



## 7100 Wisconsin Avenue, Site Plan Amendment No. 82013023A

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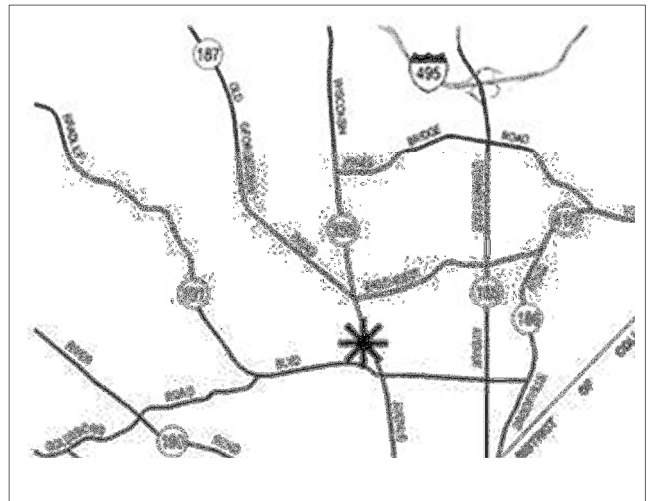
- Stephanie Dickel, Planner Coordinator, Area 1, [Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org), 301-495-4527
- Elza Hisel-McCoy, Supervisor, Area 1, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115
- Robert Kronenberg, Chief, Area 1, [Robert.Kronenberg@montgomeryplanning.org](mailto:Robert.Kronenberg@montgomeryplanning.org), 301-495-2187

Completed: June 27, 2014 **(Revised July 8, 2014)**

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### Description

- Request for minor modifications to on-site public use space, off-site public amenity space, architecture, paving pattern, green roof, shift of footprint, and modifications to ADA ramps as a result of the detailed design process;
- Located at 7100 Wisconsin Avenue at the intersection with Woodmont Avenue;
- 0.58 gross tract area in the CBD-R2 Zone in the *Bethesda CBD Sector Plan*;
- Applicant: Washington Property Company;
- Filing Date: May 21, 2014



### Summary

- Staff recommends approval of the Site Plan Amendment.
- The Planning Board previously approved Project Plan No. 920130010 by Resolution No. 12-152; Preliminary Plan No. 120130200 by Resolution No. 13-101; and Site Plan No. 820130230 by Resolution No. 13-102.
- Staff has received correspondence from notified parties that pertain primarily to the construction process.

## RECOMMENDATION

Staff recommends approval of Site Plan Amendment No. 82013023A, 7100 Wisconsin Avenue. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required. Except as specified below, [No] prior conditions are not [need to be] modified by this amendment and all previous approvals remain binding on the Applicant[, except as modified by this amendment]. The following conditions supersede those from Site Plan 820130230:

### Parks, Open Space, & Recreation

3. Public Use Space, Facilities and Amenities
  - a. The Applicant must provide a minimum of 17.5% of the net lot area for on-site public use space and a minimum of 36.1% of the net lot area for off-site public use space for the enhancement of Eastham Park.
  - b. The Applicant must provide a minimum of 34.5% of the net lot area for public amenity space, including but not limited to the area along Woodmont Avenue.

### Site Plan

9. Site Design
  - a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan for this amendment, 82013023A, as determined by Staff.

## SITE DESCRIPTION

### Vicinity

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



*Aerial View*

## **Site Analysis**

The site is currently vacant, the gas station known as Eastham's Exxon, which faced Wisconsin Avenue has relocated and has removed the underground storage tanks and pumps associated with the gas station. There is little existing vegetation on the site. However, there are several shade trees along the southern edge of the Property. There are several utility poles with overhead wires. There are no known rare, threatened, or endangered species; forests; 100-year floodplains; stream buffers; wetlands; steep slopes; or historic properties or features on site.

## **PROJECT DESCRIPTION**

### **Previous Approvals**

#### Project Plan

The Planning Board approved Project Plan No. 920130010 by resolution dated February 8, 2013, for creation of one lot to accommodate 145 multi-family dwelling units and a minimum of 6,000 square feet of retail space. (Attachment A)



### Preliminary Plan

The Planning Board approved Preliminary Plan No. 120130200 by resolution dated August 5, 2013, for 145 multi-family dwelling units on one lot, including at least 15 percent moderately priced dwelling units (MPDUs), and a maximum of 6,500 square feet but no less than 6,000 square feet of retail. (Attachment B)

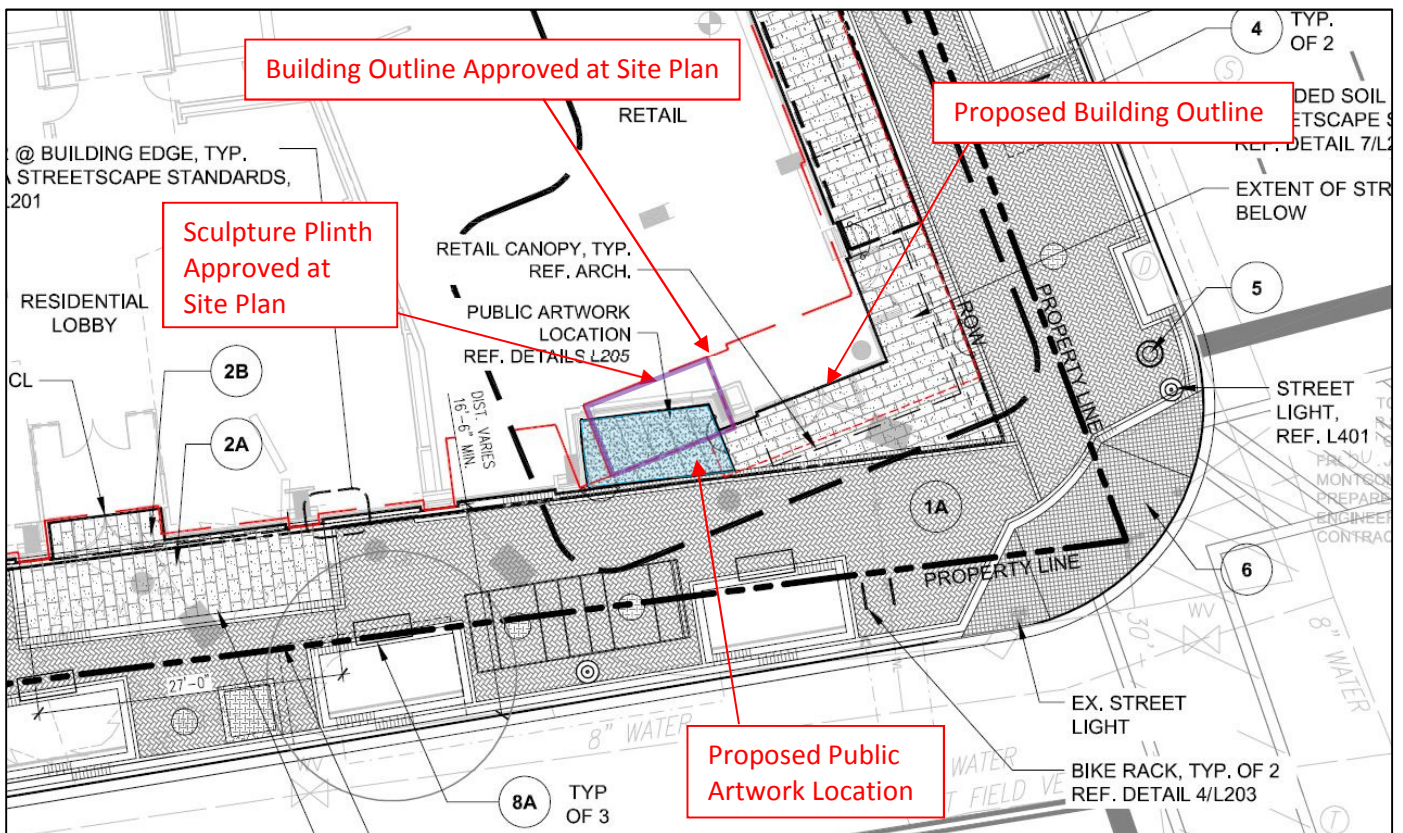
### Site Plan

The Planning Board approved Site Plan No. 820130230 by resolution dated August 5, 2013, for 145 multi-family dwelling units, including 15 percent MPDUs and a maximum of 6,500 square feet but no less than 6,000 square feet of retail. (Attachment C)

## **Proposal**

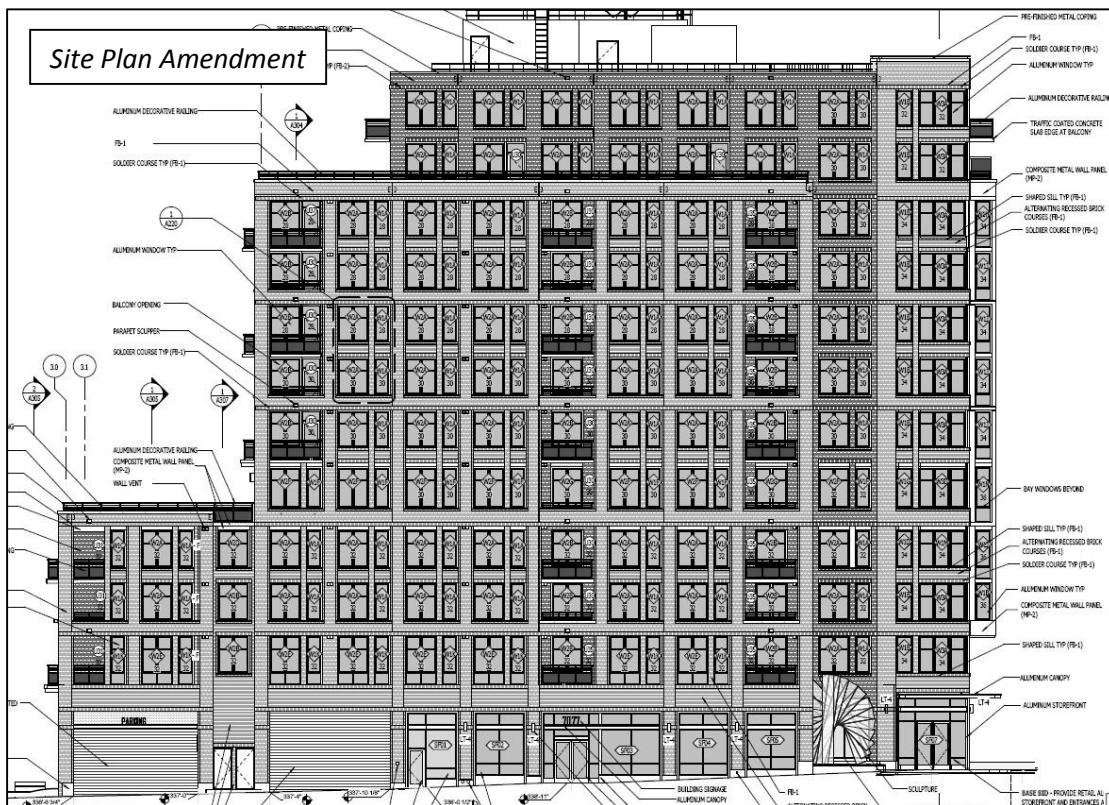
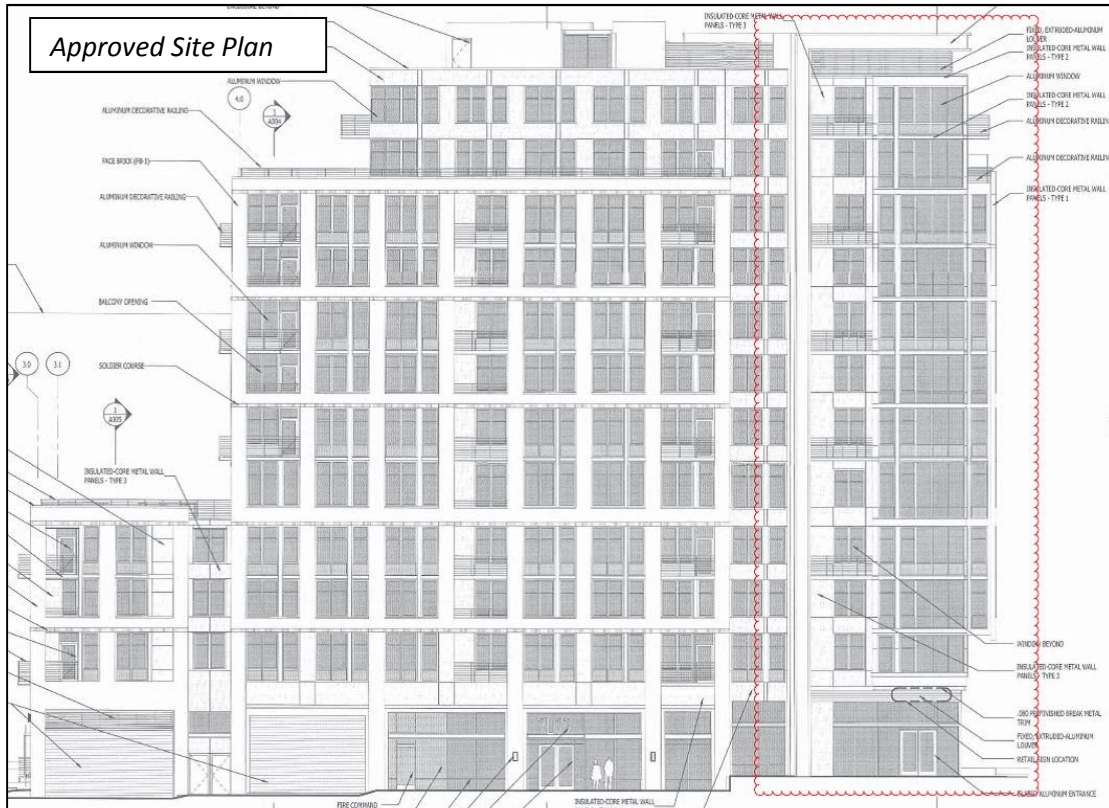
This Site Plan Amendment consists of minor adjustments to the approved Site Plan:

1. The east side of the building footprint has changed slightly due to design changes made as part of the engineering process. The southeast corner of the building has extended to the south approximately seven feet, and the east side of the building has extended about one foot to the east;



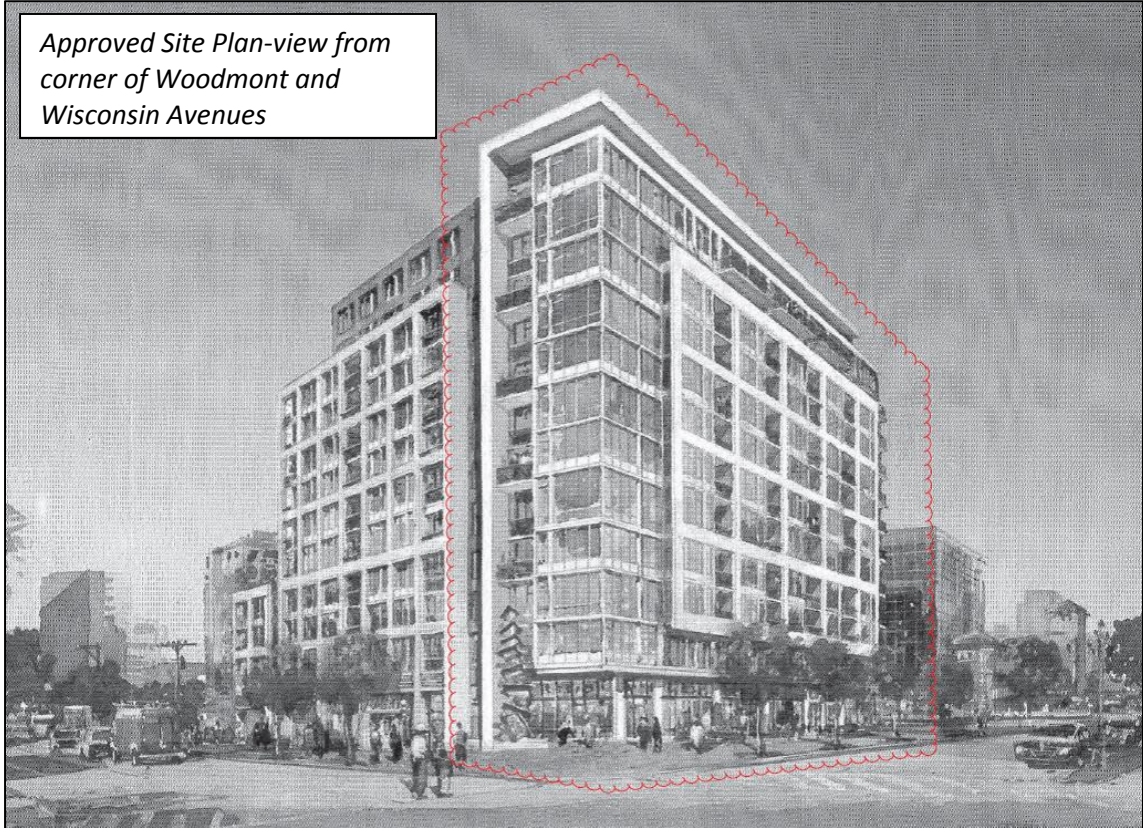
*Building footprint adjustments*

- On the east side of the building, the amount of glazing and metal wall panel has been reduced, and the amount of brick has increased;





*Approved Site Plan-view from corner of Woodmont and Wisconsin Avenues*



*Site Plan Amendment-view from corner of Woodmont and Wisconsin Avenues*



- The on-site public use space provided has decreased in order to designate an area along Wisconsin Avenue for outdoor dining. Off-site public amenity space has also decreased slightly due to a curb adjustment at the northwest corner of the property.

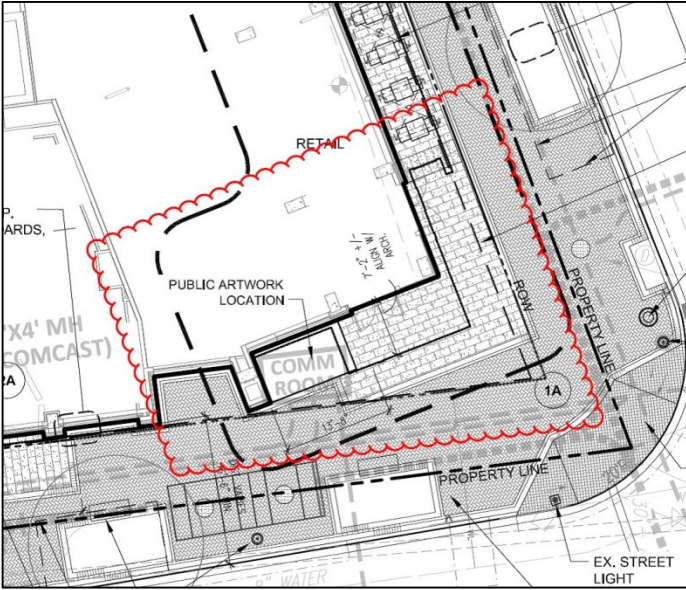
### Project Data Table

CBD-R2 Optional Method	Zoning Ordinance Development Standard	Approved by Project Plan	Approved by Site Plan	Proposed for Site Plan Amendment
<b>Public Use Space and Public Amenity Space</b>				
On-site Public Use Space	20% (4,283 SF)	17.5% (3,752 SF)	23.2% (4,965 SF)	17.5% (3,752 SF)
Off-site Public Use Space (Eastham Park)	N/A	36.1% (7,725 SF)	36.1% (7,725 SF)	36.1% (7,725 SF)
Total Public Use Space	20% (4,283 SF)	53.6% (11,477 SF)	59.3% (12,690 SF)	53.6% (11,477 SF)
Off-site Public Amenity Space	N/A	<u>32.8% (7,018 SF)</u>	<u>34.7% (7,420 SF)</u>	<u>34.5% (7,391 SF)</u>
<b>Total Public Use Space &amp; Public Amenity Space</b>		<b>86.3% (18,495 SF)</b>	<b>93.9% (20,110 SF)</b>	<b>88.1% (18,868 SF)</b>

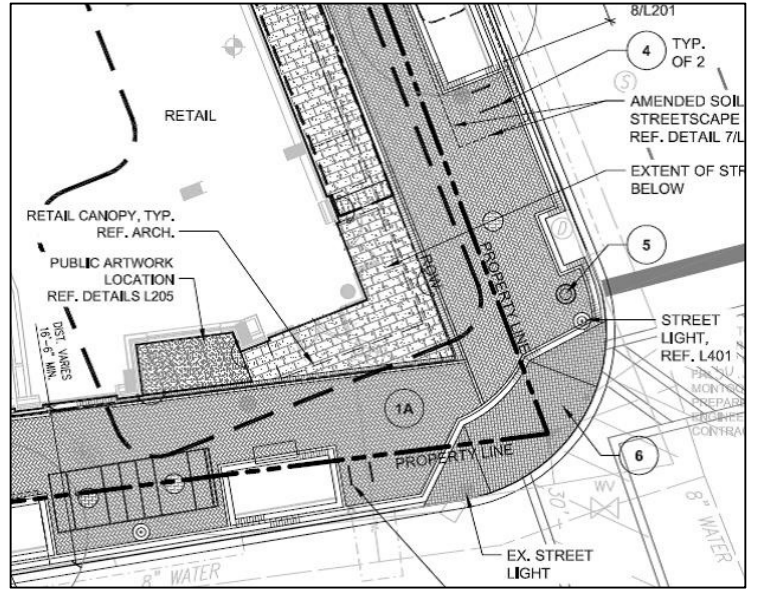
As shown on the data table above, both the on-site public use space and off-site amenity space continue to meet or exceed what was approved at the time of the Project Plan, but at slightly below what was approved at the time of Site Plan.



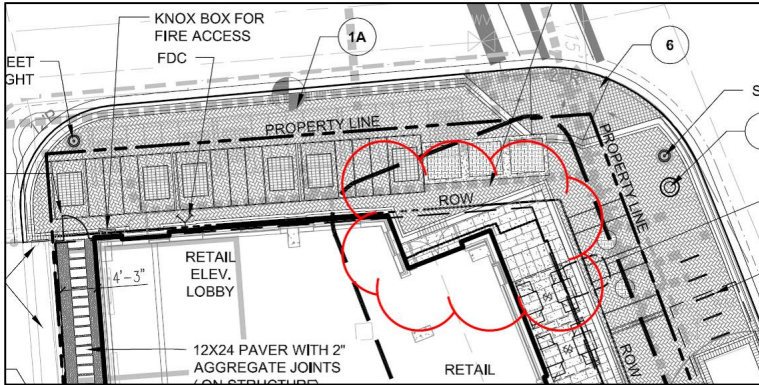
4. The streetscape paving pattern has been revised slightly due to the building footprint modifications;



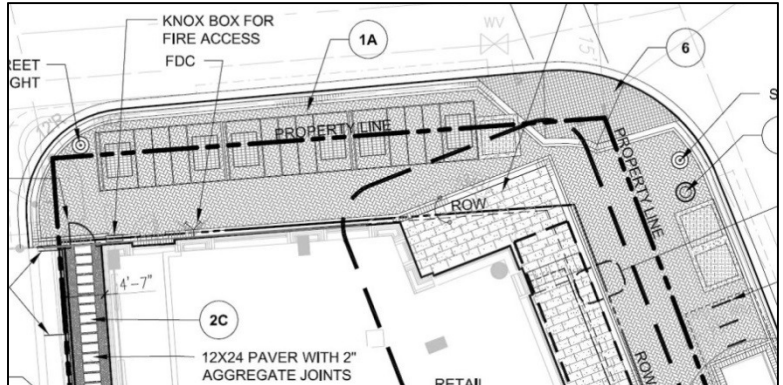
Site Plan streetscape paving-SE corner



Site Plan Amendment streetscape paving-SE corner



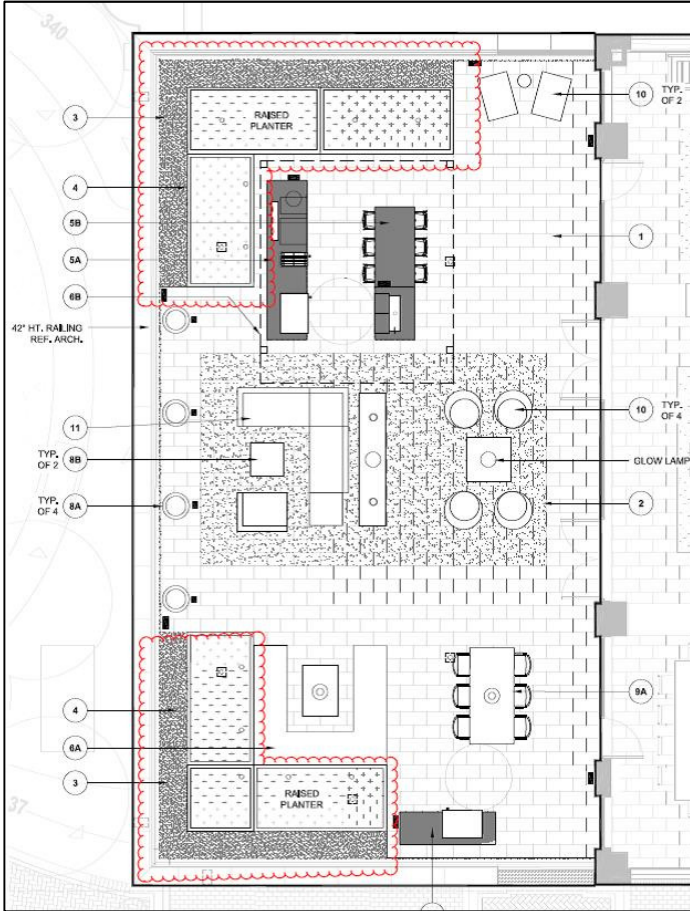
Site Plan streetscape paving-NE corner



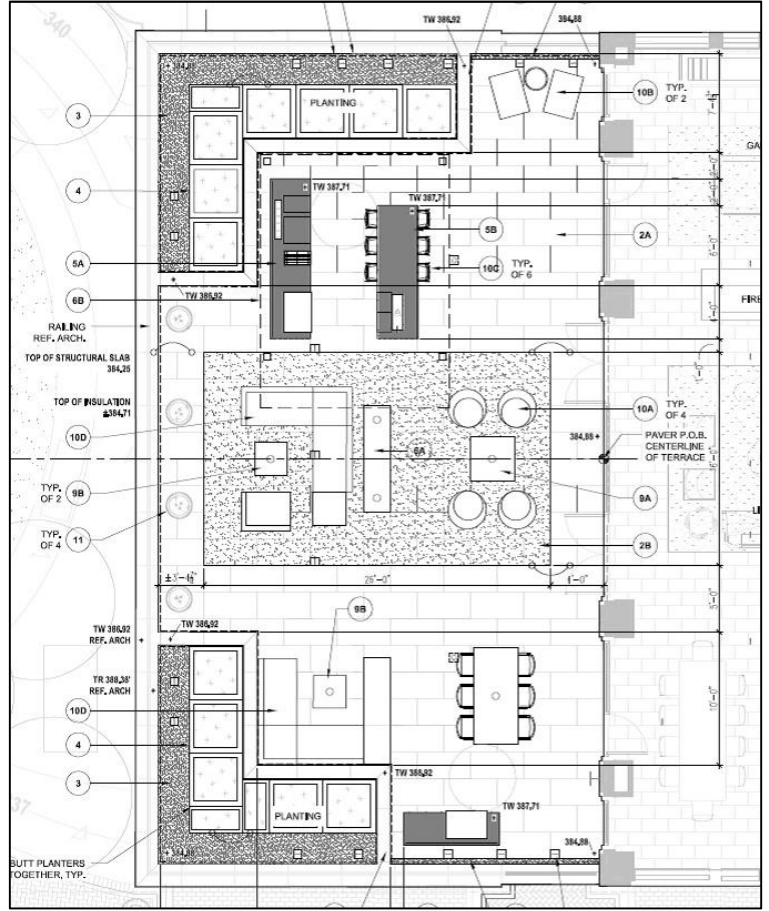
Site Plan Amendment streetscape paving-NE corner



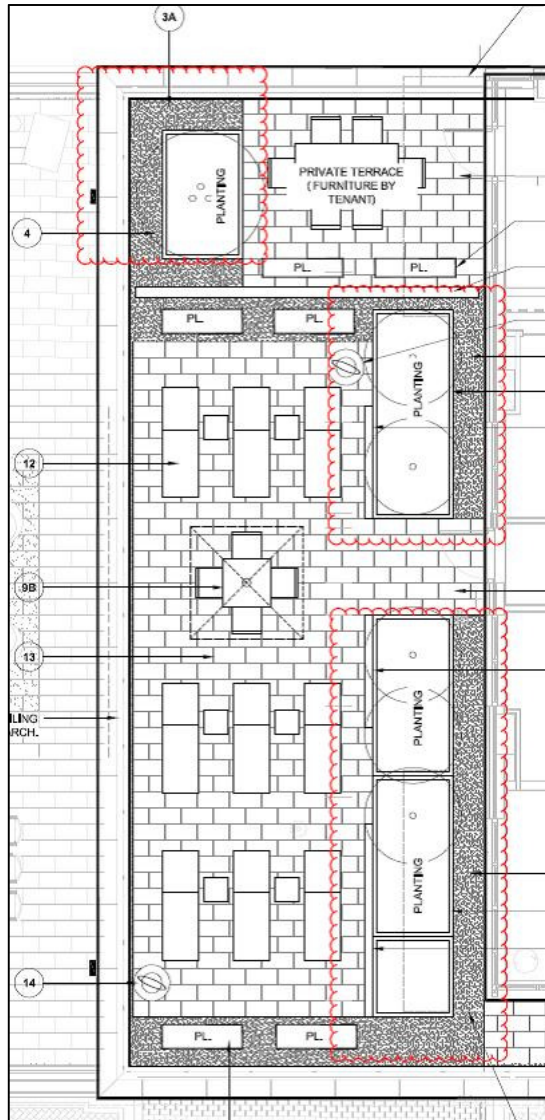
- The green roof area has been redistributed (with the planting on the rooftop amenity spaces on Levels 5 and 11 decreasing slightly because the continuous planters shown on the Site Plan have been revised to individual planters, and the remainder of the green roof requirement met through redistribution of planting to the roof that is inaccessible by tenants; and



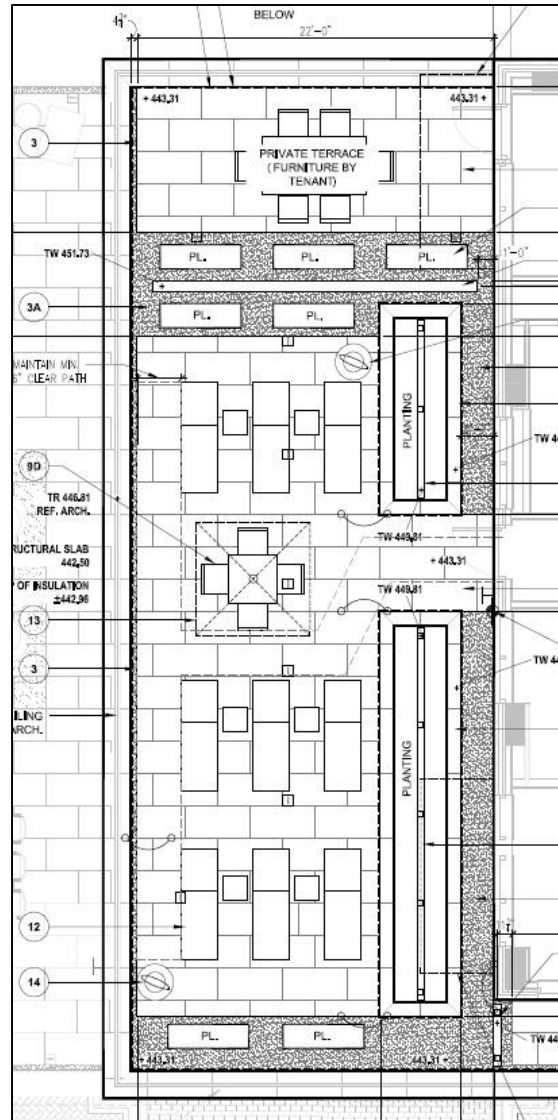
*Approved green roof area-Level 5*



*Site Plan Amendment green roof area-Level 5*



Approved green roof area-Level 11



Site Plan Amendment green roof area-Level 11

- Due to prior revisions to the exterior ADA ramps (per State Highway Administration’s requested changes) at the adjacent intersections that were reflected on the Certified Site Plan, the five-foot clear ADA path around the Property has been adjusted accordingly as part of this Application.

## ANALYSIS AND FINDINGS

### Master Plan

The proposed amendment maintains conformance with the *Bethesda CBD Sector Plan* recommendations for the Subject Property.



## **Transportation and Circulation**

The proposed amendment does not affect vehicular circulation or pedestrian and bicyclist access.

## **Environment**

The proposed amendment maintains compliance with Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection of the Montgomery County Code.

## **Development Standards**

The proposed amendment minimally alters the public use space and public amenity space of the development standards approved with the original site plan. As discussed on page 7, both the on-site public use space and off-site amenity space continue to meet or exceed what was approved at the time of the Project Plan, but at slightly below what was approved at the time of Site Plan.

## **Previous Conditions of Approval**

The proposed amendment maintains conformance with the conditions of approval of the Project Plan No. 920130010, Preliminary Plan No. 120130200, and Site Plan No. 820130230.

## **COMMUNITY OUTREACH**

The Applicant sent a notice regarding the subject Site Plan Amendment to all parties of record on May 23, 2014. The notice gave the interested parties 15 days to review and comment on the Site Plan Amendment. Staff received correspondence from residents of Crescent Plaza in regards to construction process concerns and general questions about the Application (Attachment D). The Applicant met with residents of Crescent Plaza on June 24, 2014 to address their concerns in regards to construction process, and the proposed amendment (Attachment E).

## **CONCLUSION**

The proposed Site Plan Amendment does not alter the overall design of the development in relationship to the original approval. The modification does not impact the compatibility or efficiency, adequacy, and safety of the site with respect to structures and uses, vehicular and pedestrian circulation, open space, landscaping, or lighting. All previous approvals remain in full force and effect, as modified by this Amendment.

## **APPENDIX**

- A. Project Plan Resolution No. 12-152
- B. Preliminary Plan Resolution No. 13-101
- C. Site Plan Resolution No. 13-102
- D. Citizen Correspondence
- E. Meeting minutes- Crescent Plaza



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

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

FEB 18 2013

**RESOLUTION**

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

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

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

WHEREAS, The Application consisted of two separate plans for the same amount of development, i) the *Proposed Development* illustrating a 90-foot tall building of uniform height, mass and form but with less on-site public use space, and ii) the *Alternative Plan* illustrating a building with a smaller footprint and more public use space, with height stepping from 120 feet predominately along Wisconsin Avenue to 45 feet along Woodmont Avenue and adjacent to the existing Bethesda Crescent building; and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated October 19, 2012, setting forth its analysis and recommendation for approval of the *Alternative Plan*, subject to certain conditions ("Staff Report"); and

Approved as to  
Legal Sufficiency:

 2/4/13



WHEREAS, on November 1, 2012, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

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

1. Development Ceiling

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

2. Building Height and Mass

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

3. Housing

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

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

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

<sup>3</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

4. LEED Certification

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

5. Transportation

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

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

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



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

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

6. Public Use Space, Amenities and Facilities

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

7. Staging of Amenity Features

- a. The development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
- b. The Applicant must complete the on-site public use space improvements, including the implementation of the consolidated public use space improvements and the enhancements to Eastham Park, prior to issuance of the final residential use-and-occupancy permits, unless modified by the site plan development program.
- c. The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.

8. Maintenance and Event Management Organization

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

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

- a. The Applicant must obtain written approval from MCDOT for the final design and extent of any and all streetscape improvements within the rights-of-way.
- b. The Applicant must present preliminary and final public art and amenity concepts to the Art Review Panel prior to approval of the site plan.
- c. On behalf of the Crescent Plaza, the Applicant must amend the site plan for the Crescent Plaza development for the modifications to the public use space. The amendment may be processed as an Administrative Amendment.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920130010, 7100 Wisconsin Avenue stamped received by M-NCPPC on September 24, 2012, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42<sup>4</sup>, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

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

Intents and Purposes of the CBD Zones

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

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

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

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

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

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

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

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

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

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

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

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

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

- (3) *"To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."*

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

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

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

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



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

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

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

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

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

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

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

**DATA TABLE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

- (d) The development does not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, Article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

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

Application will not overburden existing public services. Public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to preliminary plan approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is ~~FEB 8 2013~~ (which is the date that this Resolution is mailed to all parties of record); and

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

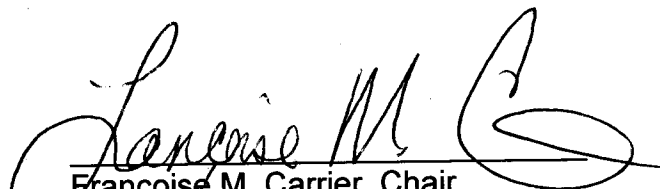


Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, January 31, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



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

OFFICE OF THE CHAIR

MCPB No. 13-101  
Preliminary Plan No. 120130200  
7100 Wisconsin Avenue  
Date of Hearing: July 11, 2013

AUG 15 2013

**RESOLUTION**

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

WHEREAS, by resolution dated February 8, 2013, the Planning Board approved Project Plan No. 920130010 for 159,584 square feet of mixed-use development comprised of up to 145 multi-family dwelling units and a minimum of 6,000 square feet of retail, including a waiver of the gross floor area to be devoted to retail or personal service commercial uses on 0.58 acres in the CBD-R2 zone, located at 7100 Wisconsin Avenue ("Subject Property") in the Bethesda Policy Area, Bethesda CBD master plan ("Master Plan") area; and

WHEREAS, on April 17, 2013, Wisconsin Project, LLC/7120 Wisconsin LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision to create one lot with 159,584 square feet of mixed-use development for a maximum of 145 multi-family dwelling units, including 15 percent MPDUs, and 6,500 square feet of retail on the ("Subject Property"); and

WHEREAS, the application was designated Preliminary Plan No. 120130200, 7100 Wisconsin Avenue ("Preliminary Plan" or "Application"); and

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

WHEREAS, on July 11, 2013, the Planning Board held a public hearing at which it received testimony and evidence on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, on motion of Commissioner Anderson, seconded by

Commissioner Presley, by a vote of 4-0, Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Preliminary Plan No. 120130200 to create one lot on the Subject Property, subject to the following conditions:<sup>1</sup>

- 1) This Preliminary Plan is limited to one lot for 145 multi-family dwelling units, including at least 15% moderately priced dwelling units (MPDUs), and a maximum of 6,500 square feet but no less than 6,000 square feet of retail.
- 2) The certified Preliminary Plan must contain the following note:  
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for the approved development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
- 3) The Planning Board accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 27, 2013, and hereby incorporates them as conditions of this approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) The Applicant must dedicate and show on the record plat the following dedications:
  - a. Wisconsin Avenue, to the east of the site, as a six- to eight-lane divided major highway (M-6) with a minimum right-of-way width of 114 feet.
  - b. Miller Avenue, to the north of the site, as a two-lane business street with a minimum right-of-way width of 50 feet.
  - c. Woodmont Avenue, to the south of the site, as a two-lane arterial (A-68) with a minimum right-of-way width of 80 feet.
- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 6) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated October 8, 2012, and hereby incorporates them as conditions of this approval. The Applicant

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

must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 7) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
- 8) The record plat must reflect a public use and access easement over all public use space areas and adjacent parallel sidewalks.
- 9) The record plat must reflect all areas under Condominium Association ownership and specifically identify stormwater management parcels.
- 10) The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant’s recorded Condominium Documents incorporate the Covenant by reference.
- 11) The subject property is within the Bethesda-Chevy Chase School Cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the applicable unit rate for which a building permit is issued and a School Facilities Payment is applicable for a new residential unit. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 12) Prior to recordation of any plat, Site Plan No. 820130230 must be certified by Staff.
- 13) No clearing, grading or recording of plats prior to certified site plan approval.
- 14) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 15) The record plat must show necessary easements.
- 16) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

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

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

The Application substantially conforms to the goals, recommendations, and design guidelines of the Bethesda CBD Sector Plan. The Sector Plan recommends a

maximum density of 3 FAR and a maximum building height of 75 feet, which can be increased to accommodate affordable housing and associated density bonus according to the provisions of Section 59-D-2.42 of the Zoning Ordinance.

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

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



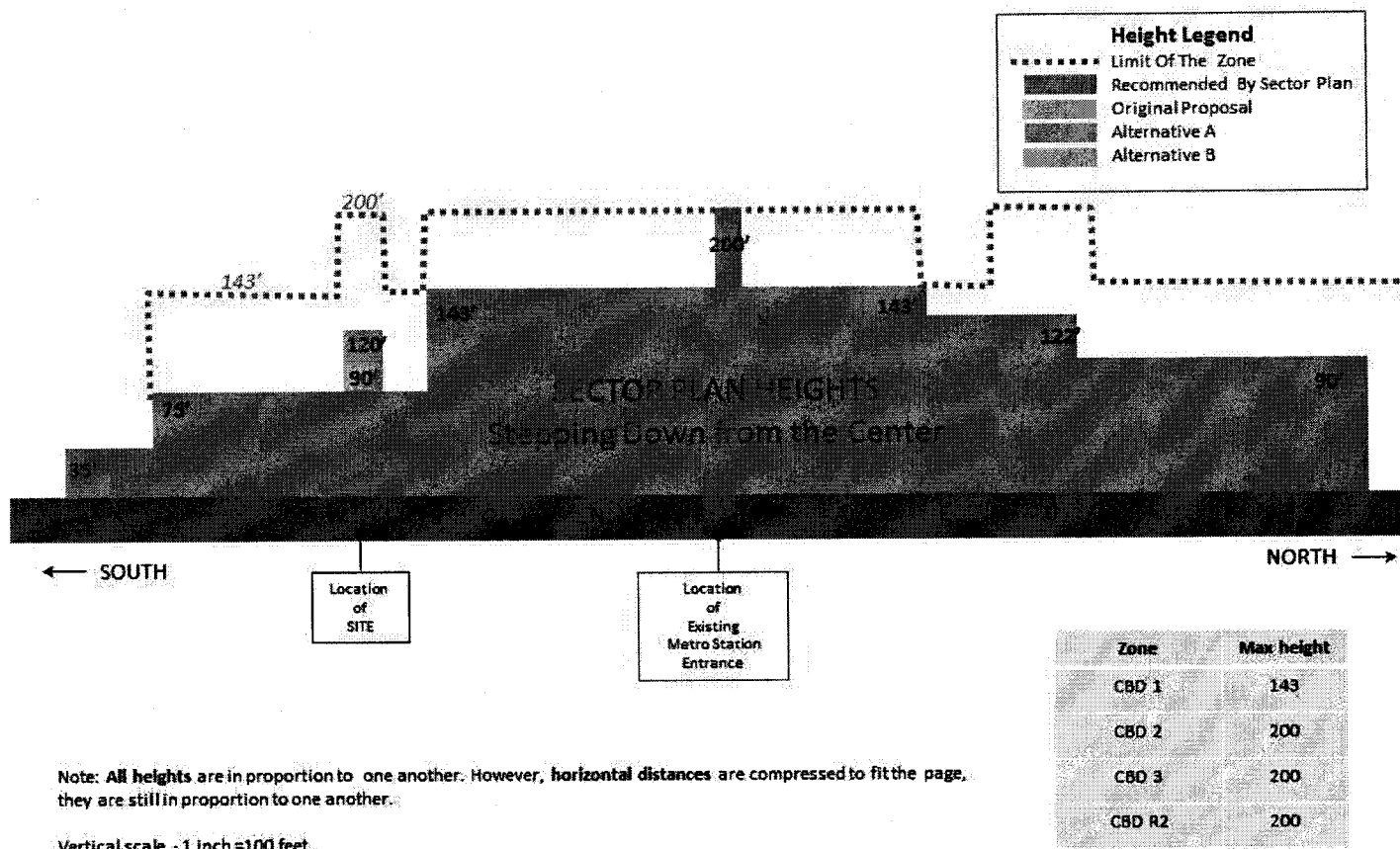


Image showing the Sector Plan Height limits (purple) and the zoning height limits (blue dots). The location of the proposed building is in brown.

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

While the Application exceeds both the height and density limits in the master plan, Section 59-D-2.42 of the zoning ordinance allows an increase in both FAR and height above a master plan recommended limit to accommodate Moderately Priced Dwelling

Units and bonus density.<sup>2</sup> In this case, the approved height and density are necessary to accommodate the 15% approved MPDUs and the associated 0.63 FAR of bonus density.

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

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

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

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

1. Wisconsin Avenue, to the east of the site, as a six- to eight-lane divided major highway (M-6) with a minimum right-of-way width of 114 feet.
2. Miller Avenue, to the north of the site, as a two-lane business street with a minimum right-of-way width of 50 feet.
3. Woodmont Avenue, to the south of the site, as a two-lane arterial (A-68) with a minimum right-of-way width of 80 feet.

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

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<sup>2</sup> Section 59-D-2.42

### Adequate Public Facilities Review

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

### **Trip Generation**

The peak-hour trip generation estimate for the 7100 Wisconsin Avenue development was based on Bethesda CBD trip generation rates included in the *LATR/PAMR Guidelines*. The maximum density on the site will generate 40 net new peak-hour trips during weekday morning peak period and 49 net new peak-hour trips during weekday evening peak period.

### **Local Area Transportation Review**

The CLV values for intersections in the study area following project build-out are estimated to be well below the Bethesda CBD congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the Application satisfies the LATR requirements of the APF test.

### **Policy Area Mobility Review**

Since the development is within the Bethesda CBD Policy Area, the project is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the proposed development is not required to pay transportation impact tax to satisfy the TPAR requirement.

The development satisfies the LATR and TPAR requirements of the APF review and will provide safe, adequate, and efficient vehicular and pedestrian access.

### Other Public Facilities and Services

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

payment at the high school level. Electrical, telecommunications, and gas services are also available to serve the property.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

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

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

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

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

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

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

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

6. Other Findings

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

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

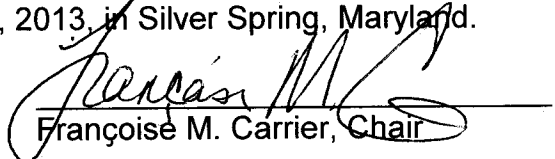
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 5 2013 (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Casey Anderson, seconded by Commissioner Amy Presley, with Chair Carrier, and Vice Chair Wells-Harley present and voting in favor of the motion, and Commissioner Norman Dreyfuss (absent) at its regular meeting held on Wednesday, July 31, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair





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

OFFICE OF THE CHAIR

AUG 5 2013

MCPB No. 13-102  
Site Plan No. 820130230  
7100 Wisconsin Avenue  
Date of Hearing: July 11, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, by resolution dated February 8, 2013, the Planning Board approved Project Plan No. 920130010 for 159,584 square feet of mixed-use development consisting of up to 145 multi-family dwelling units and a minimum of 6,000 square feet of retail, including a waiver of the gross floor area to be devoted to retail or personal service commercial uses on 0.58 acres in the CBD-R2 zone, located at 7100 Wisconsin Avenue at the intersection with Woodmont Avenue ("Subject Property") in the Bethesda Policy Area, Bethesda CBD master plan ("Master Plan") area; and

WHEREAS, on April 17, 2013, Wisconsin Project, LLC/7120 Wisconsin LLC ("Applicant"), filed an application for approval of a site plan for 159,584 square feet of mixed-use development for a maximum of 145 multi-family dwelling units, including 15 percent MPDUs, and 6,500 square feet of retail on 0.58 acres of CBD-R2 zoned-land, located at 7100 Wisconsin Avenue ("Subject Property") in the Bethesda Policy Area, Bethesda CBD Sector Plan ("Master Plan") area; and

WHEREAS, the application was designated Site Plan No. 820130230, 7100 Wisconsin Avenue ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 28, 2013, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on July 11, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Presley, by a vote of 4-0, Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130230 for 159,584 square feet of mixed-use development with a maximum of 145 multi-family dwelling units, including 15 percent MPDUs and 6,500 square feet but no less than 6,000 square feet of retail, on the Subject Property, subject to the following conditions:<sup>1</sup>

**Conformance with Previous Approvals**

1. Project Plan Conformance

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

2. Preliminary Plan Conformance

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

**Parks, Open Space, & Recreation**

3. Public Use Space, Facilities and Amenities

- a. The Applicant must provide a minimum of 23.2% of the net lot area for on-site public use space and a minimum of 36.1% of the net lot area for off-site public use space for the enhancement of Eastham Park.
- b. The Applicant must provide a minimum of 34.7% of the net lot area for public amenity space, including but not limited to the area along Woodmont Avenue.
- c. The public use and public amenity space must be easily and readily accessible to the general public and available for public enjoyment.
- d. The Applicant must install the art piece titled "the Dance" by Alan Binstock.

4. Recreation Facilities

- a. The Applicant must provide at least three picnic/sitting areas, pedestrian walkway system, indoor community space and indoor fitness facility to satisfy the M-NCPPC Recreation Guidelines.
- b. The Applicant must meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.

5. Maintenance of Publicly Accessible Amenities

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

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscaping, walkways, lighting and benches.

## **Environment**

### **6. Noise**

- a. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscaping, walkways, lighting, and benches. Prior to certified site plan, provide noise analysis which includes current and projected noise contours (60 and 65 dBA Ldn) delineated for all noise generating roads, or other uses where noise levels will affect the proposed dwelling units and common outdoor activity (such as the pocket park).
- b. Prior to certified site plan, the Applicant must provide M-NCPPC staff with a certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to certified site plan. The builder must commit to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
- c. If the proposed use will generate noise that could impact adjacent uses (i.e., trash pickup, generators, etc.), appropriate onsite measures must be provided to avoid or minimize the impacts.
- d. After construction is complete, and prior to use and occupancy, the builder must provide M-NCCPC staff a certification from an engineer specialized in acoustics confirming that interior noise levels do not exceed 45 dBA Ldn.
- e. For all residential dwelling units constructed within identified noise impact areas, the Applicant/developer/builder shall disclose in writing to all prospective purchasers that they are located within an area impacted by current or future highway or railway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

## **Transportation & Circulation**

### **7. Transportation**

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

- c. The Applicant must construct the streetscape improvements within the Woodmont, Wisconsin and Miller Avenues in accordance with the Bethesda Streetscape standards, except as those deviations from the Bethesda Streetscape standards as shown on the Site Plan and Landscape Plans, including the undergrounding of utilities.

### **Density & Housing**

#### **8. Moderately Priced Dwelling Units (MPDUs)**

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

### **Site Plan**

#### **9. Site Design**

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings dated June 3, 2013, as determined by Staff.

#### **10. Private Lighting**

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down-light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on any perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles must not exceed the height specified on the Certified Site Plan.

#### **11. Surety**

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

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

**12. Development Program**

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

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



**13. Certified Site Plan**

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

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

BE IT FURTHER RESOLVED that all site development elements as shown on 7100 Wisconsin Avenue drawings stamped by the M-NCPPC on June 3, 2013 shall be required, except as modified by the above conditions of approval; and

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

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

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

MCDOT provided a letter supporting the modifications to the public use space and for the improvements to Eastham Park. Both letters were required as part of the project plan approval.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

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

The only other development standard for a CBD-R2 optional method project is building height, which normally limits height to 143 feet but may be increased to 200 feet under Section 59-C-6.235(b) of the Montgomery County Zoning Ordinance which states "[if] approved by the Planning Board in the process of site plan ... as not adversely affecting surrounding properties." Height and density may be increased above that recommended in a Sector Plan to accommodate MPDUs and any bonus density associated with them. This site is recommended in the Sector Plan for 3.0 FAR. However, with the provision of 15% MPDUs, the development qualifies for bonus density of 0.63 FAR.<sup>2</sup> Therefore, the height of the building may increase to accommodate MPDUs on site plus the number of bonus density units. The additional height does not adversely affect the surrounding properties.

As the data table shows, all of the requirements of the zone are met by the subject site plan. Because this project is within a Parking Lot District, parking spaces are not

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<sup>2</sup> 59-D-2.42 (1) to permit the construction of all MPDUs under Chapter 25A, including any bonus density units, on-site in zones with a maximum permitted density more than 39 dwelling units per acre or a residential FAR more than .9, a project plan may exceed:

(A) any dwelling unit per acre or FAR limit recommended in a master plan or sector plan, but must not exceed the maximum density of the zone; and

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

required to be provided on site. Nevertheless, parking calculations have been estimated and will be finalized at certified site plan.

Development Standard	Permitted/Required	Approved with Project Plan	Proposed for Site Plan
Max. Building Height (feet)	143	120 <sup>3</sup>	120
Min. Setback (feet)			
▪ East Property Line Wisconsin Avenue	n/a	5	7
▪ North Property Line at Crescent Plaza	n/a	14	16
▪ North Property Line at Miller Lane	n/a	0	0
▪ West Property Line from Crescent Plaza near Miller Lane	n/a	5	5
▪ South Property Line Woodmont Avenue	n/a	0	0
Site Area (square feet)			
Net Tract Area	n/a	21,414	21,414
Dedications	n/a		
▪ -Previous dedication:	n/a	18,694	18,694
▪ -Future dedication:	n/a	3,915	3,915
Gross Tract Area	18,000	44,023	44,023
Max. Density 59-C-6.234(b)iii			
▪ Floor Area Ratio	5.0 <sup>4</sup>	3.63	3.63
▪ Square Footage (sf)		159,584	159,584
▪ Dwelling Units	n/a	145	145
MPDUs (as percent of final unit count)	12.5	15	15
Max. Non-Residential Use	1.0 FAR	1.0 FAR	1.0 FAR
Retail or personal service commercial uses (sf)	7,979 (5% of GFA)	6,000 <sup>5</sup> (3.8% of GFA)	6,500 (4% of GFA)
Public Use Space (%/SF)			
On-Site Public Use Space	20% 4,283	17.5% 3,752 SF	23.2% 4,965 SF

<sup>3</sup> The Planning Board approved a maximum height of 120 feet stepping down to 45 as consistent with the Bethesda CBD Sector Plan

<sup>4</sup> However, the Bethesda CBD Sector Plan recommends 3 FAR.

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

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved with Project Plan</b>	<b>Proposed for Site Plan</b>
Off-Site Public Use Space (Enhanced Eastham Park)	N/A	36.1% 7,725 SF	36.1% 7,725 SF
Total Public Use Space	20% 4,283 SF	53.6% 11,477 SF	59.3% 12,690 SF
Off-site Public Amenity Space	N/A	32.8% 7,018 SF	34.7% 7,420 SF
Total Public Use Space and Public Amenity Space	20%	86.3% 18,495 SF	93.90% 20,110 SF
<b>Parking</b>			
<b>Retail</b> (6,500 sf)	33 spaces @5/1,000		
-15% reduction per §59-E-3.32	4 spaces		
Retail Subtotal	29 spaces		
<b>Residential</b>			
Studio @1 sp/du (7 x 1 du)	7		
1 Bedroom @ 1.25 sp/du (75 x 1.25)	94		
2 Bedroom @ 1.5 sp/du (34 x 1.5)	51		
3 Bedroom @ 2 sp/du (2 x 2)	4		
MPDU Studio @ 0.5 sp/du (0.5 x 1 du)	1		
MPDU 1 Bedroom @ 0.625 sp/du (13 x 0.625)	9		
MPDU 2 Bedroom @ 0.75 sp/du (7 x 0.75)	6		
-15% reduction per §59-E-3.33	25		
Residential Subtotal	147		
Total Required/Provided	176		86 <sup>6</sup>

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

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

Open space areas are provided along the building edge on Wisconsin, Woodmont and Miller Avenues. The building edge provides an urban character allowing outdoor seating, dining and street activity. The primary on-site public use space is located on

<sup>6</sup> Site is within the Bethesda Parking Lot District and will pay the PLD tax for the remainder of the spaces.

the west side of the building nestled between the adjacent Crescent Plaza building the western end of this site. The public space will visually expand the green space between the two buildings with direct access from Woodmont Avenue. A commissioned art piece by Alan Binstock is located near the intersection with Woodmont and Wisconsin Avenue to signify the gateway into the CBD from the southern end. These open and public use space areas will be available for recreation for the residents of the proposed development and the surrounding neighborhood. Eastham Park, a remnant of a county right-of-way is also being improved as an off-site amenity. Street trees and lighting are provided to enhance the pedestrian environment. The undergrounding of utilities will provide for a safer pedestrian experience on all three public streets. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties.

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

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



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

Vehicular circulation around the site will be improved because the two access points currently serving the former gas station from Wisconsin Avenue, and to the surface parking lot, will no longer be needed to this site will be consolidated and limited to one location on Woodmont Avenue. The development is limited to a right turn in and right turn out on Woodmont Avenue. Left turns into the site from Woodmont Avenue will be prevented by the lengthening of the median on Woodmont Avenue. Pedestrian circulation will be improved by way of enhancements to the pedestrian realm of the public right-of-way. In addition, the Capital Crescent Trail is nearby as is a north south bikeway that runs along Strathmore Lane to Wisconsin Avenue. The addition of up to 145 dwelling units in this location and the enhancements to the pedestrian realm by way of streetscape and undergrounding utilities support this finding. "To improve pedestrian and vehicular circulation."

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 5 2013 (which is the date that this resolution is mailed to all parties of record); and

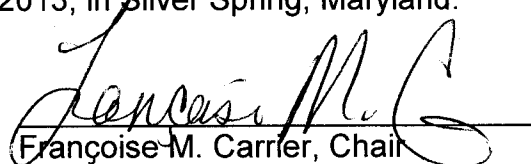
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Casey Anderson, seconded by Commissioner Amy Presley, with Chair Carrier, and Vice Chair Wells-Harley present and voting in favor of the motion, and Commissioner Norman Dreyfuss (absent) at its regular meeting held on Wednesday, July 31, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

To: Montgomery County Planning Board  
Re: 7100 Wisconsin Avenue – Site Plan 82013023A  
From: Arlene Kuperstein – owner/Crescent Plaza  
Date: 5/29/14

**RECEIVED**

JUN 03 2014

MONTGOMERY PLANNING/Area 1

As a resident who is dealing with construction on all sides of our building, I feel that no consideration has been given to the actual condo owners at 7111 Woodmont. We requested additional meetings from the builders prior to the start of construction and there has been no communication or follow through.

Additional Concerns:

**Traffic:** It is already often impossible to leave the building via Wisconsin or Miller Avenue. With additional construction on Wisconsin, traffic will only get worse. What consideration has been given to remedy this? Where will the staging be for trucks, etc. so as not to block our exit or fire emergency lane? What will happen when Woodmont Ave is opened when Lot 31 is finished? How will Crescent Plaza leave easily especially in the morning? (We now have to allow additional time (gas) to plan an alternative route as Woodmont is closed. Will Leland be reopened and what about people cutting through the alley behind the new Volvo dealership?

**Miller Avenue:** We have already had issues with busses being diverted on Woodmont to Miller Avenue causing a streetlamp to fall into one Crescent Plaza apartment, break a window, and luckily not harm/kill

someone. (Miller is a very small street with delivery trucks, parking for several businesses, Jimmy Johns delivery cars double parking and even a fire engine parking on a street which should be one way and one lane.... Cars illegally traffic though Capital One Bank although there are DO NOT ENTER signs. (Police have been called but it happens daily Cars/trucks waiting to park often block our garage entrance. We need more signage and police protection which is often hard to obtain. This street is currently "an accident waiting to happen" which you must view to believe. A traffic study needs to be done to prevent more accidents, fender benders, blocking of garage entrance, and possible worse scenarios.

**Noise:** Again, we have construction all around us. Will there be noise monitoring?

**Street Cleaning on a daily basis:** With construction all around us, there are stones, nails, etc on the street causing tire damage/flats. Will the street be cleaned daily to also lessen some of the dust that will be tracked into our garage? This should be for both Woodmont and Miller.

**Construction Information:**

Will construction lights be turned off in the evening?

Will advance notice be given with an indication of times when construction will continue late in the evening, weekends or holidays

Will trash and debris be removed daily and not clutter our property? Rat prevention?

**Pedestrian Safety:** Again, it is difficult now to walk North or South on

Wisconsin from our building due to the huge amount of traffic.

Will we be able to safely leave our building without being forced to jaywalk due to trucks blocking street corners. (The trucks often straddle two lanes at Woodmont and Wisconsin to turn this corner and have badly damaged the bottom of the current traffic pole...I see it toppling at some point with an over-sized truck as they often go over the curb.)

Currently, I have called the Street Sign Division to upright a sign indicating a detour on Woodmont and that Leland is closed. Yes, someone came and turned it facing in the wrong direction and it was placed so close to the edge of the median that it fell again. It now stands on the median in pieces. <sup>R</sup>  
(was hit)

Other Issues:

**The plan sent to us was so small that no one can read it.** This seems preposterous that we should need to go to the library to view a copy. One large copy should have been sent to our building and posted in the lobby. We are dealing with 4 years of construction, dust, dirt, traffic issues, noise, etc. and the county can't think to do this?

**Restaurant on Wisconsin ...**People in the building are concerned about noise, smells, rats, additional truck deliveries and not being able to walk on the sidewalk.

I realize that some of these issues are “builder issues” but you need to be aware of the how much our daily lives are being disturbed with no consideration.

**I hope additional consideration and efforts to address resident concerns will be given with the many more years of construction on Lot 31, the triangle lot, and now 7100 Wisconsin Avenue.**

**My concerns include the stress on our lives, more and better communication to help us live our daily lives, and to address the dangers on Miller, Wisconsin, and Woodmont near the construction area. All of this plus, the constant dust, noise pollution, etc. are more than we should have to withstand for years. Progress needs to continue but not all at one time and at the expense and total lack of our safety and well being.**



**Dickel, Stephanie**

**From:** Dlhopsky, Heather - HXD <HDLhopsky@linowes-law.com>  
**Sent:** Wednesday, June 25, 2014 3:40 PM  
**To:** Dickel, Stephanie  
**Subject:** 7100 Wisconsin: Minutes of 6/24/14 meeting with Crescent Plaza residents

Stephanie,

Below please find minutes of our meeting with residents of the Crescent Plaza condominium building. Please let me know if you have any questions, or need any additional information from us.

Thanks very much.

Heather

Daryl South of Washington Property Company and Heather Dlhopsky of Linowes and Blocher LLP met with residents of the Crescent Plaza condominium building on the evening of Tuesday, June 24<sup>th</sup> to explain the proposed Site Plan Amendment. Approximately 10 residents of Crescent Plaza attended, along with the building's property manager. A summary of the discussion follows:

- Daryl started off the meeting by stating that this meeting will focus on the proposed Site Plan Amendment, and that a subsequent meeting will be scheduled in the next few weeks with Crescent Plaza to discuss the upcoming construction process for the 7100 Wisconsin building.
- Daryl provided a summary (both in words and in visual images) of the proposed modifications included in the Site Plan Amendment:
  - On-site public use space: A strip of sidewalk along Wisconsin Avenue was designated for café-seating similar to that which exists along the streets in Bethesda Row. This café seating area was removed from what is defined as "public use space".
  - Off-site public use space: A curb radius within the right-of-way along Miller Avenue was slightly increased at the request of the Fire Marshall to allow for fire and emergency truck access. This resulted in a slight reduction of off-site public use space.
  - Architecture: At one point there was a "fin" element on the front of the building along Wisconsin Avenue. This fin was later removed and the corner reconfigured. The attached renderings show the before and after images.
  - Shift of building footprint: The building footprint shifted a foot closer to Wisconsin Avenue, and was reconfigured at the corner of Wisconsin and Woodmont. There was no reduction in the width of the sidewalk on Woodmont.
  - Paving Pattern: The paving pattern area was adjusted as a result of the building shift and SHA ramp modifications at the corners.
  - Modifications to ADA ramps: State Highway has replaced the curb ramps on Wisconsin at the corners of Woodmont and Miller, and our plan has been modified accordingly.
  - Green Roof: The green roof area was reconfigured at the top of the building.
- Upon conclusion of Daryl's presentation, the floor was opened to questions and the following questions were asked and answers given:

- Why did Washington Property Company make these modifications?
- Some were a product of the evolution of the building and site design as the plans proceeded through the permitting process, and other changes were at the request of reviewing agencies (e.g. the Fire Marshal's office).
- If a restaurant goes into the ground-floor retail space of the project, will this affect the impact of the project on Crescent Plaza?
- The Bethesda CBD Sector Plan and other County policies encourage more restaurant uses along Wisconsin Avenue. Because the restaurant would be along Wisconsin Avenue and not on the Crescent Plaza side of the project, Washington Property Company doesn't expect that Crescent Plaza would be particularly impacted.
- Will rats cause a problem for Crescent Plaza?
- The property manager stated that the issue of rats would be better addressed at the construction process meeting that is being subsequently arranged.
- What restaurant will be coming into the 7100 Wisconsin project?
- Daryl stated that he is not able to announce that yet.
- What is the construction schedule?
- Demolition and other site work is scheduled to begin in the end of June, with excavation starting in August, and Washington Property Company expects it will be two years until completion of the project.
- A resident expressed concern that café seating along Wisconsin Avenue would cause the sidewalk area accessible to pedestrians to be too narrow.
- Daryl and Heather explained that the project proposes significant widening of the Wisconsin Avenue sidewalk from what exists today, and that even with the proposed café seating there will be ample space for pedestrian passage.
- A resident stated that they like the public artwork that is proposed for the corner of the project at the junction of Wisconsin and Woodmont Avenues.
- Will the residential units be condos or apartments?
- Apartments.
- What are the anticipated rents for the apartments?
- The market-rate rents will range from \$2000/month to \$5000/month.
- Are there affordable units included in the project?
- Yes, 15% of the units will be moderately priced dwelling units (MPDUs).
- Where are the MPDUs located?
- Pursuant to County requirements, the MPDUs will be spread throughout the building.
- How many units are there in the project?

- There are 139 apartment units.

Heather Dlhopsky  
Linowes and Blocher LLP  
7200 Wisconsin Avenue, Suite 800  
Bethesda, MD 20814-4842  
(301) 961-5270 (direct phone)  
(301) 654-0504 (switchboard)  
(301) 654-2801 (fax)  
[hdlhopsky@linowes-law.com](mailto:hdlhopsky@linowes-law.com)  
[www.linowes-law.com](http://www.linowes-law.com)

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