental buffers which enhances water quality. Additional trees will be provided as mitigation for the trees proposed for removal.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove two trees and to impact but not remove one tree. The Applicant will plant six, 3 1/2-inch caliper, oaks as shown on the Final Forest Conservation Plan, mitigating for impacts to existing specimen trees.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The County Arborist has reviewed the variance request and recommended approval in a letter dated October 17, 2014 (Attachment A). Planning Staff also recommends that the variance be granted.

Stormwater Management

DPS issued a letter accepting the Stormwater Management Concept for the Site on October 10, 2014. The Stormwater Management Concept proposes to meet required stormwater management goals through ESD to the maximum extent practicable (MEP) with the use of stormwater vaults and bioretention areas throughout the Site including in the private court yards and parking garage.

Compliance with the Subdivision Regulations

Staff has reviewed the proposed application for compliance with Montgomery County Code, Chapter 50: Subdivision Regulations. The proposed size, shape, width and orientation of the lot is appropriate for the location taking into account the recommendations in the *Wheaton CBD and Vicinity Sector Plan*, and for the type of development and proposed use. The proposed lot is designed to meet the requirements established in the Subdivision Regulations, including access, frontage, dedication for public uses, adequacy of public facilities and conformance to the Sector Plan recommendations. All other applicable County agencies have reviewed this application and recommended approval of the Project (Attachment A).

Reduced Truncation

Section 50-26(c)(3) of the Subdivision Regulations states: "The corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant. In any case where more or less width is needed for safe sight distance or traffic channelization, the Board may specify a greater or lesser cut-off than otherwise required."

The Applicant is seeking a reduction in the standard truncation requirement for the northeast corner of the intersection of Georgia Avenue and Blueridge Avenue. MCDOT, in its letter dated August 15, 2014, has recommended that the project provide the full truncation (25 feet) per Chapter 50 because the final design of the Georgia Avenue BRT and its relationship to the proposed building are uncertain. The Applicant purposes a reduced truncation of 16 feet. Planning Staff finds the sight distance with the proposed design to be adequate and safe; a reduced truncation is consistent with the urban character within the designated Wheaton Urban District; the proposed building is set back further from the intersection than the existing building for an improved line-of-sight; and slower vehicles speeds on Blueridge Avenue combined with the existing traffic signal installation at Georgia Avenue/Blueridge Avenue intersection provides additional safety measures. A larger truncation, as recommend by DOT, will adversely impact the design of the project. Planning Staff supports the request.

Compliance with Road Code Regulations

Staff has reviewed the proposed application for compliance with Montgomery County Code, Chapter 49: Streets and Roads. Section 49-32(a) states: "If the Planning Board, in approving a subdivision or site plan, determines that a waiver from any applicable design standard is necessary to promote context-sensitive design of a specific road, the Executive or the Executive's designee must adopt the Board's recommendation unless the Executive or the designee concludes that approving the waiver would significantly impair public safety."

The Applicant is seeking a modification from MCDOT design standard No. MC-2003.12 (Primary/Principal Secondary Residential Street with parking on both sides) contained in the County Context Sensitive Road Design Standards designated for Elkin Street. Elkin Street is currently improved with 36 feet of paving width accommodating two travel lanes (11 feet each) and parking lanes on both sides (7 feet each). To meet the required code standard, the Applicant will have to relocate the existing curb and gutter to widen the road along its Elkin Street frontage to accommodate an 8-foot parking lane, as specified by the standard.

MCDOT, in its letter dated August 15, 2014, has recommended that the Applicant improve Elkin Street in accordance with the Road Code Standard. Planning Staff finds that retaining the existing 7-foot parking lane will not significantly impair safety, usability, or accessibility of the road or community character. Moving the curb will require relocating major utility lines along Elkin Street at a significant expense with no significant public benefit. In addition, relocating the curb one foot back will create an awkward streetscape edge since the remaining curb north of the property will remain as is, for the foreseeable future. Planning Staff supports the Applicant's request.

Conclusion

Staff recommends approval of the Preliminary Plan based on the conditions and analysis contained in the report.

SECTION 5: SITE PLAN REVIEW

Analysis and Findings- Section 59-D-3.4(c)

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 proposed Project is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is subject to the binding elements and conditions of Sketch Plan No. 320140020, which may be modified at the time of Site Plan review under Section 59-C-15.43(d).

The proposed Project makes two additions to the approved public benefit schedule. The Application qualifies for additional points in the Streetscape public benefit for constructing off-site streetscape along the frontage of an adjoining lot. The Application also qualifies for additional points in the Recycle Facility Plan for exceeding the requirements of County Regulations on recycling facilities.

Staff finds the addition of Streetscape and Recycle Facility Plan public benefits does not alter the Sketch Plan findings under Section 59-C-15.43(c)(5).

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

The proposed Project is proposed pursuant to the Commercial/Residential Zone and meets the general requirements of Section 59-C-15 as follows:

Section 59-C-15.61 - Master Plan and Design Guidelines Conformance

The proposed Project conforms to the Sector Plan and Design Guidelines as outlined in the Preliminary Plan Findings beginning on page 18 of this report.

Section 59-C-15.62 - Bicycle Parking Spaces and Commuter Shower/ Change Facility

The proposed multi-family residential Project provides accommodation for the minimum required number of bicycle parking spaces as detailed in the development standards table below. Commuter shower/change facilities are required of office uses only and therefore not applicable to this Project.

Section 59-C-15.63 - *Parking*

The proposed number of parking spaces satisfies the minimum and maximum number of parking spaces as specified in the Zoning Ordinance. The Project proposes all parking in a structured facility. The final number of parking spaces provided is listed in the development standards table below.

Section 59-C-15.7 - *Development Standards*

The proposed Site Plan meets the development standards of Section 59-C-15, as shown in the Data Table below:

Project Data Table				
Section 59 - C	Development Standard	Permitted/ Required	Sketch Plan Approval	Proposed
	Gross Tract Area (sf)	n/a	196,518	196,518
15.71	Maximum Density (FAR)	4.0 FAR	2.34 FAR	1.73 FAR
	<i>Non-residential (sf)</i>	687,813	0	0
	<i>Residential (sf)</i>	687,813	460,492	350,000
	TOTAL	786,072	460,492	350,000
15.71	Maximum Building Height (ft)	100	(up to) 50	50
15.72	Minimum Setback	n/a	n/a	n/a
15.73	Minimum Public Use Space (%)	10	10	10
15.74	Residential Amenity Space (sf)			
	<i>Indoor</i>	5,000	5,000	5,000
	<i>Outdoor</i>	5,000	10,000	12,000
	TOTAL	10,000	15,000	17,000
15.62	Minimum Bicycle Parking (spaces)			
	<i>Publicly Accessible</i>	10	-	10
	<i>Privately Secured</i>	100	-	100
15.631	Vehicular Parking (spaces)		430	430
	<i>Maximum</i>	441		
	<i>Minimum</i>	308		

Section 59-E-1.4 – *Off-Street Loading Space Criteria*

The Zoning Ordinance requires that “For any building or land used for commercial or industrial purposes, adequate space for off-street parking to accommodate loading and unloading of materials shall be provided, consistent with the size and proposed use of the building.”

While DPS-Division of Land Development Services has requested 4 loading spaces per undated criteria issued by their department, M-NCPPC Staff finds the proposed one (1) loading space to be adequate given the size and proposed use of the building. This project is a residential development and therefore not subject to loading space requirements.

Section 59-C-15.82 – Public Benefits Required

The proposed Project satisfies the minimum public benefits points from the minimum number of benefit categories.

Section 59-C-15.83 – General Incentive Density Consideration

The proposed public benefits with this Project:

- Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing the diversity of housing, general sustainability measures, and connectivity improvements;
- Meet “the CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area” by providing the proper calculations and criteria for each public benefit and by proposing public open space, structured parking, and through-block connections as recommended in the Wheaton Design Guidelines;
- Are appropriate for “the size and configuration of the tract” by providing all required parking spaces in structured facilities to create public open space within walking distance of Metro;
- Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for its context, retaining existing areas of open space and creating a façade design that complements the existing character of the area; and
- Consider “the presence or lack of similar public benefits nearby” through the provision of environmental benefits, and pedestrian connections that are currently lacking in this area.

Section 59-C-15.85 – Individual public benefit descriptions and criteria

Public Benefits Schedule			
Public Benefit	Incentive Density Points		
	Max Allowed	Sketch Plan Approved	Requested
59-C-15.852: Transit Proximity	50	30	30
59-C-15.853: Connectivity and Mobility Options			
Through Block Connection	20	7	7
Wayfinding Signage	10	5	5
59-C-15.854: Diversity of Uses and Activities			
Dwelling Unit Mix	10	5	5
Enhanced Accessibility	20	6.5	6.5
Streetscape	20	0	0.4
59-C-15.855: Quality of Building and Site Design			
Structured Parking	20	10	10
Public Open Space	20	2	2
Exceptional Design	10	2.5	2.5
Architectural Elevations	20	5	5
59-C-15.856: Protection and Enhancement of the Natural Environment			
Building Lot Terminations	30	5	5
Vegetated Wall	10	5	5
Tree Canopy	15	7.5	7.5
Vegetated Area	15	5	5
Cool Roof	10	5	5
Recycling Facility Plan	10	0	10
TOTAL	290	100.5	110.9

Transit Proximity

The property is within ½ mile of the Wheaton Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board granted 30 points with Sketch Plan approval as suggested in the 2012 *Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines). Staff supports the requested 30 points.

Connectivity and Mobility Options

Through-Block Connection: The Applicant requests 7 points for providing a safe and attractive pedestrian connection between streets. The CR Guidelines find points are appropriate for connections that are open-air, at least 15 feet wide area, and open to the public at least

between 8:00 a.m. and 9:00 p.m. The width of the path is 5 feet wide in an area ranging from over 24 feet in width to a minimum of 12.3 feet, which is less than the prescribed minimum width. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested 7 points.

Wayfinding Signage: The Applicant requests 5 points for the design and implementation of a wayfinding system orienting pedestrians and cyclists to major open spaces, cultural facilities, and transit opportunities in Wheaton. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Diversity of Uses and Activities

Dwelling Unit Mix: The Applicant requests 5 points. Per the CR Guidelines, 5 points are appropriate for providing the minimum residential mix with at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3 or more bedroom units. The Applicant proposes 13% efficiency units, 41% 1-bedroom units, 40% 2-bedroom units, and 5.5% 3-bedroom units meeting the requirement. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Enhanced Accessibility for the Disabled: The Applicant requests 6.5 points for constructing 8 dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard. The CR Guidelines recommends that each percent of units is worth 3 points. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Streetscape: The Applicant requests 0.4 points for construction of off-site streetscape along the frontage of adjoining “Lot 8” (Weinberg Building) for a total of 680 square feet. This incentive is granted on a sliding scale based on the area improved calculated as a percentage of the net lot area. This individual public benefit was not requested at Sketch Plan. Staff supports the requested points.

Quality of Building and Site Design

Structured Parking: The Applicant requests 10 points for structured parking facilities. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below ground. The Applicant proposes 430 spaces in an above-grade facility which yields a total of 10 points. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Public Open Space: The Applicant requests 2 points for providing open space in addition to the minimum Public Use Space required. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The final layout yields 3,400 square feet of additional open space above the required public use space. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Exceptional Design: The Applicant requests 2.5 points for building or site design that enhances the character of a setting. With Sketch Plan approval, the Planning Board found the Project met two criteria as outlined by the CR Guidelines and granted 2.5 points. The articulation of the building corner at Georgia and Blueridge Avenues along with the entry plaza at this corner will create a sense of place that would be easily identifiable by material and the angular façade. The façade treatment of the exposed parking garage on the north side will represent the application of a building technique that is different from the other garages in the immediate vicinity. The use of mullions in the openings of the garage with color accent panels creates a façade that screens the parking areas and mirrors the façades of the residential units. Those elements remain unchanged with the Site Plan. Staff supports this request.

Architectural Elevation: The Applicant requests 5 points for providing elevations of architectural facades and agreeing to be bound by particular elements of design that affect the perception of mass or pedestrian comfort, or enhance neighborhood compatibility. With Sketch Plan approval, the Planning Board granted 5 points and found the Project achieved the following criteria as outlined by the CR Guidelines:

Minimum Amount of Transparency

The Applicant has agreed to be bound to the provision of 35% transparency of the ground floor of the Georgia Avenue building façade and a minimum of 40% transparency for the ground floor of the Blueridge Avenue façade. Ground-floor transparency enhances pedestrian comfort by providing a sense of safety and security and adds visual interest.

Minimal Spacing between Operable Doors

The Applicant has agreed to provide a number of direct entrances for first floor units along Georgia and Blueridge Avenues. Along Georgia Avenue, entrances will be clustered in groups of three with spacing 15 and 20 feet between each group. Along Blueridge Avenue, in addition to the main building entrance, there are four direct entrances for first floor units with spacing between 13 and 22 feet.

Design Priorities of the Applicable Master Plan or Guidelines

The Design Guidelines folds the Sector Plan's design elements into the following three broad goals: Create an identifiable center, create appropriate transitions, and improve the public realm. Staff finds that the binding of architectural elements would advance two of the three goals. The combination and application of materials (including cementitious panel, metal panel, face brick and aluminum railing) supports the goal of Wheaton as an identifiable center by creating a landmark at a gateway location. Creation of appropriate transitions, as defined by the Design Guidelines, focuses on protecting existing single-family neighborhoods from potential negative impacts from new development. Although the Project is not in the immediate vicinity of single-family structures, Staff finds the application of brick face contributes to the façade design integrating the building into its context.

These elements remain unchanged in the Site Plan. Staff supports 5 points.

Protection and Enhancement of the Natural Environment

Building Lot Terminations (BLT): The Applicant requests 5 points for the purchase of 0.906 BLT easements. Points are granted by the calculation of BLTs as provided in Section 59-C-15.87(a) of the Zoning Ordinance. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Vegetated Wall: The Applicant requests 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of the parking garage facade. The CR Guidelines recommends 5 points for development that meets the Zoning Ordinance requirements. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Tree Canopy: The Applicant requests 7.5 points for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space. The CR Guidelines finds 7.5 points appropriate for development that meets the requirements of the Zoning Ordinance. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Vegetated Area: The Applicant requests 5 points for the installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. The CR Guidelines recommends 5 points for development that meets the Zoning Ordinance requirements with areas not part of the required public use space or open space used for incentive density. Area within stormwater management easements may not be counted, either. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Cool Roof: The Applicant requests 3 points for constructing roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12. Per the CR Guidelines, an incentive density of 5 points is appropriate for sites greater than one acre. The Project proposes 90% cool roof on available roof area throughout the 3.7-acre site. The Planning Board granted this request with Sketch Plan approval. Staff supports the requested points.

Recycling Facility Plan: The Applicant requests 10 points for providing a recycling facility plan that exceeds the requirements of Montgomery County Executive Regulation 15-04 AM and Montgomery County Executive Regulation 18-04. The Project exceeds the regulations by integrating into the building and site design three features (1) public spaces will have separate trash receptacles for waste recycling; (2) two separate internal chutes, one for waste and one for recycling, with separate containers to hold and store the waste and recycling and the collectors/haulers; and (3) a fenced off area in the garage designated for both – bulk trash and bulk recycling large items. This individual public benefit was not requested at Sketch Plan. Following precedent set by the Planning Board in awarding points for this benefit, Staff finds 10 points are appropriate for this proposal.

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

Location of Buildings and Structures

The location of the building and parking structure is adequate, safe and efficient. The building emphasizes the public realm through a continuous street wall along Georgia and Blueridge Avenues. The replacement of surface parking with structured parking provides an appropriate relationship between buildings, sidewalk, and streets for an urban context.

Open Spaces

The locations of proposed open spaces are adequate, safe, and efficient. In addition to the existing open space to remain along Elkin Street, the Project features enhancements along Georgia and Blueridge Avenues. The proposed open space on Elkin Street will be improved with picnic tables, chess tables, a butterfly garden, and dog waste station.

Landscaping and Lighting

The proposed landscaping and lighting for the Site will ensure the area will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The proposed pedestrian lighting fixture and street lighting fixtures will illuminate the streets, sidewalks, and walking paths. A mix of shrubs, shade trees, ornamental trees and foundation plantings are proposed throughout the Site.

Recreation Facilities

The proposed development will provide adequate, safe, and efficient recreation facilities to help residents lead an active and healthy life. The on-site recreation amenities are proposed in accordance with the M-NCPPC Recreation Guidelines. The amenities include seating areas, swimming pool, exercise room, indoor community space, and pedestrian system. Off-site recreation facilities within 1 mile of the Site include Wheaton Forest Local Park, Colt Terrace Neighborhood Park, Arcola Elementary School, and Wheaton Regional Park.

Pedestrian and Vehicular Circulation Systems

The Site will be served by three public streets. The vehicular access point to/from the parking garage is proposed from Blueridge Avenue opposite the curb cut of the existing surface parking lot confronting the Site. The Project also provides off-street loading area for residents, alleviating congestion on the public streets. Limiting the design to one curb cut minimizes the points of conflicts between pedestrians and motorists. The proposed development includes expanded sidewalks and new pedestrian paths to facilitate safe, pedestrian movement throughout the Site. The proposed pedestrian and vehicular circulation systems are adequate, safe, and efficient.

4. *Each structure and use is compatible with other uses and other Site Plans, and with existing and proposed adjacent development.*

No other development is proposed in the immediate vicinity at this time. The proposed structures achieve compatibility through:

- Building heights similar to those of office buildings and garden apartments adjacent or close to the Site;
- Emphasis on the public realm through a continuous street wall along Georgia and Blueridge Avenues;
- Articulated façade design that complements the adjacent building;
- The use of façade treatments and vegetated wall to mask the visible levels of the parking structure;
- Replacement of surface parking with structured parking creating a stronger relationship between buildings, sidewalks, and streets;
- Provision of units accessed directly from the sidewalks along Georgia and Blueridge Avenues; and
- Preservation of the open space along Elkin Street.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protections, and any other applicable laws.*

- a. Under Chapter 22A of the Montgomery County Code, the NRI-FSD #420131840 for this site was approved June 27, 2013. The Applicant has provided a Final Forest Conservation Plan that is in compliance with Chapter 22A. Staff recommends that the Planning Board approve the FFCP and accompanying variance request with conditions cited in this Staff Reports.
- b. The Department of Permitting Services issued a letter accepting the Stormwater Management Concept for the site on October 10, 2014.

Conclusion

Staff recommends approval of the Site Plan based on the conditions and analysis contained in this report.

ATTACHMENTS

- A. Agency Letters
- B. Forest Conservation Variance Request
- C. Final Forest Conservation Plan



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 15, 2014

Mr. Michael Brown, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120140250
AVA Wheaton

Michael:
Dear Mr. Brown:

We have completed our review of the preliminary plan dated July 14, 2014. This plan will be reviewed by the Development Review Committee at its meeting on August 18, 2014. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show dedication of right-of-way on Georgia Avenue in accordance with the Approved and Adopted 2013 *Countywide Transit Corridors Functional Master Plan*.
2. Show necessary dedication of right-of-way on Blueridge Avenue (B-15) in accordance with the Wheaton CBD Sector Plan on the preliminary plan.

(Note: Blueridge Avenue is designated as a proposed "signed shared roadway" in the Wheaton CBD Sector Plan. [MC-2005.02; Business District Street, 2 Lanes with Parking on Both Sides]). The existing cross-section includes four travel lanes and no parking. Given that the sector plan proposes only two vehicular travel lanes, we propose eliminating two of the existing four travel lanes (while maintaining a westbound left turn lane at Georgia Avenue and eastbound left turn lane at Elkin Street), accommodating bike lanes on both sides of the roadway, and incorporating a two-way left turn lane. For this cross-section to be acceptable, the forthcoming preliminary plan must ensure adequate

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

alignment width for approach and receiving lanes and traffic controls.

From the north side to the south side of Blue Ridge Avenue show:

- a. 9' sidewalk (from property line based on a 0' building restriction line)
 - b. 6' planter area
 - c. 5' bike lane
 - d. 10' westbound travel lane
 - e. 10' two-way left turn lane
 - f. 10' eastbound travel lane
 - g. 5' bike lane
 - h. 6' planter area
 - i. 7' sidewalk
 - j. 2' maintenance buffer (south side)
3. Show improvements along Elkin Street and provide a cross section on the preliminary plan for Elkin Street in accordance with the MC DOT design standard no. MC-2003.12 (Primary / Principal Secondary Residential Street with Parking on Both Sides).
 4. Dedicate standard right of way truncations at the Blueridge Avenue intersections with Georgia Avenue (MD 97) and Elkins Street. MCDOT does not support the truncation waiver at Georgia Avenue (MD 97) and Blueridge Avenue.
 5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 6. Per the Wheaton CBD Sector Plan provide an ADA-compliant pedestrian connection through the site from Blueridge Avenue that connects to a pedestrian connection that links Elkin Street to Georgia Avenue. We support allowing a privately owned and maintained path, provided the applicant grants a perpetual Public Access Easement for

the pedestrian connection for use by the general public.

We recommend the path alignment proposed by the applicant in the preliminary plan, which shows the pedestrian connection terminating at the intersection of Blueridge Avenue & Elkin Street. This is a multi-way stop-controlled intersection with existing crosswalks and ADA ramps.

7. Provide a plan showing the pedestrian connections to all nearby intersections. Proposed 5' sidewalk on the north side of the proposed site ends in the landscape area and does not connect to Elkin Street. The existing sidewalk along Elkin Street is only 4' wide; widen the sidewalk to 5' along the site frontage.
8. Submit a completed, executed and sealed MCDOT Sight Distances Evaluation certification form separately on an 8-1/2" X 11" letter sized paper(instead of providing it on the Sight Distance Analysis plan), for the existing and proposed driveway(s), for our review and approval.
9. The storm drain capacity and impact analysis has not been accepted at this time. We have requested the consultant to address the following comments (to be resolved with the Department of Permitting Services prior to approval of the Storm Drain and Paving Plans):
 - a. Plan:
 - i. Label the proposed SWM structures. Are these quantity structures? If so for what storm?
 - ii. Show limits of demolition within the right-of-way for the existing 12" CMP pipe.
 - b. Drainage Area Map:
 - i. Label the drainage areas.
 - ii. Label the existing contours.
 - iii. Show drainage areas for 7 to 5 and 5 to 3 and label all the drainage area.
 - iv. The drainage area for 3 to 2 was measured to be 0.09 ac. Please revise.
 - c. Spread Analysis:
 - i. Provide spread computations and the existing storm drain capacity for existing inlet downstream of Elkin Street on the proposed site side of the street.
 - ii. The drainage area to EX-3 was measured to be 0.09 ac. Revise the computations accordingly.

- iii. Structure EX-9 and proposed entrance; explain the runoff coefficient numbers.
 - d. Inlet Computations Table:
 - i. The drainage area to EX-3 was measured to be 0.09 ac. S_x value for EX-9 was computed to be 2.34% instead of 4.10%.
 - ii. Refer to attached sheet per the new Storm Drain Manual Section 4.2.2.3 for the computation of LT and revise the computations based on this.
 - iii. Provide the curb opening length for the inlet along Elkin Street.
 - e. Provide computations to show that the existing pipe in Elkin Street has the capacity.
10. Improvements along Georgia Avenue (MD 97) as required by the Maryland State Highway Administration.
11. Provide a detail with dimensions and operations analysis for the truck loading spaces with a truck circulation plan. Dimension the space between the Garage Entrance and the Truck loading space.
12. Provide handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act (on-site and along public right-of-way frontage).
13. Coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section (240-777-8380) to promote all non-auto modes of transportation. These efforts will include dissemination of information from MCDOT and allowing Commuter Services access to buildings and/or building management for the dissemination of information about transportation options – i.e, distribution of brochures, bus schedules, e-newsletters, etc., and periodic scheduled on-site presentations by MCDOT staff. Once Wheaton is established as a Transportation Management District, the applicant must participate in the TMD by entering into a Traffic Mitigation Agreement with MCDOT and MNCPPC.

Transportation demand elements in this residential Project should include but not be limited to:

- a. Parking - Check provisions of CR Zone to ensure parking is at the minimum level possible under those provisions.

- b. Car Sharing Parking. Provide adequate number of car sharing vehicle parking spaces in highly visible, preferentially-located spots.
 - c. Electric Car Charging - Provide two electric car charging stations on site.
 - d. Displays - Provide opportunity and connections for electronic display screens and Real Time Transit Information Signs in lobbies, elevators, and parking facilities. This will enable outreach to building tenants, employees, visitors, etc.
 - e. Bikeshare - Given the proximity of the project to the Wheaton Metro station and the likely expansion of bikeshare to Wheaton in the future, the Applicant should coordinate with MCDOT to provide a location of a bikeshare station within the Project. The bikeshare location should be shown on the preliminary plan and be able to accommodate a 19-dock station. The applicant will pay the capital cost of such station and twelve (12) years of operating expenses. The applicant will take other actions in concert with MCDOT to promote use of bikesharing among employees, residents and visitors at the Project. This would be an amenity that could be considered as meeting part of CR Zone provisions.
14. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
16. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Trees in the County rights of way – spacing and species to be in accordance with the

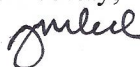
applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.

18. Coordinate with Larry Cole (301-495-4528) of the Functional Planning & Policy Division, Joanna Conklin (301-777-7195) of MCDOT's RST Development, Carmeletta Harris of SHA BRT (410-545-8522), and Rick Kiegel of MTA (410-767-1380) regarding impacts related to the Countywide Transit Corridors Functional Master Plan (i.e. Georgia Avenue North, Route 4a).
19. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the Ride On bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
20. Provide streetscape design and materials in accordance with the 2002 *Wheaton Central Business District Streetscape Standards* and coordinate with DPS Right-of-Way Plan Review Section.
21. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to the following improvements:
 - a. Improvements along Blueridge Avenue, per the above Comment #2.
 - b. Improvements along Elkin Street site frontage in accordance with the MC DOT design standard no. MC-2003.12 which shall include mill and overlay and relocating the existing curb and gutter to widen the road 1' to meet the design standard MC-2003.12. The sidewalk along Elkin Street site frontage has to be five (5) feet wide.
 - c. Improvements to the downstream storm drain system may be required as a result of the review of the amended storm drain capacity and impact analysis (Comment # 8).
 - d. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Mr. Michael Brown
Preliminary Plan No. 120140250
August 15, 2014
Page 7

- e. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- f. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Rebecca Torma our Development Review Senior Planning Specialist for this project at Rebecca.torma@montgomerycountymd.gov (240) 777-2118.

Sincerely,


Gregory M. Leck, Manager
Development Review Team

m:/corres/FY15/Traffic/Active/120140250, AVA Wheaton, MCDOT Plan Review ltr.doc

cc: Chris Helsabeck; AvalonBay Communities, Inc.
Bill Landfair; VIKA Maryland, LLC
Robert Harris; Lerch, Early and Brewer
Carmalotta Harris
Rick Kiegel, MTA
Scott Newill; MSHA AMD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Catherine Conlon; M-NCPPC DARC
Larry Cole, M-NCPPC Area 2
Ed Axler; M-NCPPC Area 2
Glenn Kreger, M-NCPPC Area 2
Khalid Afzal, M-NCPPC Area 2
Sam Farhadi; MCDPS RWPR

Mr. Michael Brown
Preliminary Plan No. 120140250
August 15, 2014
Page 8

Marie LaBaw; MCFRS
Joanna Conklin, MCDOT DO
Sande Brecher, MCDOT DTS
Stacy Coletta, MCDOT DTS
Fred Lees, MCDOT DTEO
Bruce Mangum, MCDOT DTEO
Khursheed Bilgrami, MCDOT DTEO
Rebecca Torma; MCDOT DTEO

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



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

August 18, 2014

RE: Montgomery County
 MD 97 (Georgia Avenue)
 Ava Wheaton
 SHA Tracking No. 13APMO048xx
 M-NCPPC No. 1-20140250
 Mile Point: 3.58

Ms. Sherry Mitchell
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874

Dear Ms. Mitchell:

Thank you for the opportunity to review the preliminary plan submittal for the proposed Ava Wheaton in Montgomery County. The State Highway Administration (SHA) review is complete and we are pleased to respond.

The SHA has no objection to the proposed development with the condition the applicant coordinates directly with the SHA as improvements within SHA right-of-way require an Access Permit. The acquisition of the permit is subject to the Access Management Division pre-permit plan review and issuance processes. It is noted that all access is proposed via Blueridge Avenue which is neither owned nor maintained by the SHA.

Based on the information provided, please address the following comments in a point-by-point response:

Highway Hydraulics Comments:

1. We have received and reviewed your submission, which included a site plan. In order for the Technical Review Team to complete a detailed review of the project please submit a complete plan set, a hydrologic analysis of the existing and proposed site conditions, a SWM report, and a narrative describing the proposed project.
2. Please clearly label the SHA right-of-way on all appropriate sheets.
3. It appears that in the existing condition, flow from the roadway sheet flowed onto the site in the vicinity of Sta. 234+00. In the proposed condition this flow path is removed. Please provide supporting computations (including drainage area mapping) for inlet spacing / gutter spread along MD 97 to determine if inlets are needed. As per SHA drainage design criteria, gutter spreads cannot exceed 8 feet (2-year frequency storm) and inlets must intercept at least 85% of the flow (2-year frequency storm).
4. Please provide a breakdown of existing and proposed impervious areas within the SHA right-of-way. All new impervious area within the right-of-way must have direct stormwater management treatment.

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

5. Any BMP that treats SHA impervious must have an SHA BMP number assigned. Please verify whether any facilities treat SHA impervious.
6. It is difficult to determine if any of the proposed private improvements drain toward the SHA right-of-way. The requested hydrologic analysis should include drainage area maps as well as computations demonstrating discharges to SHA right-of-way for existing and proposed conditions. Note that any increase in discharge to SHA right-of-way must be mitigated prior to entering the right-of-way.
7. Although we defer to Montgomery County for Erosion and Sediment Control approval, due to the possible impacts to SHA right-of-way we have the following comments:
 - a. Please provide full erosion and sediment control plans for review.
 - b. All runoff should be treated prior to entering the SHA right-of-way or the project should provide same day stabilization.
 - c. All Erosion and Sediment Control design should be per the 2011 Standards.

We may provide additional comments once all design data including calculations have been included in the next submittal. On the CD to the Development and Permit Review Team please include an electronic copy of all the hydraulic reports, plans, and computations in PDF format.

Office of Environmental Design Comments:

Streetscape Concept:

1. The applicant has proposed a new alignment of trees along this segment of Georgia Avenue which has the potential to cause new maintenance, operability and safety concerns. The applicant is requested to contact Joe Vervier at 410-545-2891 or by email at jvervier@sha.state.md.us to discuss these concerns with staff of OED. As part of this discussion, OED would like to explore increased offset distance of trees to the back of curb, the potential use of expanded tree pits, root trenches and other techniques to enhance tree survival. OED anticipates that implementation of a new streetscape plan will ultimately require coordination with Montgomery County, the Maryland-National Capital Park and Planning Commission, and others who may have an interest in developing a streetscape plan and/or resources necessary to maintain an urban street canopy with greater maintenance and replacement costs.

Landscape Guidance Documents:

2. The applicant shall refer to the most recent versions of 'SHA Environmental Guide for Access and District Permit Applicants', the 'SHA Landscape Design Guide, the 'SHA Landscape Estimating Manual', and the 'SHA Preferred Plant List'. These documents are available at <http://www.roads.maryland.gov/index.aspx?PageId=25>.

Landscape Plan:

3. After streetscape concepts are formalized and when landscape plans are revised, the landscape plan shall conform to Chapter 6.0 and 6.1 of the 'Environmental Guide. The plan shall include all the landscape plan elements per Chapter 6.2 such as posted speed, overhead and underground utilities, etc. The applicant shall include the title and all pertinent SHA Landscape Notes per Chapter 7.0 of the 'Environmental Guide', as well as any Notes which may be required to specify specialized tree pits, planting media, etc. The SHA Landscape Notes for landscape construction within the SHA right of way shall supersede all other landscape notes or specifications which may be developed for the project. SHA Landscape Notes specify certain measures for debris removal, soil restoration, groundcover vegetation, etc. which must be performed. Only the Notes that are actually required to construct the project shall be included.

SHA Landscape QA Checklist:

4. The applicant is requested to refer to Chapter 8 of the 'Environmental Guide' and perform a self-assessment to ensure that resubmitted plans adequately address concerns to be evaluated by the Office of Environmental Design.

Access Management Division Comments:

1. The SHA plans need to adhere to the requirements provided on the Access Management Division Plan Review Checklist. Complete the checklist and submit a copy of the completed form on the subsequent submission. The checklist can be accessed directly at <http://www.sha.maryland.gov/ohd2/Plan-check-list.pdf>.
2. Provide the following note on the first sheet of the SHA right-of-way plan set:

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

- a. MD-xxx.xxx – Name of standard
- b. MD-xxx.xxx – Name of standard

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

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

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

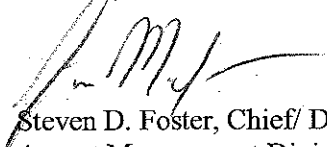
3. Reference the appropriate SHA Traffic Control standard. Maintaining pedestrian mobility is required during construction of the proposed improvements. Reference specific pedestrian mobility standards from the SHA Book of Standards and/or provide a site specific pedestrian mobility plan for construction.
4. The SHA requires that right-of-way/easement donations be platted to SHA standards. Information concerning developer donation plat requirements can be access at <http://www.roads.maryland.gov/Index.aspx?PageId=29#Plat>. Please contact Mr. Bill Carroll, Assistant Division Chief, SHA Plats and Surveys Division at 410-545-8958 or bcarroll2@sha.state.md.us for additional information. The initial plat submission shall be included in the pre-permit plan review submittal sent to the SHA Access Management Division.
5. The applicant is required to apply for a SHA District 3 Utility Permit for utility work within the SHA right-of-way. A separate cost estimate and bond will be required. For further information, please contact Mr. Mark Loeffler, SHA District 3 Utility Area Engineer, at 301-513-7492 or via email at mloeffler@sha.state.md.us.
6. The proposed lighting within the SHA right-of-way requires a Design Request (DR). Please submit a DR to the SHA District 3 Traffic Engineer Ms. Anyesha Mookherjee and copy the SHA AMD reviewer Mr. Jonathan Makhlouf on the submittal. Ms. Mookherjee can be reached at 301-513-7498 or via email at amookherjee@sha.state.md.us.
7. Provide existing or pending maintenance agreements or any maintenance information for the proposed landscape and hardscape elements within the State's right-of-way. Additional comments concerning the proposed elements will be provided upon receipt of the requested information.

Further plan submittals should reflect the above comments. Please submit 6 sets of plans, a CD containing the plans and supporting documentation in PDF format, as well as a point by point response, to

Ms. Sherry Mitchell
SHA Tracking No. 13APMO048xx
Page 4
August 18, 2014

reflect the comments noted above directly to Mr. Steven Foster attention of Mr. Jonathan Makhlof. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Jonathan Makhlof at 410-545-5586, by using our toll free number in Maryland only at 1-800-876-4742 (x5586) or via email at jmakhlof2@sha.state.md.us.

Sincerely,


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

SDF/JMM

cc: Mr. Cornelius Barmer, SHA Highway Hydraulics Division
Ms. Catherine Conlon (catherine.conlon@montgomeryplanning.org), M-NCPPC
Mr. Mark Ethridge, Montgomery County Department of Permitting Services
Mr. Victor Grafton, SHA District 3 Utility Engineer
Mr. Chris Helsabeck, Avalon Bay Communities, Inc.
-671 North Glebe Road, Suite 800, Arlington, VA 22203
Mr. John Krouse, SHA Landscape Operations Division
Mr. Mark McKenzie, SHA Access Management Division
Ms. Anyesha Mookherjee, SHA District 3 Traffic Engineer (Montgomery County)
Mr. Scott Newill, SHA Access Management Division
Ms. Deborah Pitts, SHA Highway Hydraulics Division
Mr. Joe Vervier, SHA Landscape Operations Division
Mr. Brian Young, SHA District 3, District Engineer



RECEIVED
10/14/14
Vm1831A

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

October 10, 2014

Ms. Sherry Mitchell, P.E.
Vika Maryland, Inc.
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for AVA Wheaton
Preliminary Plan #: 120140250
SM File #: 266075
Tract Size/Zone: 3.7 Ac./CR
Total Concept Area: 4.03
Lots/Block: 5,6,7 / 1
Parcel(s): C
Watershed: Sligo Creek

Dear Ms Mitchell:

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 micro-bioretenention planter boxes. The remainder is treated in a under ground proprietary filter.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. All covered parking is to drain to WSSC.
6. Provide a copy of the mechanical plans (include a drain schematic) showing that the roof drains are going to stormwater structures and that garage drains are going to WSSC.
7. Use the latest MCDPS design standards for stormwater management. Will need to provide easements and covenants for all stormwater structures.

Ms. Sherry Mitchell, P.E.
October 10, 2014
Page 2

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

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

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

Sincerely,



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

MCE: me CN266075 AVA Wheaton.DWK

cc: C. Conlon
SM File # 266075

ESD Acres:	4.0
STRUCTURAL Acres:	0.9
WAIVED Acres:	0.00



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

November 14, 2014

Mr. Michael Brown
Area 2 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: AVA Wheaton
Site Plan No. 820140190

Dear Mr. Brown:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Site Plan. DHCA recommends Approval of the plan with the following condition:

- At certified site plan, provide final MPDU locations, bedroom compositions and layouts to DHCA for review and approval.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Rob Cohen, VIKA Maryland, LLC
William Landfair, VIKA Maryland, LLC

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Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca





FIRE MARSHAL COMMENTS

DATE: 19-Nov-14
TO: Bill Landfair - landfair@vika.com
Vika, Inc
FROM: Marie LaBaw
RE: AVA Wheaton
120140250 820140190

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 19-Nov-14. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Performance based design *****

***** Refer to site plan package plan sheets A2.0 (October 3, 2014) and A2.1 (September 25, 2014) for garage access *****



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Fariba Kassiri
Acting Director

October 17, 2014

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: AVA Wheaton, ePlans 120140250, NRI/FSD application accepted on 5/15/2013

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the

Division of Environmental Policy & Compliance

variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

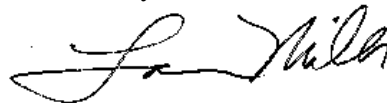
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Amy Lindsey, Senior Planner



July 3, 2014

Area 2 Planner
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Forest Conservation Tree Variance Request
AVA Wheaton
Wheaton, Maryland
NRI/FSD #420131840
VIKA # VM1831A

Dear Sir or Madam:

On behalf of our client, Avalon Bay Communities, Inc., we are submitting this Tree Variance Request to comply with the Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to remove trees that either have a diameter-at-breast-height (DBH) of 30" or greater, or trees that are 75% of the diameter of the county champion for that species if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009. This report has been prepared by Joshua C. Sloan, RLA, ASLA.

This residential redevelopment project is zoned CR-4.0, C-3.5, R-3.5, H-100 and NRI/FSD #420131840 was approved in June 2013. Sketch Plan #320140020 for the project was also approved June 12, 2014. This Tree Variance Request is accompanying the submission of the Final Forest Conservation Plan submitted concurrently with Preliminary Plan #120140250 and Site Plan #820140190. A total of three (3) specimen trees with 30" DBH or greater will be impacted by the redevelopment of the subject property with two of the three trees (7 and 8) identified for removal.

Table 1 lists the specimen trees as they are identified on the Forest Conservation Plan and provides the respective proposed impacts.

Table 1

Tree #	Species	Diameter (inches)	Field Condition	Disposition	CRZ Area (sf)	CRZ Impacts (sf)	CRZ Impacts (%)
V2	<i>Liriodendron tulipifera</i>	31"	Good	Preserve	6,793	1,298	19.11
V7	<i>Quercus palustris</i>	40"	Good	Remove	11,310	11,310	100
V8	<i>Quercus palustris</i>	36"	Good	Remove	9,161	5,632	61.48

The Assessment below was performed by VIKA Maryland, LLC at the time of the field work for the NRI as a visual, at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 ✪ Germantown, Maryland 20874 ✪ 301.916.4100 Fax 301.916.2262
Tysons, VA ✪ Germantown, MD ✪ Washington, DC

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Tree # 2

31" Tulip poplar (*Liriodendron tulipifera*): Tree 2 is a lawn tree located along the northern property line +/-72 feet from the northeast corner of the subject property.

- **Field Condition:** Good
- **Proposed CRZ Impact:** moderate at 19.11% due to the location of the limits of disturbance (LOD) for the building and storm water management bio-retention areas and walkways.
- **Disposition:** Tree 2 is specified to be preserved.

Tree # 7

40" Pin Oak (*Quercus palustris*): Tree 7 is located in a large parking lot island on the northwest corner of the site.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as the tree is located within the footprint of the proposed residential building.
- **Disposition:** Tree 7 is specified to be removed.

Tree # 8

36" Pin Oak (*Quercus palustris*): Tree 8 is a lawn tree located along the northeast side of the property +/- 78 feet south of tree 2.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 61.48% due to the location of the limits of disturbance (LOD) for the installation of storm water management facilities and the Elkin Road sidewalk.
- **Disposition:** Tree 8 is specified to be removed.

Justification Narrative for Tree Disturbance

The AVA Wheaton multi-family residential project will provide needed housing to this part of Wheaton. It will consist of up to 324 units, within 460,500 square feet, less than what is allowed by zoning. As shown on the approved Sketch Plan for the property, the development addresses the challenges of the site, which include significant slopes, through a sensitive design that respects the topography and provides generous public use space and public benefits. These include a landscaped plaza leading to the primary entrance and a pocket park. To the extent possible, grading has been minimized to mitigate the impact on natural features of the site.

To grant the requested variance, the Planning Board must find that the request:

1. Describes the special conditions peculiar to the property which would cause the unwarranted hardship;
2. Describes how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verifies that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
4. Provides any other information appropriate to support the request

We submit the following rationale in support of the request for a Forest Conservation Tree Variance.

1. The requested tree variance is necessary for implementation of this residential redevelopment project which has an approved NRI and Sketch Plan and is proceeding through the development approval process with the concurrent submission of Preliminary and Site Plans. Trees 7 and 8 will be removed for the proposed residential buildings, structured parking, and stormwater management facilities. Tree 2 will have limited impact from the development and will be preserved. The conditions related to this request are neither unique nor special to this project and instead are unavoidable consequences of the development process under the zoning applied through the Master Plan.

2. The requested variance is based on plans being developed under the zoning approved through the County planning process not conditions or circumstances resulting from actions by the applicant. The 4.58-acre subject property has no existing forest. The majority of trees within the existing property are lawn trees planted as part of the landscape plan for the existing development. As part of the proposed redevelopment, a park is proposed in the northeast corner of the site where, in addition to preserving variance tree 2, existing trees are being preserved including three significant oak trees that are 20 - 26 inches in diameter.

The three variance trees are impacted by the proposed residential redevelopment for which the Preliminary and Site Plans have been submitted for approval. There are no conditions relating to land or building use, either permitted or nonconforming, on a neighboring property that have played a role in the need for this variance.

3. The concept storm water management plan incorporates environmental site design (ESD) to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. Water quality treatment will be provided by approximately 16 micro-biofilter planters located around the perimeter of the building and in the courtyards. These will treat the first 1.2 inches of runoff. The remaining runoff will be treated by a structural vault containing stormfilter cartridges. Therefore, the removal of the two specimen trees will not adversely affect water quality in any measurable way.

4 We believe that the information provided in the three outlined points above is adequate in support of granting the Tree Variance request.

Thank you for your consideration of this Tree Variance request. We believe that the supporting information provided with this letter justifies the variance to remove two (2) specimen trees and impact the critical root zone of one (1) more. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,
VIKA Maryland, LLC.



Joshua C. Sloan, RLA, ASLA
Director of Planning and Landscape Architecture

