





7272 Wisconsin Avenue:

Sketch Plan Amendment No. 32016004A, Preliminary Plan 120160380, Site Plan 820160200

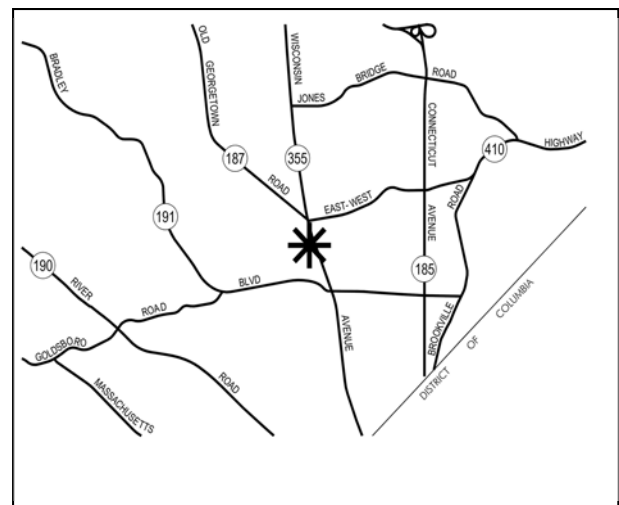
 Elza Hisel-McCoy, Regulatory Supervisor, Area 1, elza.hisel-mccoy@montgomeryplanning.org, 301.495.2115

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

Description

Completed: 12.23.16

- Creation of one lot for up to 937,184 total square feet of mixed-use development, including office, retail, and residential uses, as well as accommodate the Bethesda Purple Line Station, access to the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail;
- Current use: office and retail uses, including the Regal Bethesda 10 Cinema complex;
- Located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street;
- 2.69 gross acres zoned CR 8.0 C 7.5 R 7.5 H 250 in the 2014 *Bethesda Purple Line Station Plan Minor Master Plan Amendment* area;
- Applicant: CP 7272 Wisconsin Avenue, LLC c/o Carr Properties;
- Accepted as complete on July 11, 2016 (Sketch Amdt. October 28, 2016)



Summary

- Staff Recommends **Approval** of the Sketch Plan Amendment, Preliminary Plan, and Site Plan, with conditions.

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SECTION 1: EXECUTIVE SUMMARY

- Staff Recommends **Approval** of the Sketch Plan Amendment, Preliminary Plan, and Site Plan, with conditions.
- The site is located at the junction of the Metro **Red Line**, the **Purple Line**, and the **Capital Crescent Trail**, and is directly accessed from the commercial development along **Wisconsin Avenue** and the mixed residential and retail development along **Elm Street and Woodmont Plaza**.
- Beyond the typical office space, retail, apartments, service, and structured parking typically included in a sizeable infill redevelopment, the program for this 2.69-acre site includes a **dizzying array of public and private uses**, each of which requires a considerable amount of space: the **Purple Line station** and tail tracks, access to the **Red Line station**, the **Capital Crescent Trail**, the **bike parking and maintenance space**, and an underground multi-screen **movie theatre**. The Applicant team has been coordinating extensively (and continues to) with their consultants, numerous county and state agencies and departments, and PLTP, the contractor chosen to implement and operate the Purple line (not to mention community groups and tenants!). They have produced a complex design that efficiently accommodates this program; **there are a lot of moving parts to this project, and they have made it beautiful**.
- Redevelopment will allow up to a maximum of 937,184 sf. of total development, including **360,800 sf. of office** uses, **14,572 sf. of retail** uses including a **movie theatre**, and **480 multifamily** dwellings, of which **12.5% will be MPDUs**.
- The development will consist of a **shared podium** containing structured parking, building entrances, and retail, with an **office tower** rising along Wisconsin Avenue and a **multi-tower residential building** along Elm Street.
- After Sketch Plan approval, which limited the maximum height to 250', the County Council passed **Zoning Text Amendment 16-08** which allows, with Planning Board approval, any **Optional Method project in a CR zone** that includes the provision of a **Major Public Facility** to **add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed**, when the major public facility diminishes the ability of the Applicant to provide parking at or below grade. The development includes four levels of above-grade parking, totaling 40', and is thus proposing to increase the **maximum building height to 290'**.
- On December 7, 2016, **Historic Preservation Commission** conditionally approved the Applicant to **relocate the Community Paint and Hardware/Wilson Store historic site**, currently located in the southeast corner of the site, to **County Parking Lot 41** on Middleton Lane.
- **Continued coordination** between the Applicant, Planning and DOT staff, MTA, and PLTP is seeking to address the **proximity of the Purple Line tail tracks to the Capital Crescent Trail**, to allow for an **appropriate minimum clear path** through the area.

SECTION 2: RECOMMENDATION AND CONDITIONS

Sketch Plan Amendment 32016004A

Staff recommends Approval of Sketch Plan No.32016004A, 7272 Wisconsin Avenue, to revise Condition 2 to allow additional building height as allowed by ZTA 16-08, from 250' to 290'. The following condition supersedes and replaces Condition 2.

2. Height

The development is limited to the maximum height of 250 feet, exclusive of any additional height allowed by Section 4.5.2.A.2.e., as illustrated on the Certified Site Plan.

Preliminary Plan No. 120160380

Staff recommends Approval of Preliminary Plan No.120160380, 7272 Wisconsin Avenue, which completely supersedes Preliminary Plan No. 11985178, subject to the following conditions:

1. This Preliminary Plan is limited to one lot with up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 20, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated December 19, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA and MCDOT.
5. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of frontage improvements, on both the Elm Street and Wisconsin Avenue frontages, as shown on the Certified Site Plan. These improvements may be modified by MCDPS and MD SHA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to the release of any building permit for above-grade construction on the Subject Property, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT. The TMAg must include trip mitigation measures recommended by MCDOT in its letter dated September 20, 2016.

7. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.
8. 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 31, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Applicant must dedicate and show on the record plat(s) dedication along Wisconsin Avenue from the right-of-way centerline to the surface Public Improvement Easement above the existing underground parking structure to remain, as illustrated on the Certified Preliminary Plan.
10. Prior to record plat, the Applicant must record and provide a public use and access easement on the Subject Property for the full width and extent of the Capital Crescent Trail (CCT), as shown on the Certified Site Plan, granted to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following:
 - a. Entitlement for open and unobstructed public use of the easement for all necessary pedestrian, bicycle, general public, and emergency access;
 - b. Obligation for the Applicant to design and construct the on-site portion of the CCT, as shown on the Certified Site Plan pursuant to comparable MCDOT structural construction standards, at the Applicant’s expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - c. Obligation for the Applicant to maintain and repair the structural components, including the trail surface, of the on-site portion of the CCT in a condition acceptable to MCDOT for all access, at the Applicant’s expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - d. Obligation for the Applicant to keep the on-site portion of the CCT free of snow, litter and other obstructions and hazards at all reasonable times, at its expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - e. Entitlement for the Applicant or its designee to close the on-site portion of the CCT for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public.
11. 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. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, “To Be Constructed By _____” are excluded from this condition.
12. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings,

structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

13. The Applicant must submit a revised Final FCP to correctly identify the afforestation requirements.
14. The record plat must show all easements.
15. Prior to recordation of any plat, Site Plan No. 820160200 must be certified by M-NCPPC Staff.
16. No clearing or grading of the site for new construction, or recording of plats prior to Certified Site Plan approval. Upon Final Forest Conservation Plan approval, and before Certified Site Plan approval, the Applicant may obtain Erosion and Sediment Control and demolition permits for the existing building.

Site Plan No. 820160200

Staff recommends Approval of Site Plan No.820160200. 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 modified by the following conditions.¹

Conformance with Previous Approvals & Agreements

1. Sketch Plan Conformance
The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320160040 as listed in the MCPB Resolution No. 16-17 dated February 12, 2016, as amended.
2. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 120160380, being reviewed concurrently with this Site Plan.

Environment

3. Forest conservation
 - a. The Final Forest Conservation Plan (FFCP) must be consistent with the Preliminary FCP.
 - b. The fee-in-lieu amount on the approved FFCP must be executed prior to any clearing, grading or demolition associated with the project.
 - c. The Applicant shall coordinate with the Planning Department Forest Conservation Inspector to review the LOD and any tree save measures and/or other items that may be required prior to the start of any clearing, grading, or demolition.

¹ For the purposes 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. Noise Attenuation

- a. Prior to issuance of a building permit for new construction, the Applicant must provide Staff with certification from an engineer specializing 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.
- b. The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.

5. Historic Preservation

The Applicant must relocate the Wilson Store Historic Resource, consistent with the Historic Area Work Permit as recommended by the Historic Preservation Commission (HPC) in its letter dated December 7, 2016, the recommendations of which the Planning Board hereby incorporates as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter.

Public Use Space, Facilities and Amenities

6. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 7,500 square feet of Public Open Space (8% of lot area) on-site.
- b. The Applicant must construct the streetscape improvements along the Property's frontage on Wisconsin Avenue and Elm Street, consistent with the Bethesda Streetscape Standards, including undergrounding of utilities, if any.
- c. Before the issuance of the final use and occupancy certificate for the development, all public open space areas on the Subject Property must be completed.

7. Public Benefits

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

- a. Major Public Facilities – The Applicant must construct the space for the Bethesda Purple Line station, access to the Red Line station, the Capital Crescent Trail, and a bicycle storage and maintenance facility, as illustrated on the Certified Site Plan.
- b. Transit Proximity – The development is located on top of the Bethesda Purple Line station and immediately adjacent to the southern Bethesda Red Line station entrance.

- c. Connectivity between Uses, Activities, and Mobility Options
Transit Access Improvement – The Applicant must construct new access to the future Purple Line station and improve access to the new Red Line Station south portal entrances, as illustrated on the Certified Site Plan.
- d. Quality Building and Site Design
 - i. Exceptional Design –The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
 - ii. Structured Parking –The Applicant must provide a minimum of 720 parking spaces within the above- and below-grade structure.
- e. Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before issuance of any building permit for new construction, the Applicant must provide proof of purchase and/or payment of 2.09 BLTs to the MCDPS.
 - ii. Vegetated Roof –The Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment.

8. Recreation Facilities

Before Certified Site Plan approval, the Applicant must meet the requirements for the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the open space at the intersection of Wisconsin Avenue and Elm Street and all public open space onsite.

Transportation & Circulation

10. Bicycle Parking

- a. Exclusive of the bicycle parking required by Condition 11.e., the Applicant must provide bike parking as follows:
 - i. for the office use a minimum of 63 bicycle parking spaces for long-term use and 10 bicycle parking spaces for short-term use;
 - ii. for the retail use a minimum of 2 bicycle parking spaces for short-term use; and
 - iii. for the multi-family residential use a minimum of 95 bicycle parking spaces for long-term use and 5 bicycle parking spaces for short-term use.
- b. The specific location(s) of the short term and long-term bicycle parking must be identified on the Certified Site Plan.
- c. Short term public bicycle parking must be installed near the main entrances to the multifamily building, office building, retail, and open space.
- d. Secure long term bicycle parking must be installed, internal to the proposed high rise residential building and office building, for resident and employee use.

11. Capital Crescent Trail

- a. The Applicant must construct the segment of Capital Crescent Trail within the project limits, adjacent to the Purple Line light rail.
- b. The final trail design and section must be shown on the Certified Site Plan. Subsequent minor modifications in trail design and section may be approved by Planning Department staff without Site Plan Amendment.
- c. Through the building, the Capital Crescent Trail must have a minimum clear width of 15'; at the entrance from Woodmont Plaza the minimum clear width may be a minimum of 14'. Planning Department staff may approve an alternative width after Certified Site Plan without a Site Plan Amendment.
- d. The Capital Crescent Trail improvements, as shown on the Certified Site Plan, must be completed prior to issuance of the final residential Use and Occupancy Certificate.
- e. The Applicant must construct the space for bicycle parking and maintenance area, as illustrated on the Certified Site Plan, with final fit-out to be provided by the Montgomery County Department of Transportation or their designee before the Purple Line Station is open for use. The Applicant must provide water, sewer, electrical, and fiber-optic utility connections available for use by the bicycle parking and maintenance area.

12. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services(MCDPS) Fire Code Enforcement Section in its letter dated October 31, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Density & Housing

13. Moderately Priced Dwelling Units (MPDUs)

- a. The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated December 21, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b. The development must provide 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c. Before issuance of any residential building permit, the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

Site Plan

14. Building Design

The exterior architectural character, proportion, step-backs, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.

15. Landscaping

- a. Prior to issuance of the final Use and Occupancy Certificate, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and public open space must be installed.
- b. Prior to issuance of the final Use and Occupancy Certificate, all rooftop amenities must be installed.
- c. The Applicant must install landscaping no later than the next growing season after completion of site work.

16. Lighting

- a. Before issuance of any building permit for new construction, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for this type of development.
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures causing potential glare or excess illumination.
- d. The light pole height must not exceed the height illustrated on the Certified Site Plan, including the mounting base.

17. Site Plan Surety and Maintenance Agreement

- a. Prior to issuance of any building permit for new construction, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:
 - i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - ii. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, paving, outdoor furniture, outdoor recreational facilities, and other improvements associated with the public open space.
 - iii. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
 - iv. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

18. Development Program

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

19. Certified Site Plan

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

- a. Include the final forest conservation approval letter, stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 3: SITE DESCRIPTION

Site Vicinity

The subject site (Subject Property or Property), also known as the Apex Building, is located on the west side of Wisconsin Avenue at the intersection with Elm Street in Downtown Bethesda, in the 2014 *Bethesda Purple Line Station Plan Minor Master Plan Amendment (Sector Plan)* area. The Property is bounded by Elm Street to the north, Wisconsin Avenue to the east, and commercial development to the south and west.



Figure 1-Vicinity Map

The area surrounding the Property is developed with a mix of low-, mid-, and high-rise office uses. There are mid- and high-rise multi-family residential uses to the south along Bethesda Avenue and to the northwest along Woodmont Avenue. To the west along Woodmont Avenue and beyond is the Bethesda Row restaurant and retail area. The Capital Crescent Trail (currently the Georgetown Branch Trail) regional recreational and transportation facility connecting Georgetown and Silver Spring runs underneath the site.



Figure 2-Aerial View looking South



Figure 3-Aerial View looking East

Site Analysis

There are no specimen trees, floodplains, streams, forests, wetlands or their associated buffers located on the Property. Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Project on December 22, 2015. The Wilson Store Historic Site is in the southeast corner of the Site.

SECTION 4: PROJECT DESCRIPTION

Previous Approvals

The Planning Board approved Preliminary Plan No. 11985178 by Resolution dated October 22, 1987, for 118,395 square feet of office uses and 61,404 square feet of retail. The proposed Preliminary Plan will fully supersede this approval.

On February 11, 2016, the Planning Board approved Sketch Plan 320160040 (by Resolution 16-017, dated February 12, 2016) for up to 937,184 square feet of total development, including up to 878,610 square feet of residential uses, with 12.5% MPDUs, and up to 878,610 square feet of commercial uses, that will accommodate the Bethesda Purple Line Station, the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail (Attachment A).

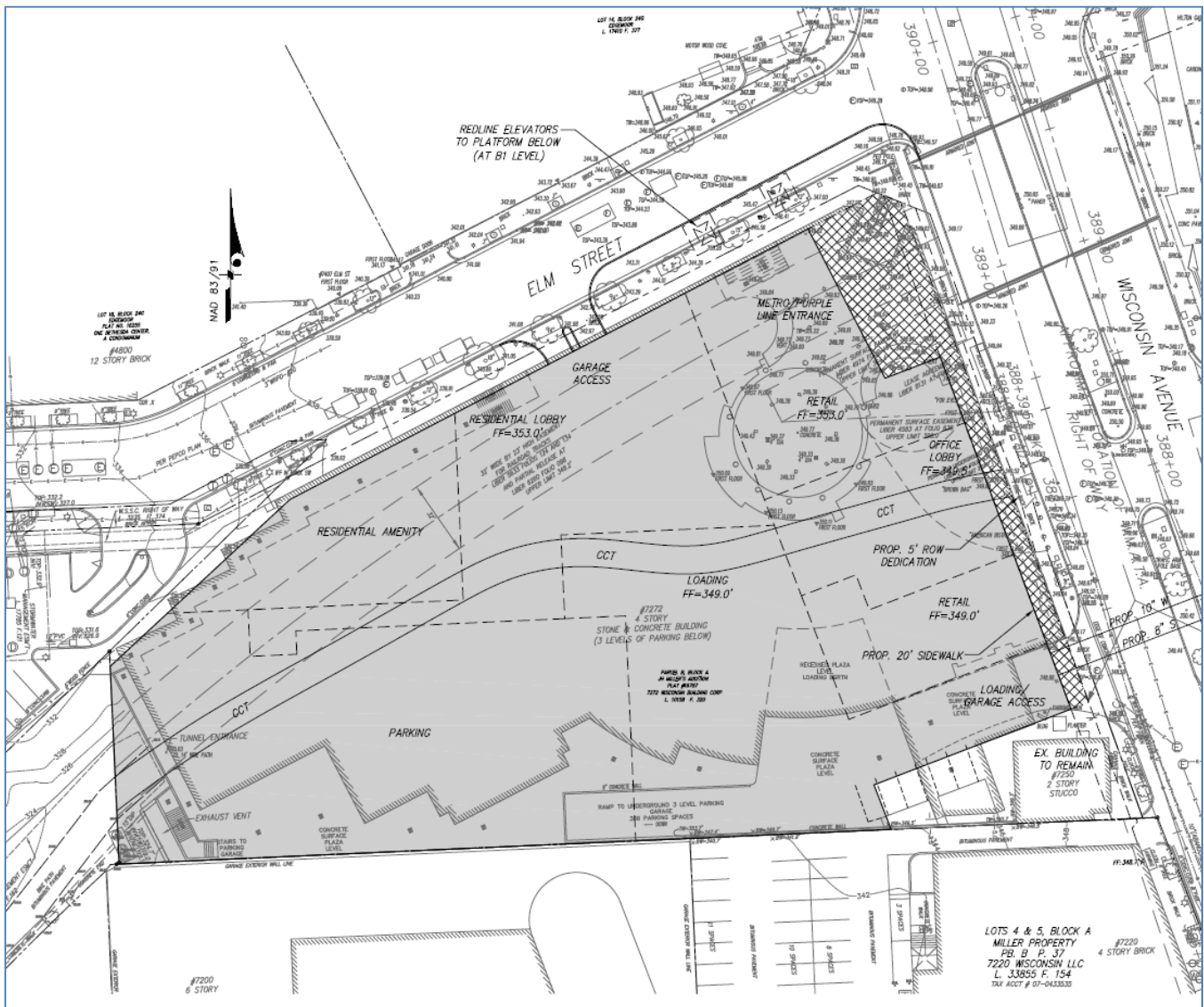


Figure 5 – Sketch Plan 320160040

Historic Preservation

The Community Paint and Hardware/Wilson Store (“Wilson Store”), at 7250 Wisconsin Avenue, is an individually designated historic site (#35/14-07) added to the *Master Plan for Historic Preservation* in 1986. This Italianate-style store is the only remaining commercial structure from Bethesda’s 19th century past. The two-story frame structure, constructed in 1890 on the site of the original Rockville Pike toll booth, is a good example of turn-of-the-century rural village commercial architecture. Originally the community’s general store and post office known as Wilson’s Store, the building later housed the Community Paint and Hardware Store, a popular store for several generations of Bethesda families. The store building was relocated 50 feet to the south of its original location and restored for retail use in 1988 as part of the Apex Building development.

The Historic Preservation Commission on December 7, 2016, considered a proposal to relocate the Wilson Store from its current location to Lot 41 on Middleton Lane, approving the Historic Area Work Permit application with three conditions.

While relocation of a historic structure is generally not the preferred preservation treatment, in certain situations moving a structure may be the best option. The Historic Preservation Commission found that the Wilson Store currently is sited in a diminished historic context, albeit one associated with and proximate to the store’s original location on Wisconsin Avenue, and that the demolition of the Apex Building and construction of a new, much larger building on the site would be detrimental to the preservation of the historic site. The Commission also found that the project, within the context of the larger the Apex Building redevelopment, was consistent with the goals established in the *Purple Line Station Plan Minor Master Plan Amendment*, and that this project – including the relocation of the Wilson Store – is in the public interest. Finally, the Commission found that relocating the Wilson Store – if necessitated by this project – would lead to the continued preservation and use of the historic structure, consistent with the purposes of the Master Plan for Historic Preservation and the Historic Preservation Ordinance (Chapter 24A of the County Code).

Proposal

The Applicant proposes to create one lot with up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units (including 12.5% MPDUs), on 2.69 gross acres. The Development will accommodate the Bethesda Purple Line Station, the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail (CCT).

Site Design

The overall site design is an evolution of that approved with the Sketch Plan. The development will have a 5-6-story podium covering the majority of the site, with two buildings, one office and one residential, rising above. At the corner of Elm Street and Wisconsin Avenue, the podium gives way to an open space. Undergirding the podium are the Purple Line Station, the Capital Crescent Trail, Bike Station, and parking. The Red Line station entrance, earlier conceived to be within the site, is located within the Elm Street right-of-way.

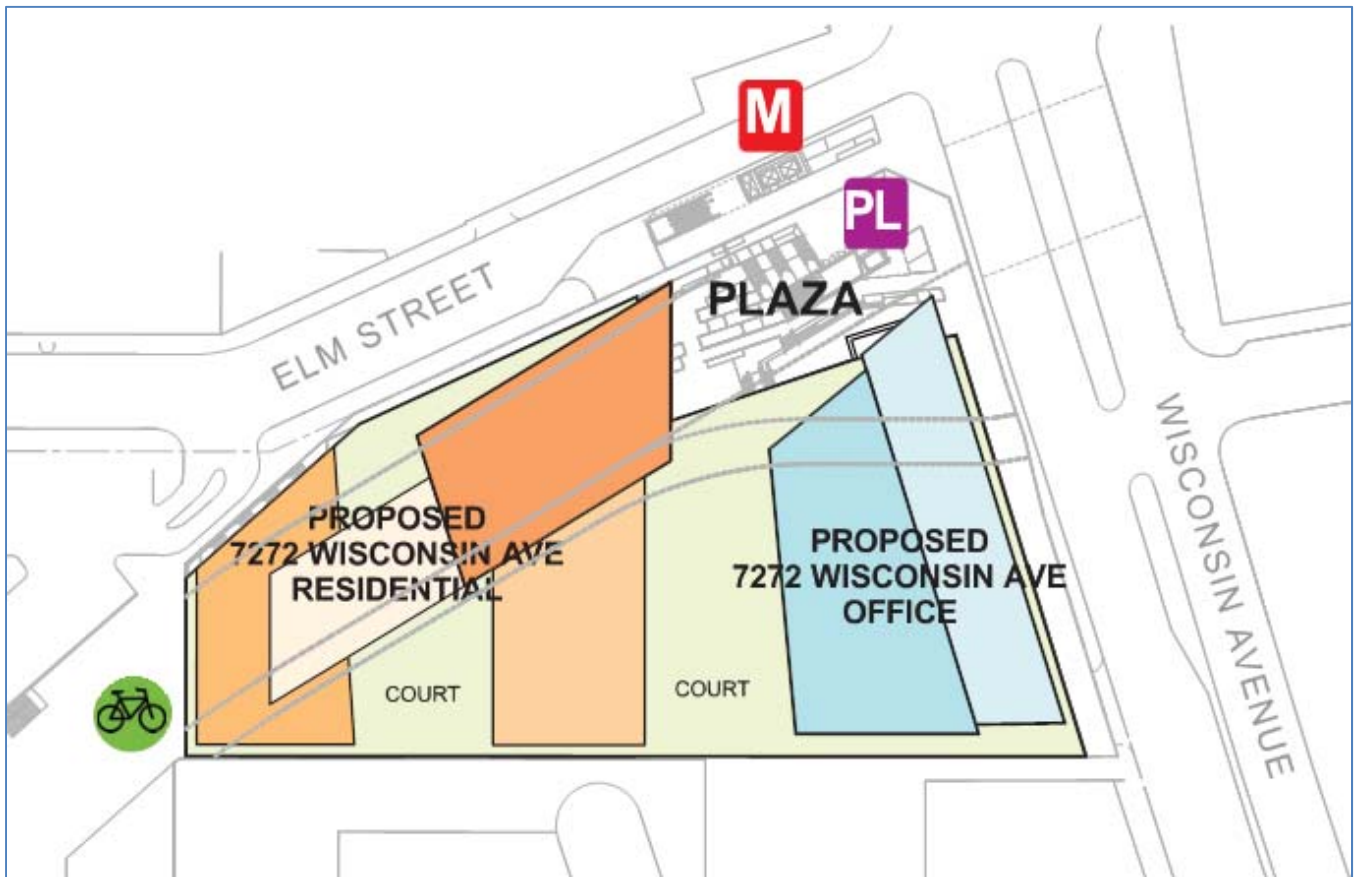


Figure 6 – Site Layout

In addition to service, retail, and residential uses, as shown in the building sections below, the podium consists primarily of structured parking. Since Sketch Plan, the County Council passed Zoning Text Amendment (ZTA) 16-08 (Ordinance 18-17) (Attachment B). This ZTA adds Section 4.5.2.A.2.e., allowing that

With Planning Board approval, any Optional Method project in a CR zone that includes the provision of a major public facility under Section 4.7.3.A may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the major public facility diminishes the ability of the Applicant to provide parking at or below grade.

Per the ZTA, the Applicant is adding the four levels of above-grade parking, totaling 40', to the maximum building height allowed by the zone, 250'. The Applicant is proposing buildings that measure 290' from the building height measuring points.

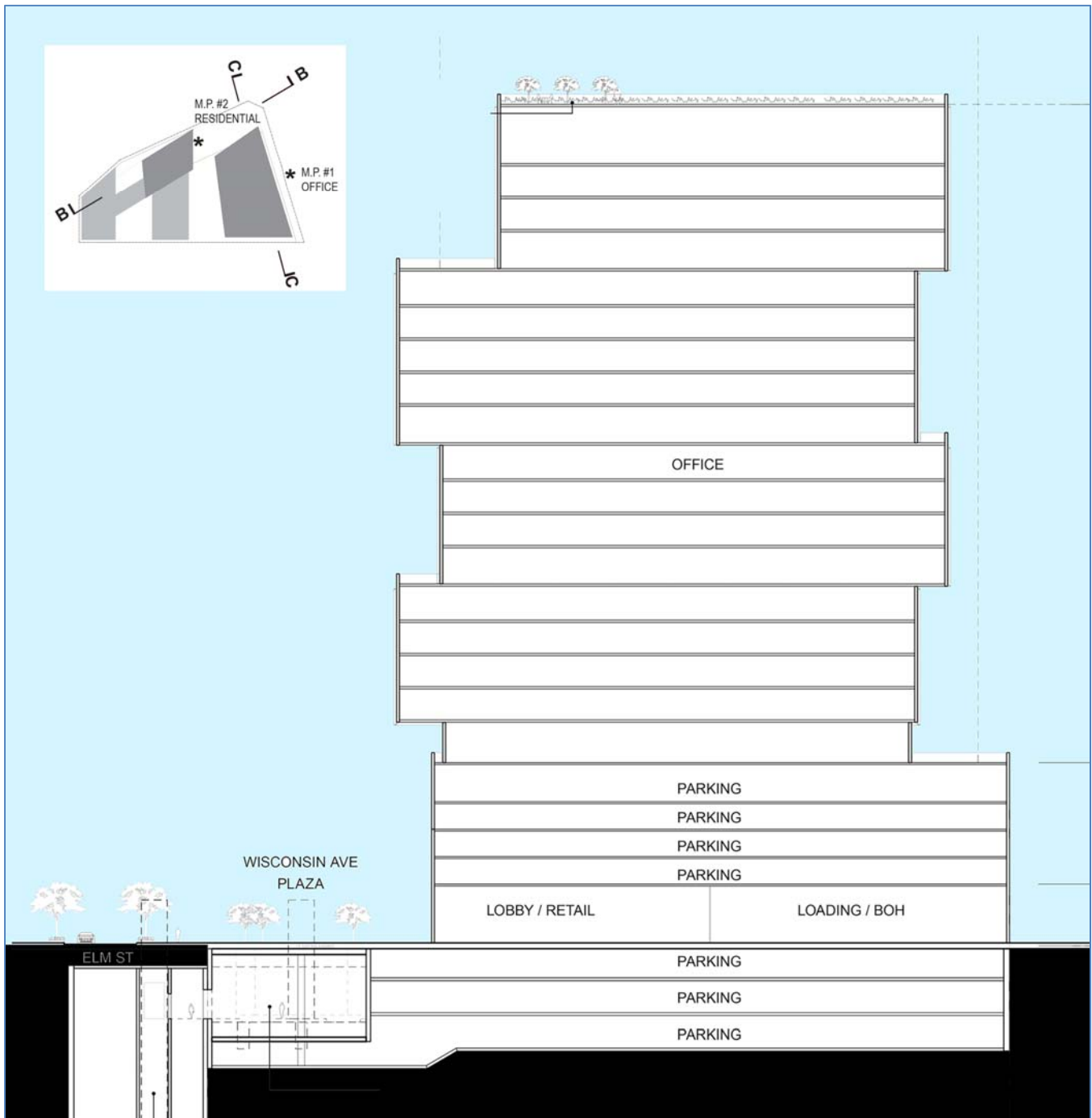


Figure 7 – Site Cross Section “C” (Elm Street on the left looking east)

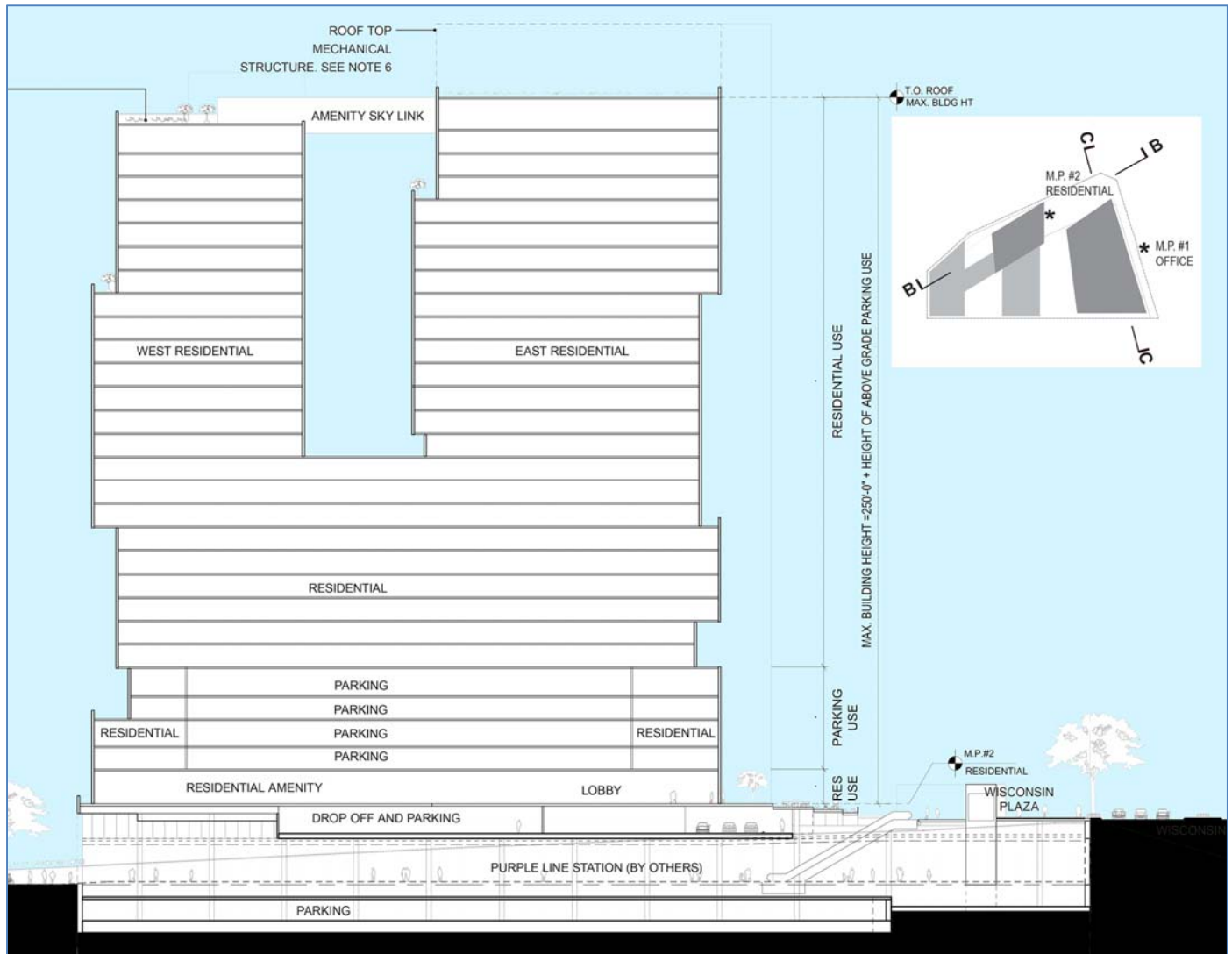


Figure 8 – Site Longitudinal Section "B" (Wisconsin Avenue to the right looking north)



Figure 9 – Public Open Space Plan

The Applicant is providing 7,500 square feet of Public Open Space, more than the 5% required by the zoning code. The heart of the open space in the project is located at the corner of Elm Street and Wisconsin Avenue. At staff's suggestion, retail dining areas have been excluded from the calculation of Public Open Space.

The open space serves a variety of functions, both public and private. The space includes the Purple Line Station entrance at its center and by extension the Red Line Station entrance on Elm Street. Along the building edges are retail uses, including potential for outdoor dining, and the entrance to the multi-family building. As illustrated by the sections above, provision of space for the Purple Line Station creates a unique topographical context for the open space design, with the entrances for the apartment building and retail further from Wisconsin located at a significant elevation above the Wisconsin Avenue sidewalk. The Applicant has been coordinating extensively with the Maryland Transit Administration (MTA), County Department of Transportation (DOT), and the implementing contractor, Purple Line Transit Partners (PLTP), on the design of the transit portals within the space and on Elm Street.

To address these issues, the Applicant team has devised creative solutions to integrate these elements within an attractive overall design, as shown below. The central architectural feature of the space is a green-roofed pavilion that houses the elevator, stairs, and escalator down to the Purple Line Station. This pavilion organizes the space into a more private retail/restaurant/café zone behind, and a public transit space at the heart transitioning to a private entry area for the apartment building.

The central area is designed to easily accommodate station traffic from sidewalks along both adjoining streets. Along its edges, however, it also provides opportunities to sit and people-watch or wait for someone, with landscaped areas and a subtle water feature.

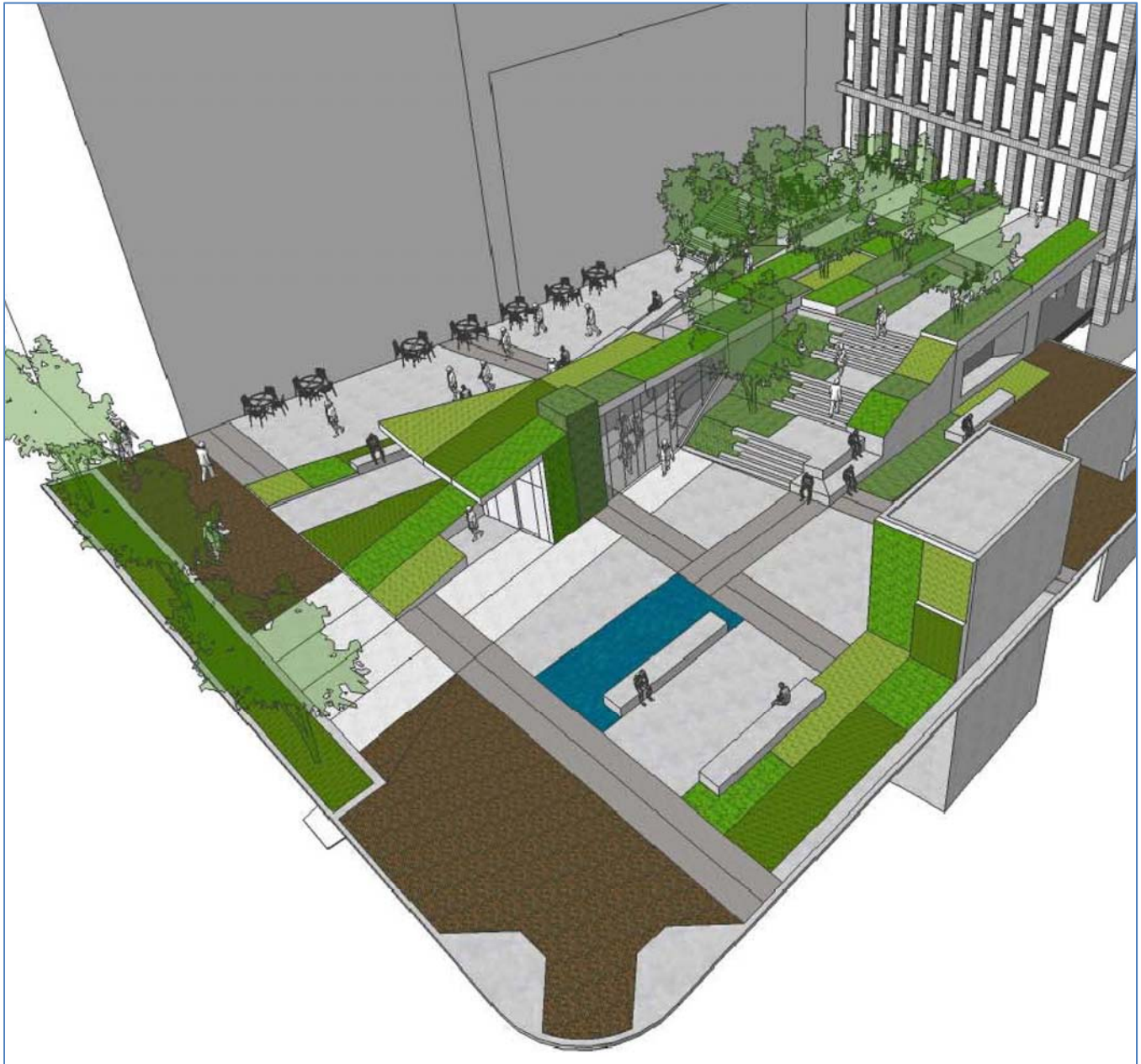


Figure 10 – Open Space Perspective (Wisconsin Avenue to the left and Elm Street to the right)



Figure 11 – Open Space Design (showing transit access)



Figure 12 – Open Space Design (showing roof over transit access)

Architecture

The proposed architecture is contemporary in character, and modulates the massing of these substantial buildings to dramatic effect.

The office building fronts on Wisconsin Avenue and consists of three main elements: a five-story base with ground-floor retail, building entrances, and parking above; a series of glass boxes above the base, sliding past each other to create a varied profile with potential for terraces; and a more solid vertical mass at the back.

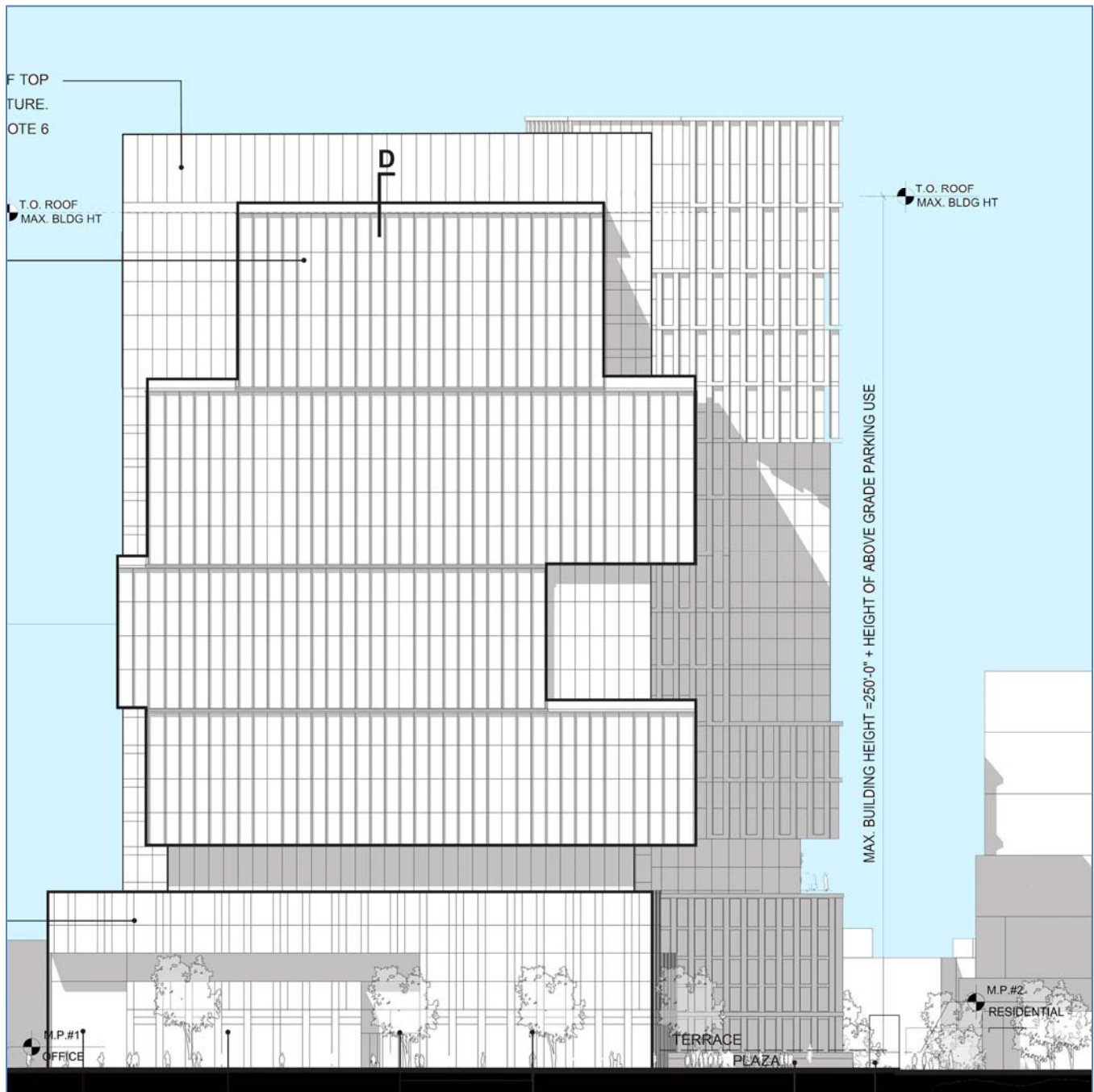


Figure 13 – Wisconsin Avenue façade, Office Building

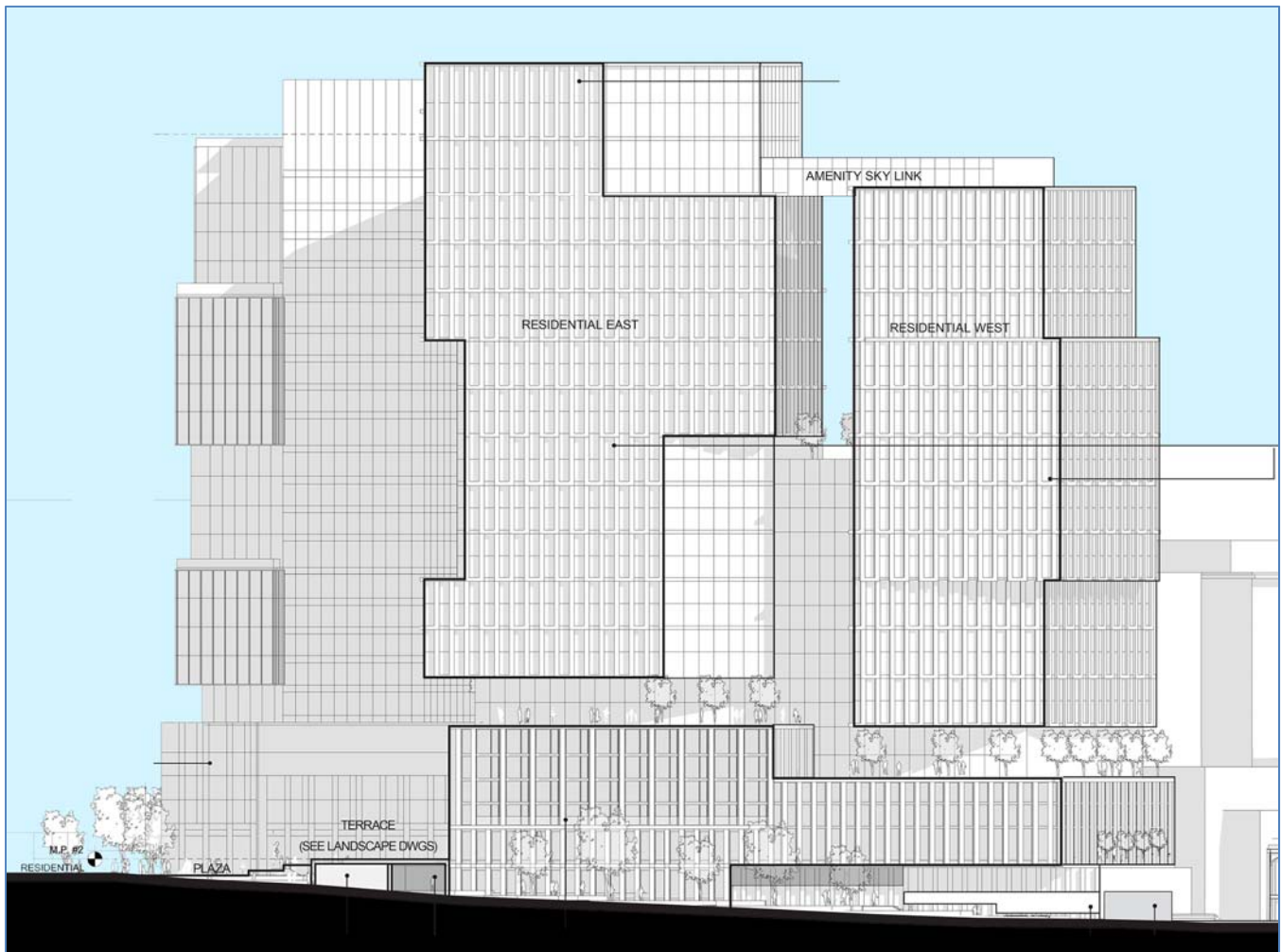


Figure 14 – Elm Street Elevation, Apartment Building

The multi-family building fronts on the public open space facing Wisconsin Avenue, and similarly features a 4-6-story base, with residential townhouse-like units lining the structured parking, with building access and the Purple Line Station below. The residential towers above shift massing to break down their scale, and decrease in height moving toward Woodmont Plaza to the west. An architectural screen system will provide warmth and visual interest. Recessed terraces at several levels will provide the opportunity for green highlights. This treatment extends around the corner to the Woodmont Plaza façade as well.

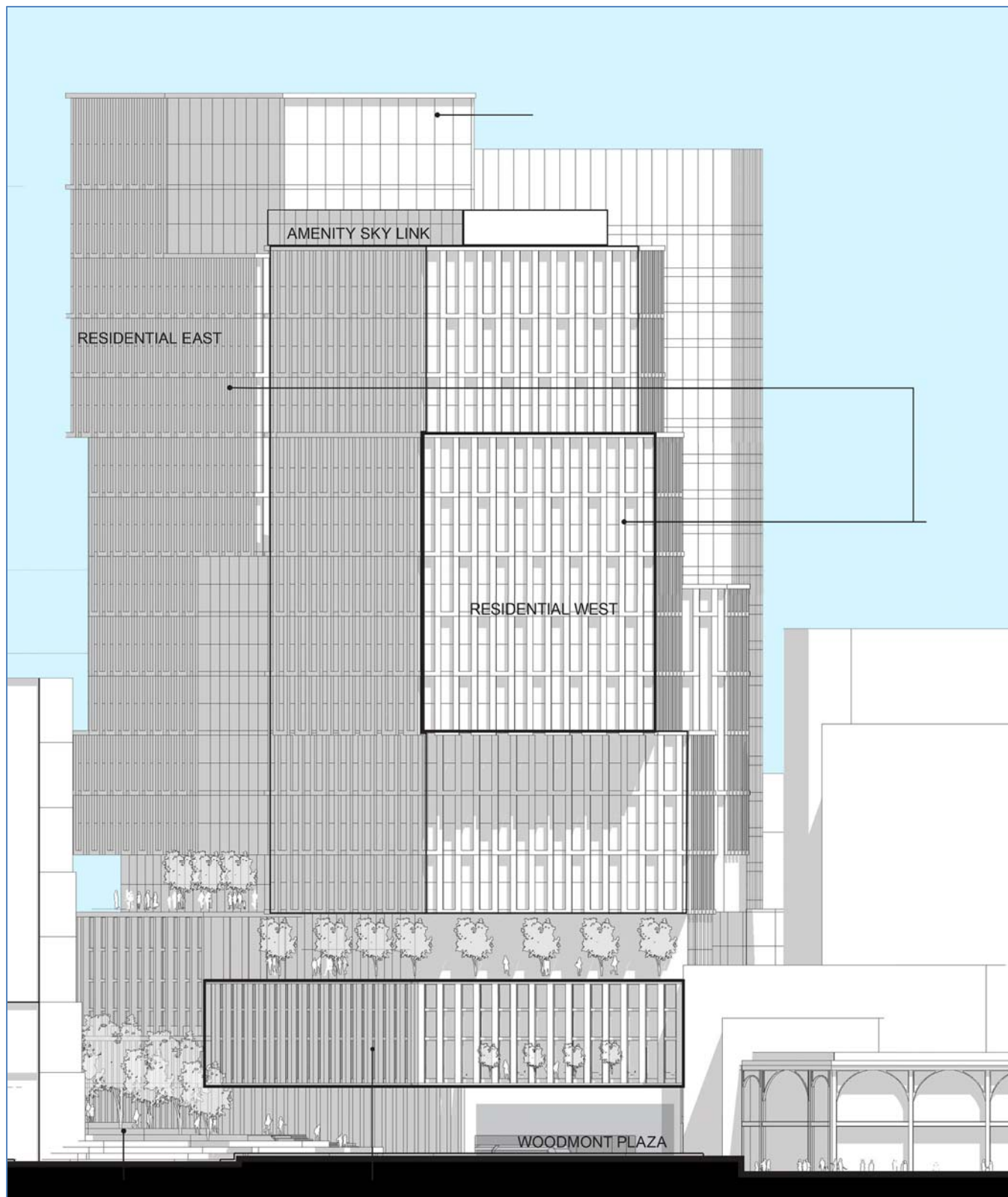


Figure 15 – Woodmont Plaza Elevation, Apartment Building

Circulation



Figure 16 – Circulation Diagram

The development will provide transit access within the Property to both the new Purple Line station and the new southern entrance elevators to the Bethesda Metrorail Red Line station, to be located under the abutting Elm Street right-of-way. Vehicular access to the Property is proposed directly from both Elm Street and Wisconsin Avenue, with garage access from both streets and truck loading from Wisconsin Avenue. Pedestrian access will be provided from the Wisconsin Avenue and Elm Street sidewalks, as well as on the CCT from Woodmont Plaza. The Applicant will be working to maximize pedestrian entrances along the two streets to help activate the ground floor. Bicycle access to the site will be via the CCT running through a lower level of the building, with access to Georgetown and Silver Spring. The CCT east of the site, under Wisconsin Avenue, will be built by others in the future.

Along Woodmont Plaza, the base of the building will open to the Purple Line Station and the CCT. As shown below, the townhouse units above will overlook the plaza and Elm Street. The Station tail tracks will extend either side of the foreground walkway, while the CCT entry is to the right.



Figure 17 – Perspective Detail, Woodmont Plaza view into Station and CCT

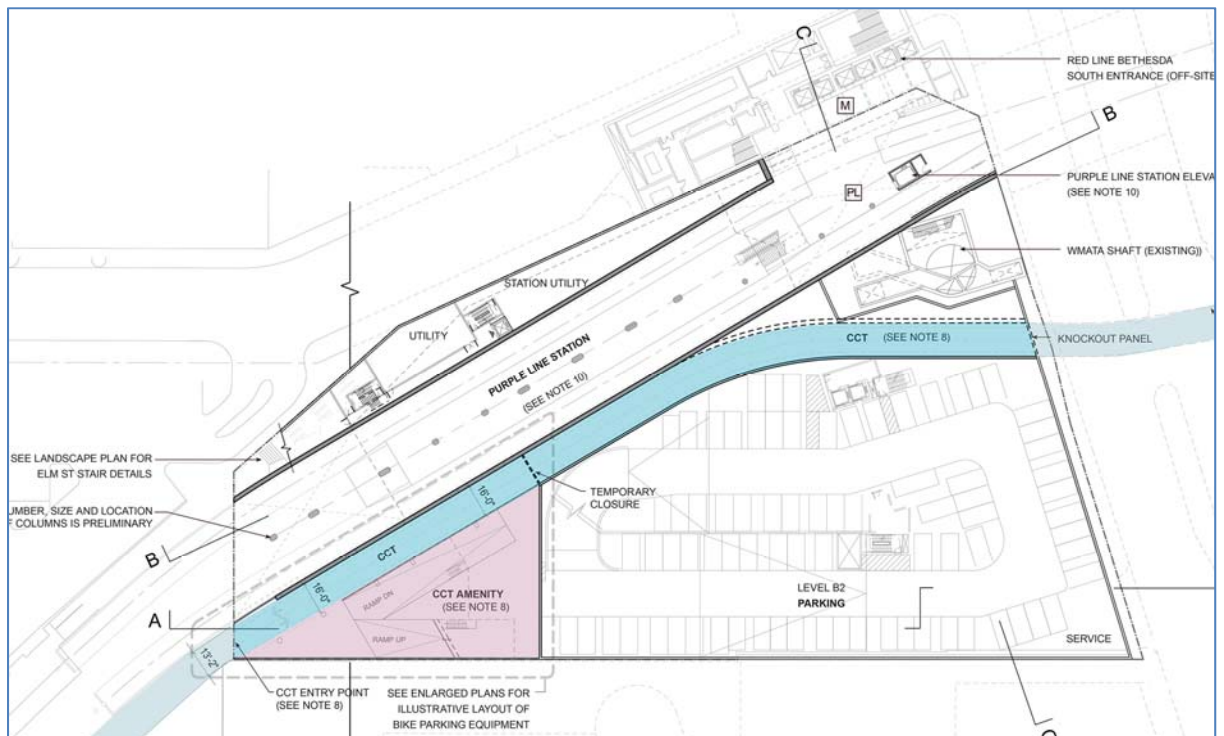
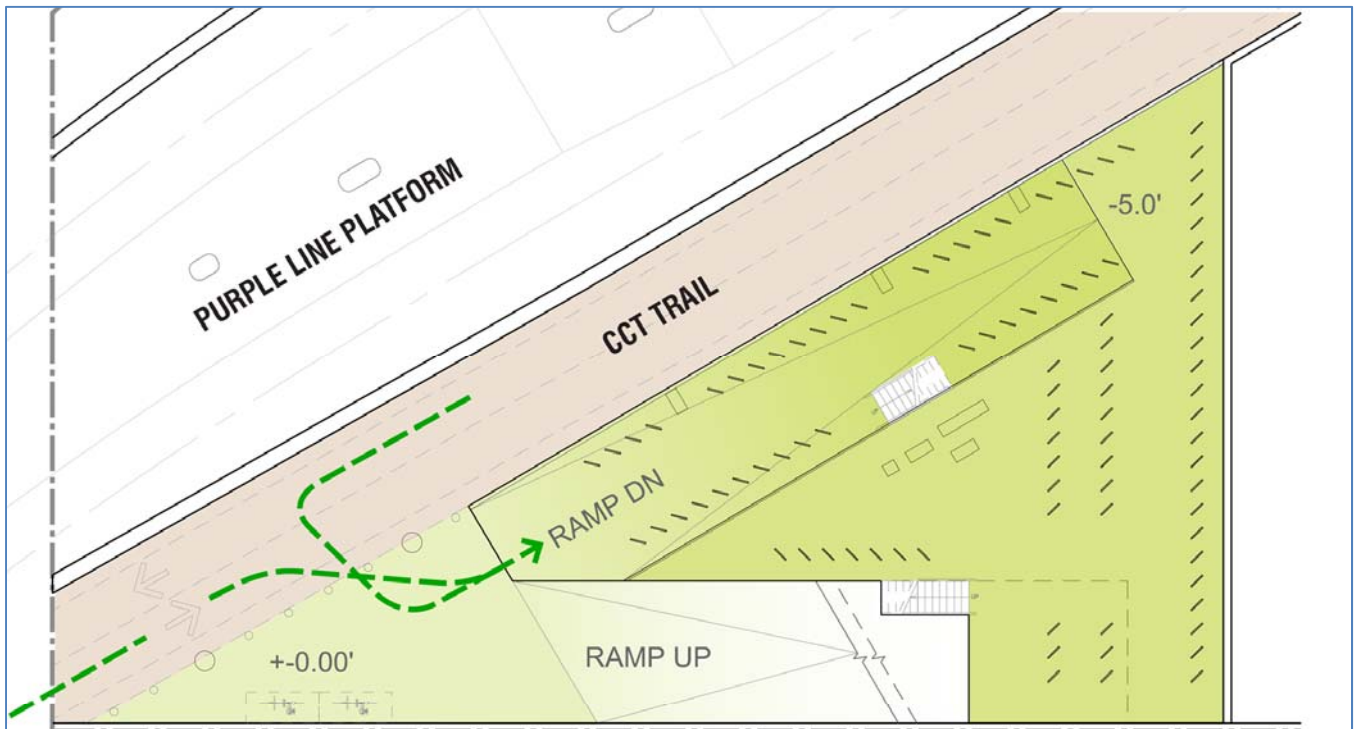


Figure 18 – Floor Plan, Purple Line/CCT Level

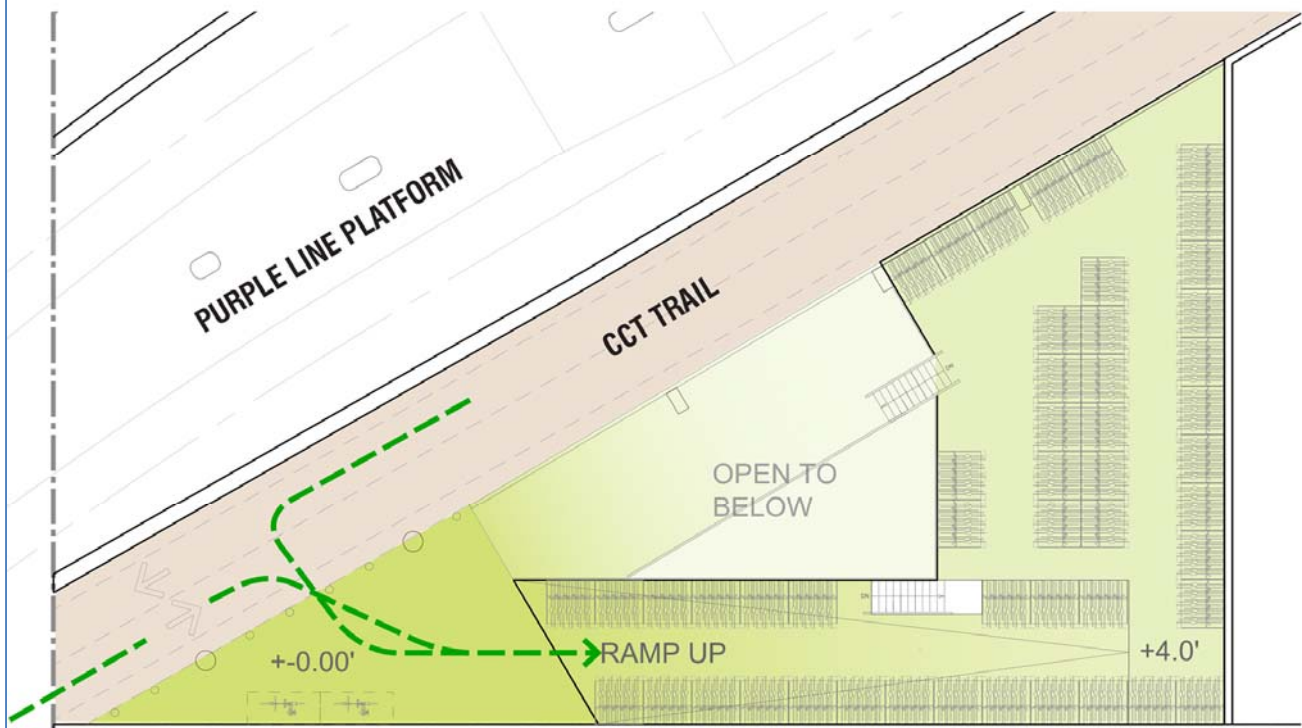
In accordance with the recommendations of the Minor Master Plan Amendment, the Applicant is also providing space for a bicycle storage and maintenance facility along the trail at the entrance to Woodmont Plaza. The innovative design takes advantage of the deep floor-to-ceiling height to create upper and lower levels connected by a helical ramp system. The space includes a deceleration area at the trail entrance and room to park over 250 bikes, and has the potential to include showers, changing rooms and other amenities. While this plan will fix the size, location, and arrangement of the platforms and ramps, the “fit-out” of the space and its operation will be determined at a later stage by MCDOT, either directly or by contract.



Figure 19 – Perspective View into CCT Bike Facility (Is that bike yours?)



LOWER LEVEL PLAN: +-82 INVERTED U RACKS (164 SPACES)



UPPER LEVEL PLAN: +-50 TWO-TIER STACKED RACKS (100 SPACES)

Figure 20 – Detail, CCT Bike Facility Floor Plan w/ Potential Furnishing

Design Issue: Tail Tracks & the CCT

One issue that is not resolved under this review is the proximity between the Purple Line station tail tracks and the CCT. As illustrated in the diagram below, the two facilities share some of the same space in somewhat close quarters. The result is the potential for a series of “pinch points” through the transition area between Woodmont Plaza and the CCT within the building. The Applicant, and staff from the Planning Department, DOT, MTA, and PLTP, and others have been working together to come up with creative solutions within the constrained space. As this coordination will continue beyond the Planning Board’s review of the Preliminary and Site Plans, staff is including in its recommended conditions of approval minimum clear widths for the CCT through this project.

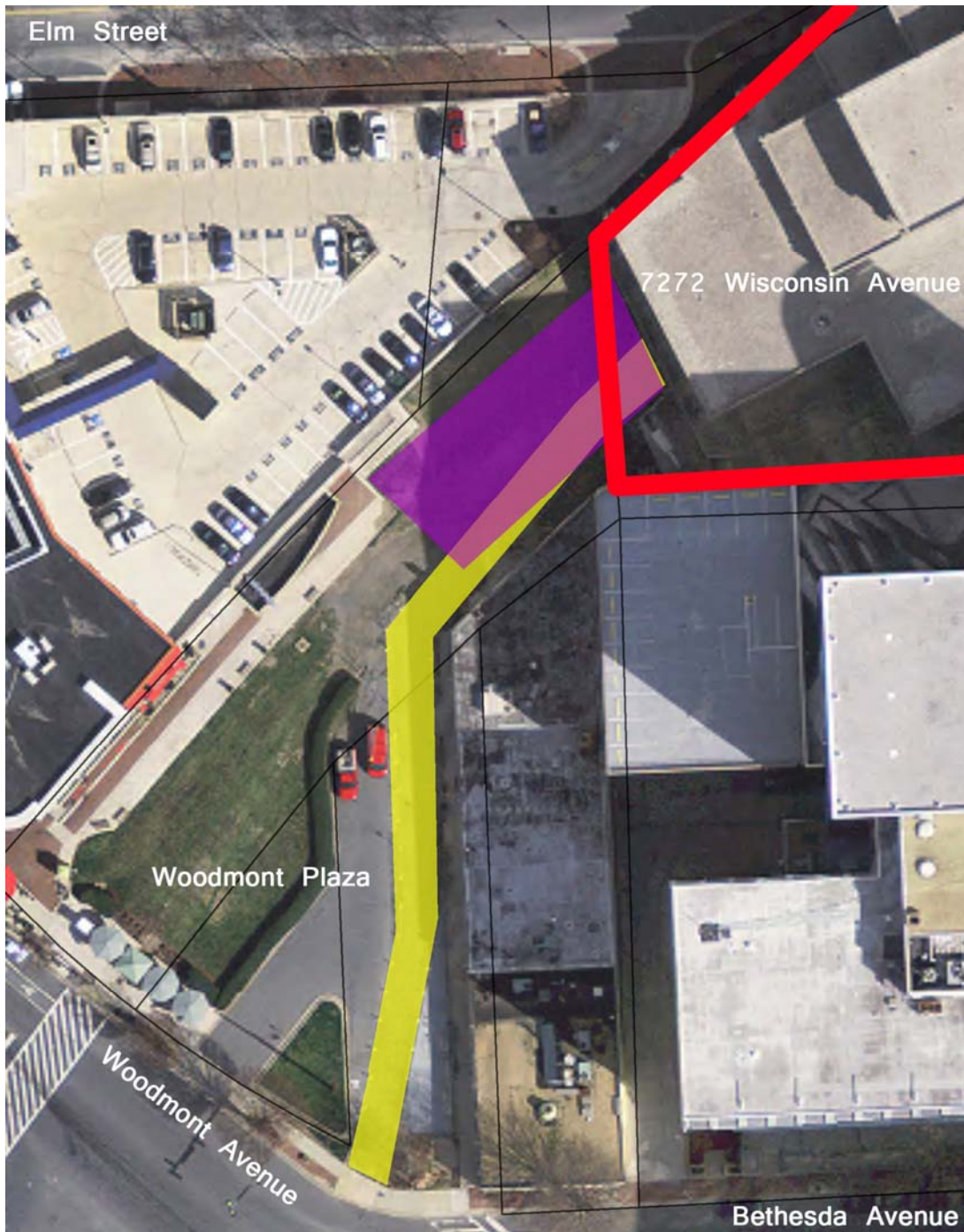


Figure 21 – Detail, CCT Bike Facility Floor Plan w/ Potential Furnishing

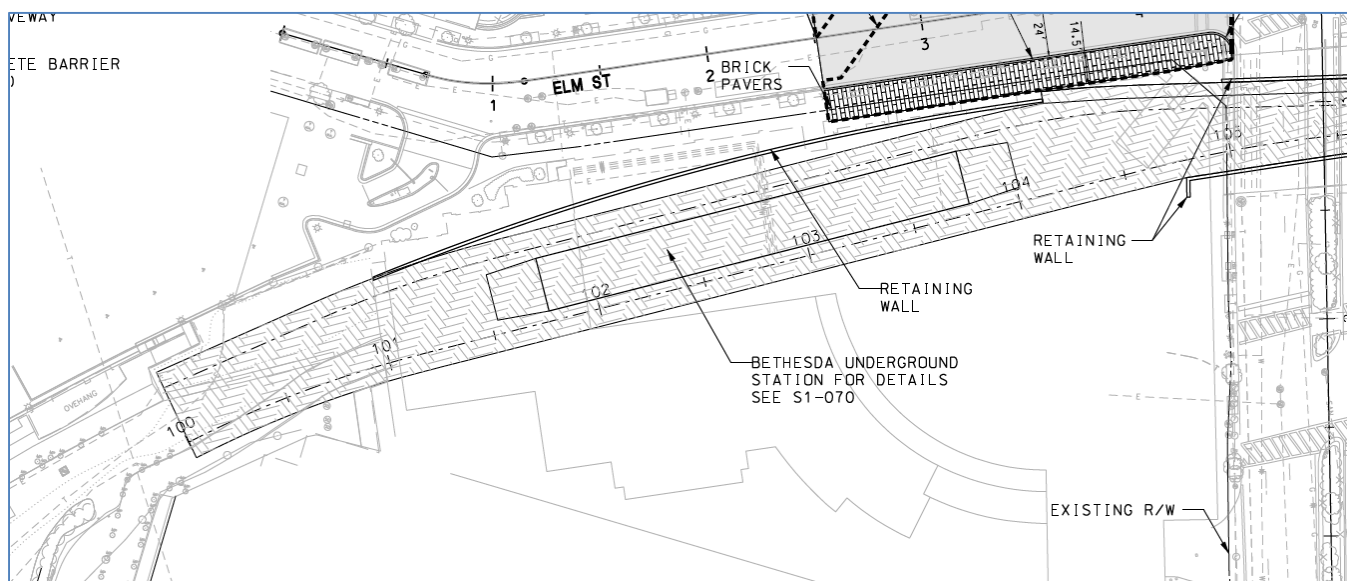


Figure 22 – Detail, CCT Bike Facility Floor Plan w/ Potential Furnishing

Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. Staff has received no comments on the proposed design.

SECTION 5: SKETCH PLAN AMENDMENT ANALYSIS AND FINDINGS

Except as discussed below, the proposed modifications to the Sketch Plan will not alter the overall character or impact of the development with respect to the original findings of approval.

1. *meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan Amendment continues to meet the objectives, general requirements, and development standards of Section 59-4.5.4, as found with the original sketch plan approval. As discussed below, the Applicant's treatment of the architectural massing, the location of the site above two major transit lines and away from single-family neighborhoods, allows the additional building height afforded by ZTA 16-08 to be consistent with the previous findings.

a) Implement the recommendations of applicable master plans.

Land Use and Zoning

The Application continues to take full advantage of the density and height provisions promoted by the Sector Plan, which increased the density from a 5.0 FAR to an 8.0 FAR and a height increase from 143 feet to 250 feet. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail. The additional height allowed by ZTA 16-08, from 250 feet to 290 feet, continues to meet this intent with a design that uses vertically and horizontally shifting massing and materials to break up the overall perceived mass of the building from a distance, and a well-defined

building podium base to help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating.

- d) Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Project continues to propose to maximize the density above the future Purple Line Station but now within a maximum building height of 290' rather than 250'. With the Property located above access to two major transit lines along central Wisconsin Avenue, this redevelopment will continue to set a new center of activity for transit-oriented development in Downtown Bethesda. It is located away from nearby single-family neighborhoods, buffered by open space and lower-scale development, and the architectural treatments, including modulated massing and materials, will minimize the buildings' visual impact. The additional building height remains compatible with adjoining neighborhoods.

5. *achieve compatible internal and external relationships between existing and pending nearby development;*

As discussed above, the redevelopment of this site will establish a new center of activity for Downtown Bethesda, uniting several nearby places into one defined area. By design, the building heights on the site are taller than existing and proposed development on the surrounding blocks, with those blocks helping to transition from this transit center to the lower-density residential neighborhoods not far from the Property. The CCT, station plaza, and other amenities will further attract people to and through the site, promoting the surrounding properties. With the increase in the maximum building height from 250' to 290', the buildings and open spaces remain compatible with existing and proposed nearby buildings, open spaces and uses.

SECTION 6: PRELIMINARY PLAN ANALYSIS AND FINDINGS

Sector Plan Conformance

Planning Vision of the Sector Plan

The proposed Sketch Plan is consistent with, and furthers, the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Project realizes the "Better Alternative" which incorporates the alternative station design that improves the quality of service provided by a new station as follows:

- The Purple Line platform would be larger and, without interrupting columns, would provide more room for riders and trains;
- The Purple Line station platform would be straight, eliminating gaps between train and platform;
- The Red Line Metro south entrance would be located within the new building with access to high-speed elevators directly from the street;
- CCT users would have a choice to cross Wisconsin Avenue either in a new tunnel or at street level;
- The 90-foot-tall ventilation tower would be incorporated into a new building and the over-run tracks would be significantly shortened, leaving more of Woodmont Plaza available for public enjoyment;
- The station area can accommodate space for full-service bike storage (i.e., a "bike station").

The Project is consistent with the Sector Plan's recommendation to encourage coordinated redevelopment of the site, especially as it relates to realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the downtown. The Project promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities. The Project's streetscape enhancements, including new sidewalks, streetlights and street trees allows for increased pedestrian access and connectivity, provides access to shared roadways and shared use paths recommended in the Sector Plan, and provides a human-scaled streetscape.

Land Use and Zoning

The Application continues to take full advantage of the density and height provisions promoted by the Sector Plan, which increased the density from a 5.0 FAR to an 8.0 FAR and a height increase from 143 feet to 250 feet. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail. The additional height allowed by ZTA 16-08, from 250 feet to 290 feet, continues to meet this intent with a design that uses vertically and horizontally shifting massing and materials to break up the overall perceived mass of the building from a distance, and a well-defined building podium base to help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating.

Infrastructure

The Sector Plan emphasizes (page 15) that "the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the 'major public facilities' of the improved transit station and the CCT tunnel". With the increased height and density, the Applicant proposes to accommodate the new Purple Line Station, which includes access to the Red Line Metro south entrance and the CCT trail through the building. The proposed infrastructure is consistent with Sector Plan recommendations.

Public Open Space

The proposed public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances, at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

Transportation

Access and Circulation

Vehicular access to the Property is proposed directly from both Elm Street and Wisconsin Avenue. The project proposes automobile garage access from both streets, with truck loading access only from a full-movement driveway on Wisconsin Avenue. All vehicular parking is proposed to be contained within a structured subgrade garage beneath the proposed building.

Bicycle access to the site will be via the Capital Crescent Trail (CCT), which is proposed to run through a lower level of the building, providing a regional connection. The Project is providing space for a public bicycle storage facility adjacent to both the proposed Purple Line station and Capital Crescent Trail tunnel. Pedestrian access will be provided from the Wisconsin Avenue and Elm Street sidewalks, as

well as on the CCT from Woodmont Plaza. The Project will maximize pedestrian entrances along the two streets to help activate the ground floor.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station, Metrobus, RideOn, and the Bethesda Circulator. Future transit in the area includes a proposed Purple Line station beneath the building. Specific transit routes near the Site include:

1. RideOn Bus Routes 1, 2, 3, 4, 5, 8, 9, 11, 29, 30, 32, 34, 36, 47, 70
2. WMATA Metrobus Routes J2, J3, J4, J7, J9

Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the *1994 Bethesda Central Business District Sector Plan* and the *2005 Countywide Bikeways Functional Master Plan*:

1. Wisconsin Avenue (MD 355), along the Site's eastern frontage, as major highway (M-6) within a minimum right-of-way width of 114 feet.
2. Elm Street, along the Site's northern frontage, as a business district roadway within a minimum right-of-way width of 60 feet.
3. Capital Crescent Trail (SP-6), a tunnel through the Site and adjacent to the Purple Line, as a regionally-important shared use path between Georgetown and Union Station in the District of Columbia via Bethesda and Silver Spring.

Sector-Planned Transportation Demand Management

As a mixed-use development within the Bethesda Transportation Management District (TMD) that has more than 25 employees on the largest shift and more than 100 dwelling units, the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Bethesda TMD.

Adequate Public Facilities

A traffic study, dated July 1, 2016, and revised November 11, 2016, was submitted for the subject application per the *LATR/TPAR Guidelines* since the proposed development was estimated to generate more than 30 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.

A Site trip generation summary for the proposed development, provided in Table 1, shows that the project will generate 313 net new peak-hour trips during the weekday morning peak period and 306 net new peak-hour trips during the weekday evening peak period. This trip generation estimate is based on the addition of up to 360,800 square feet of General Office Space, 480 high rise dwelling units, and up to 14,572 square feet of General Retail.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 2, shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the subject application will satisfy the LATR requirements of the APF test.

TABLE 1: SUMMARY OF SITE TRIP GENERATION-PROPOSED PROJECT

Trip Generation	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
Proposed						
360,800 SF General Office (46% Transit Reduction)	526 (242)	79 (36)	605 (278)	92 (42)	448 (206)	540 (248)
Office Subtotal	284	43	327	50	242	292
480 High Rise Dwelling Units (55% Transit Reduction)	38 (21)	112 (62)	150 (83)	107 (59)	68 (37)	175 (96)
Residential Subtotal	17	50	67	48	31	79
14,572 SF General Retail (47% Transit Reduction)	14 (7)	12 (6)	26 (13)	54 (25)	50 (24)	104 (49)
(Retail Pass-by)	--	--	--	(10)	(9)	(19)
Retail Subtotal	7	6	13	19	17	36
Total	308	99	407	117	290	407
Existing Trips (Credit)						
Existing Office and Retail Trips (To be Removed)	87	7	94	22	79	101
Net New Trips	221	92	313	95	211	306

Source: Wells + Associates traffic study, dated July 1, 2016 and revised November 11, 2016.

TABLE 2: SUMMARY OF CAPACITY CALCULATIONS-PROPOSED PROJECT

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Arlington Rd/ Elm St	668	874	802	1,041	840	1,047
Woodmont Ave/ Hampden Ln	470	688	614	942	701	972
Woodmont Ave/ Elm St	583	623	724	874	857	1,038
Woodmont Ave/ Bethesda Ave	384	573	524	797	524	832
Wisconsin Ave/ East-West Hwy	1,070	1,057	1,331	1,381	1,349	1,442
Wisconsin Ave/ Montgomery Ave	981	950	1,258	1,171	1,275	1,213
Wisconsin Ave/ Elm St/ Waverly	769	840	914	988	913	1,028
Wisconsin Ave/ Elm St/ Waverly (Road Diet)	--	--	983	1,060	989	1,102
Wisconsin Ave/ Bethesda Ave	805	856	1,065	1,137	1,085	1,133
Wisconsin Ave/ Leland St	792	788	971	994	975	1,000
Waverly St/ Montgomery Ave	853	956	1,004	1,068	1,014	1,097
Wisconsin Ave/ Site Access	623	499	744	687	775	725
Elm St/ Site Access	--	--	--	--	504	487

Source: Wells + Associates traffic study, dated July 1, 2016 and revised November 11, 2016.

Since the proposed development is within the Bethesda CBD Policy Area, the application 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 the transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

Compliance with Zoning Ordinance and Subdivision Regulations

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed 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. The Application substantially conforms to the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the site is sufficiently large to efficiently accommodate the proposed mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of the subsequent site plans.

Environment

Forest Conservation and Environmental Guidelines

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420160820 for the project was approved on December 22, 2015. The urban site is located within the Little Falls watershed, a use-class I-P² watershed. There are several existing street trees and minor landscape plantings fronting the site; the tree sizes range up to approximately 18" diameter at breast height (DBH). The site is not associated with any significant or specimen trees, nor any forest areas or other environmentally sensitive resources such as highly erodible soils, steep slopes, streams, floodplains or associated buffers.

² Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.

The project is subject to a Forest Conservation Plan (FCP); although there is no forest to be cleared in association with the project, there is an afforestation requirement. Given the dense urban setting over the existing Metro and future Purple Line, the afforestation credits will be met offsite by a payment of fee-in-lieu per Sec. 22A-12(g)(2)(D) of the Forest Conservation Law.

Staff notes that the calculation of the final afforestation requirements need to be corrected and has included a condition requiring the Final FCP to show the correct final number.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on October 31, 2016 (Attachment C). According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent possible through the use of a green roof and micro-bioretenment. A portion will be treated via an underground volume-based filtration structure. Further, due to site conditions, full treatment cannot be provided so a waiver of quantity for 1 acre is granted.

Noise

The project proposes residential units adjacent to an arterial roadway and over existing and future railway corridors (Metro and the Purple Line respectively); therefore, the application is subject to the noise regulations associated with residential development.

A noise analysis dated November 28, 2016, was prepared by Acoustics2 (Acoustical Consultants). The report indicates that the proposed residential units will be subject to relatively moderate levels of noise impact due to the 150-foot separation from Wisconsin Ave and the shielding provided by the proposed tower building. Furthermore, the remaining noise impact to the residential units can be mitigated by appropriate treatment of the building construction (such as the use of specialized windows).

The areas of common outdoor use include the rooftop pool and 6th floor terrace which are situated such that the transportation noise sources are below the required thresholds (65 dBA Ldn) and do not required any mitigation.

The analysis also addresses the existing and future rail corridors, noting that “The metro is underground and can only be heard thru the air shafts along Wisconsin Avenue and no vibration can be felt in the ground or existing building”. The analysis states that resilient material will be used in the construction of the Purple line to prevent adverse impacts from noise and vibration. The following conclusions are excerpted from the analysis.

In conclusion, the following points address the major acoustical points of this project:

- The roof top pool and 6th level residential terrace amenity locations will be below 65dBA L_{dn} as required by Montgomery County.
- Residential level building facades nearest to Wisconsin Ave will be impacted by future noise levels as high as 68dBA L_{dn}
- Interior noise level requirements (45dBA L_{dn}) can and will be achieved with window and doors which are rated at 34STC in the impacted areas on the North side up to the 10th level.
- The Metro is underground under Wisconsin Avenue and has no impact.
- The Purple line will have resilient material such as bridge bearing neoprene between the rails and concrete structure to prevent noise and vibration transmission into the building. This will be coordinated with the Maryland Department of Transportation.

Standard conditions of approval are recommended to address the interior noise mitigation requirements.

SECTION 7: SITE PLAN ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
 - a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all bindings elements and conditions of Sketch Plan Amendment No. 320160040, as amended, regarding density, the general location of vehicular access points, and the public benefit schedule. Furthermore, as conditioned, the Site Plan satisfies the requirements of Preliminary Plan 120160380, which was reviewed concurrently with the Site Plan.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014, for a property where the zoning classification on October 29, 2014, was the result of a Local Map Amendment;*

This section is not applicable as the Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;
- i. Division 4.5. Commercial/Residential Zones

Development Standards

The Project is approximately 2.69 gross acres zoned CR 8.0 C 7.5 R 7.5 H 250. The following table, Table 3, shows the application's conformance to the development standards of the zone and the approved Sketch Plan.

Table 3-Site Plan Data Table			
Section 59 - 4	Development Standard	Approved Sketch Plan 320160040	Proposed
	Tract Area (sf) Previous Dedication (sf) Proposed Dedication (sf) Lot Area (sf)	117,148 	117,148 34,259 632 82,257
4.5.4.B.2.b	Density (CR8.0, C7.5, R7.5, H250) Commercial FAR/GFA, Max. Residential FAR/GFA, Max. Total FAR/GFA, Max.	7.5/878,610 7.5/878,610 8.0/937,184	3.2/375,372 4.8/561,812 8.0/937,184
	Dwelling Units	-	480
	MPDUs (% / units)	12.5%	12.5%/60
4.5.4.B.2.b 4.5.2.A.2.e.	Building Height (feet) Height of floors mostly used for above-grade parking (feet)³ Total Building Height (feet)	250 	250 40 290
4.5.4.B.3	Minimum Setback From adjacent properties From R.O.W.	0' 0'	0' 0'
4.5.4.B.1	Public Open Space (%/sq. ft.)	5/4,076	8/7,500
6.2	Parking spaces, minimum-maximum⁴	-	720

³ Per Section 4.5.2.A.2.e, with Planning Board approval, any Optional Method project in a CR zone that includes the provision of a major public facility under Section 4.7.3.A may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the major public facility diminishes the ability of the Applicant to provide parking at or below grade.

⁴ The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

As illustrated on the Certified Site Plan, the project meets the requirements of Section 4.5.4.B.4, regarding transparency, blank walls, and active entrances, by providing attractive, varied, and activated street-level facades. Along Wisconsin Avenue, Elm Street, and the open space, the design includes retail and restaurant entrances and outdoor café seating, clerestory views into the Purple Line station and attractive materials implemented to create continuous visual interest.

ii. *Division 4.7 Optional Method Public Benefits*

Consistent with Sketch Plan 320160040, the project will provide the following Public Benefits:

Major Public Facilities

The Property will incorporate the space for the proposed Purple Station, construct a section of the Capital Crescent Trail, and provide access to the Red Line (south portal) as part of the Application. The Proposal advances the “Better Alternative” described in the Bethesda Purple Line Station Minor Master Plan and describes the planning, construction and operation of the major public facility as “the top priority benefit for this Plan area.” Staff supports the Applicant’s request for 70 points.

Transit Proximity

The Property is located directly on top of the proposed Purple Line station and Red Line (south portal) connection, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Staff supports the Applicant’s request for 50 points.

Connectivity and Mobility

Transit Access Improvements: The Applicant is constructing new access to the future Purple Line Station and improving access to the Red Line Station through access to a new south portal entrance. Staff supports the Applicant’s request for 10 points.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria and 10 points is appropriate for development that meets all six criteria. The development meets the following four criteria, and Staff supports the Applicant’s request for 5 points:

Providing innovative solutions in response to the immediate context

The Project leverages the development potential afforded by the newly adopted Zoning Ordinance and the rezoning of the Property to transform an outdated, underutilized commercial site in a transit-oriented location into a more modern, efficient development. The Project introduces true mixed use onto the site comprising residential, commercial office, retail, theatres, and restaurants, all served by the Purple and Red Line portals which are integrated into the building design.

Creating a sense of place and serving as a landmark

The Project's architectural elements will be distinctly modern, and will contribute to the establishment of a new sense of place within the Bethesda CBD at this transit

focal point. A variety of colors and materials such as masonry, architectural panels and glass are contemplated for the building façade, to create visual interest. The Applicant anticipates that the building will have a distinguishable massing approach that will establish a unique presence in the Bethesda skyline, while articulating the building base in a way that provides human scale to the block.

Enhancing the public realm in a distinct and original manner.

The Project will provide access to two transit stations and accommodate a portion of the CCT. The Project improves pedestrian conditions by providing a much wider sidewalk of 20 feet along Wisconsin connected to an open space plaza at the corner of Elm and Wisconsin, and new streetscaping along both Elm Street and Wisconsin. The plaza includes a series of planes that are navigated by sculptural stairs, ramps and a fountain flanked by plantings that cascade into the plaza. Permanent seating is provided along the planted areas and extend into the plaza.

Using design solutions to make compact infill development living, working and shopping environments more pleasurable or desirable.

Unique design solutions are a major element of the Project with all of the components which must be accommodated on the Property. The design includes the access portals for the Red and Purple Lines, an integrated yet workable residential and commercial Project with a public plaza, retail, restaurants and a movie theatre. Through excellent, innovative design, the project addresses the complexities of this site and provides a quality private and public space that will enhance the lifestyle of the Bethesda community.

Structured Parking: The Applicant requests 15 points for structured parking for parking above and below grade. The Applicant will provide all of the 720 parking spaces in structured garages, half above-grade and half below-grade. Staff supports 15 points.

Protection and Enhancement of the Natural Environment

Building Lot Termination: The Applicant requests 18 points for the for the purchase of 3 Building Lot Terminations (BLTs) easements. Section 59.4.7.3.F requires the Applicant to purchase BLT easements equal to 7.5 percent of the incentive density for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. The Applicant is required to purchase 1.81 BLTs under the following calculation: $937,184 \text{ sf. (8.0 FAR)} - 58,574 \text{ sf. (.5 FAR)} = 878,610 \text{ sf.} / 31,500 = 27.89 \times .075 = 2.09$. The Applicant is permitted 9 points for each required BLT resulting in 18 points. Staff supports this request.

Vegetated Roof: The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on the multi-family building. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements. Staff supports the 7.5 points as recommended in the CR Guidelines because the Project meets the requirement of the Zoning Ordinance.

Table 4 - Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Sketch Plan	Recommended
59.4.7.3.A: Major Public Facility	70	57	70
59.4.7.3.B: Transit Proximity	50	50	50
59.4.7.3.C: Connectivity and Mobility			
Transit Access Improvement	20	20	10
59.4.7.3.E: Quality of Building and Site Design			
Exceptional Design	10	5	5
Structured Parking	20	15	15
59.4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Terminations (BLTs)	30	18	18
Vegetated Roof	15	5	7.5
TOTAL		170	175.5

iii. Division 6.1. Site Access

The development will have ample site access. Pedestrian access to the buildings and transit stations will be afforded from Wisconsin Avenue, Elm Street, and Woodmont Plaza. Vehicular access for parking and loading will be provided from Elm Street and Woodmont Avenue. Transit access to the site is provided by the Purple Line station beneath the development and the Red Line station access point along Elm Street. The development will also include a section of the Capital Crescent Trail beneath the building, connecting to the surrounding street grid and along the Trail to Georgetown and Silver Spring beyond.

iv. Division 6.2. Parking, Queuing, and Loading

Parking will be provided in above- and below-ground structures within the development, with access from Wisconsin Avenue and Elm Street. Loading will be provided from Woodmont Avenue.

v. Division 6.3. Open Space and Recreation

The development has a 5 percent Public Open Space requirement. The Project proposes 8 percent, totaling 7,500 square feet of public open space, at the corner of Elm Street and Wisconsin Avenue. The Public Open Space accommodates public access to the Purple Line station, as well as inviting places to sit and watch or meet people.

The development meets the active and passive recreation space required by the zone. The proposed development will provide the following on-site recreation facilities: the Capital Crescent Trail, and indoor fitness facility, as swimming pool, and an indoor community space. The development can also take advantage of the off-site bike system and nature trails. The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

As a central development at the intersection of two major transit lines in an urban area, the project's landscaping and lighting will be consistent with the Bethesda Streetscape Standards and the needs of the transit stations.

As shown in the Development Standards table, the Site Plan meets all the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 31, 2016. The plan proposes to meet stormwater management requirements through the use of a green roof and micro-bioretenment with a partial quantity waiver.

ii. *Chapter 22A, Forest Conservation.*

As conditioned, and discussed in more detail in the Preliminary Plan findings, the Application is in compliance with the M-NCPPC's Environmental Guidelines and Forest Conservation Law.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The parking is located in above- and below-ground structures within the development. The circulation patterns take advantage of the site's central location within downtown Bethesda and is easily accessed by foot, bike, transit, and car. The building massing consists of several towers of differing heights, with the tallest towers at the center of the site and the rest stepping down to Woodmont Plaza and to Wisconsin Avenue. The open space, concentrated at the corner of Wisconsin Avenue and Elm Street is well designed to integrate the needs of commuters as well as for people who want to sit and people-watch or meet a friend. The parking, circulation patterns, building massing, and open spaces are safe and well-integrated.

g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

Planning Vision of the Sector Plan

The proposed Sketch Plan is consistent with, and furthers, the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Project realizes the "Better

Alternative” which incorporates the alternative station design that improves the quality of service provided by a new station as follows:

- The Purple Line platform would be larger and, without interrupting columns, would provide more room for riders and trains;
- The Purple Line station platform would be straight, eliminating gaps between the train and the platform;
- The Red Line Metro south entrance would be located within the new building with access to high-speed elevators directly from the street;
- CCT users would have a choice to cross Wisconsin Avenue either in a new tunnel or at street level;
- The 90-foot-tall ventilation tower would be incorporated into a new building and the over-run tracks would be significantly shortened, leaving more of Woodmont Plaza available for public enjoyment;
- The station area can accommodate space for full-service bike storage (i.e., a “bike station”).

The Project is consistent with the Sector Plan’s recommendation to encourage coordinated redevelopment of the site, especially as it relates to realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the downtown. The Project promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities. The Project’s streetscape enhancements, including new sidewalks, streetlights and street trees allows for increased pedestrian access and connectivity, provides access to shared roadways and shared use paths recommended in the Sector Plan, and provides a human-scaled streetscape.

Land Use and Zoning

The Application continues to take full advantage of the density and height provisions promoted by the Sector Plan, which increased the density from a 5.0 FAR to an 8.0 FAR and a height increase from 143 feet to 250 feet. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail. The additional height allowed by ZTA 16-08, from 250 feet to 290 feet, continues to meet this intent with a design that uses vertically and horizontally shifting massing and materials to break up the overall perceived mass of the building from a distance, and a well-defined building podium base to help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating.

Infrastructure

The Sector Plan emphasizes (page 15) that “the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the ‘major public facilities’ of the improved transit station and the CCT tunnel”. With the increased height and density, the Applicant proposes to accommodate the new Purple Line Station, which includes access to the Red Line Metro south entrance and the CCT trail through the building. The proposed infrastructure is consistent with Sector Plan recommendations.

Public Open Space

The proposed public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances, at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120160380 findings, the proposed development in the Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The development will create a new center of activity with two transit stations located between the existing Bethesda Row and Bethesda Lane developments to the west and the existing mid- and high-rise office and residential uses along Wisconsin Avenue. As the design transitions between these surrounding developments, the 290' building height will be articulated using vertically and horizontally shifting massing and materials that break up the overall perceived mass of the building from a distance, while the well-defined building podium base will help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the*

Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

Not applicable, the Subject Property is not zoned C-1 or C-2.

ATTACHMENTS

- A. Sketch Plan Resolution
- B. ZTA 16-08
- C. Agency Letters



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

FEB 12 2016

MCPB No. 16-017
Sketch Plan No. 320160040
7272 Wisconsin Avenue
Date of Hearing: February 11, 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on December 1, 2015, CP 7272 Wisconsin Avenue, LLC c/o Carr Properties ("Applicant") filed an application for approval of a sketch plan for up to 937,184 total square feet of mixed-use development, with 12.5% MPDUs, that will accommodate the Bethesda Purple Line Station, the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail, on 2.69 acres zoned CR 8.0 C 7.5 R 7.5 H 250, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property") in the 2014 *Bethesda Purple Line Station Plan Minor Master Plan Amendment* to the 1994 *Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320160040, 7272 Wisconsin Avenue ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 1, 2016, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on February 11, 2016, the Planning Board held a public hearing on the Application at which it 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 binding elements and conditions, by the vote certified below.

Approved as to
Legal Sufficiency:

 2/12/16

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320160040, 7272 Wisconsin Avenue, for up to 937,184 total square feet of mixed-use development, including up to 878,610 square feet of residential uses, with 12.5% MPDUs, and up to 878,610 square feet of commercial uses, that will accommodate the Bethesda Purple Line Station, the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The development is limited to a maximum of 937,184 square feet of total development on the Subject Property, including components of residential and/or commercial development of no more than 878,610 square feet each. The maximum amount and distribution of residential and non-residential uses, including number of dwelling units, will be determined at Preliminary Plan.

2. Height

The development is limited to the maximum height of 250 feet.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2.a. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at site plan approval.

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

- a. Major Public Facilities (Section 59.4.7.3.A), achieved through accommodation, including all necessary easements, of a multi-modal transit hub for the Purple Line;
 - b. Transit Proximity (Section 59.4.7.3.B), achieved through accommodation and access to both a new portal for the Red Line and a Purple Line Station including all necessary easements;
 - c. Connectivity and Mobility (Section 59.4.7.3.C), achieved through upgraded, sheltered pedestrian connections and easements for the new Red Line Metro southern portal adjacent to the site;
 - d. Quality Building Design (Section 59.4.7.3.E), achieved through Exceptional Design and Structured Parking; and
 - e. Protection and Enhancement of the Natural Environment (Section 59.4.7.3.F), achieved through the purchase of BLTs and provision of a vegetated roof.
4. Moderately Priced Dwelling Units (MPDUs)
The Applicant must provide a minimum of 12.5 percent of the total number of units as Moderately Priced Dwelling Units on the Subject Property, in accordance with Chapter 25A.
5. Public Space
The Applicant must provide a minimum of 5 percent of the Subject Property as Public Open Space. Final location, configuration, and character to be determined at Site Plan.
6. Transportation
Consistent with the recommendations of the *Bethesda Purple Line Station Minor Master Plan Amendment*, the Applicant must:
- a. provide within the Subject Property the space necessary for the Bethesda Purple Line Station, including, but not limited to, the tracks, platform, mezzanine for access to both the Red Line elevators and Purple Line platform, required ventilation facilities, and access points;
 - b. locate the street-level access points for the mezzanine described in Condition 6.a. on site;
 - c. construct the on-site portion of the Capital Crescent Trail (CCT), with final alignment and design to be determined at Site Plan;
 - d. reserve within the Subject Property a minimum 10,000 square foot area abutting the CCT dedicated to a full-service bicycle storage facility;
 - e. provide all necessary easements for the facilities listed in subparagraphs 6.a.-6.d.;
 - f. coordinate with the Maryland Transit Administration (MTA), State Highway Administration (SHA), the Montgomery County Department of Transportation (MCDOT), Montgomery County Planning Department, and other necessary agencies to develop and implement the design and construction of the facilities identified in Condition 6.

7. Historic Preservation

- a. Before Site Plan review, unless there is a change in the historic designation status of the Community Paint and Hardware Store, the Applicant, in coordination with Planning Department and Historic Preservation Commission staff, must submit a Preliminary Consultation to the Historic Preservation Commission to determine if the Community Paint and Hardware Historic Site may be moved from the Subject Property and, if so, where it will be relocated.
- b. If the Historic Site is to be relocated, the new location must meet the following criteria:
 - i. Within Downtown Bethesda
 - ii. Proximate to Wisconsin Avenue so as to allow a clearly defined visual connection to the Avenue.
- c. Any activity impacting the Historic Site must be approved by the Historic Preservation Commission.

8. Future Coordination for Preliminary and/or Site Plan

- a. In addition to any other requirements for Preliminary Plans under Chapter 50, the following must be addressed at Preliminary Plan:
 - i. Implementation of the transportation improvements;
 - ii. Adequate Public Facilities review
 - iii. Provision of turning templates for the proposed access points
- b. In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed at Site Plan:
 - i. Design:
 1. Streetscape details;
 2. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
 3. Provision of a minimum 20ft building setback from the street curb along Wisconsin Avenue to accommodate high volumes of pedestrian traffic;
 4. Building design to articulate a low to mid-rise base to relate to pedestrian scale with as many active lining uses as possible and modulate massing above the base along Wisconsin Avenue, Elm Street and Woodmont Plaza to reduce the tower impacts;
 5. Vary building tower heights with the highest along Wisconsin Avenue;
 6. Provide façade articulation to reduce building bulk and add visual interest;
 7. Façade treatments along any above-ground structured parking floors facing a public road or public space must fully integrate these floors into the design of the facade;

8. Integrate sustainable design systems and materials to improve building performance;
 9. Provide additional information on the design of the Wisconsin/Elm corner plaza and the Purple Line entry off of Woodmont Plaza as critical public gateways to the transit stations; and
 10. Maximize windows, entries, and other openings on Elm Street.
- ii. Capital Crescent Trail design:
1. Straighten the trail alignment through the building so that the prevailing alignment is more "straight" than curvilinear;
 2. Coordinate a smooth transition to the trail at the western property line;
 3. Show the future eastern limits of the tunnel under Wisconsin (to the eastern ROW line on MD 355);
 4. Consider an art component in tunnel; and
 5. Work to minimize vertical change for the Capital Crescent Trail.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Use Standards

The approved uses are allowed in the Subject Property's zone under the standards in Section 59-3.1.6 of the Zoning Ordinance.

b. Development Standards

The Subject Property includes approximately 2.69 acres zoned CR 8.0 C 7.5 R 7.5 H 250. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Sketch Plan Data Table			
Section 59 - 4	Development Standard	Permitted/ Required	Approved
	Gross Tract Area (sf)		117,148
4.5.4.B.2.b	Density CR8.0, C7.5, R7.5, H250		
	Commercial FAR/GFA	7.5/878,610	7.5/878,610
	Residential FAR/GFA	7.5/878,610	7.5/878,610
	TOTAL FAR/GFA	8.0/937,184	8.0/937,184
4.5.4.B.2.b	Building Height (feet) CR8.0, C7.5, R7.5, H250	250	250
4.5.4.B.1	Open Space (minimum) Public Open Space (%/sq. ft.)	5/4,076	5/4,076

The Application will provide the minimum required number of bicycle parking spaces for residents and visitors, and commuter shower/change facilities within the building, which will be determined at the time of Site Plan(s). The number of vehicular parking spaces will be determined at Site Plan(s) based on the number of residential dwelling units.

c. General Requirements

i. *Site Access*

The development associated with the Sketch Plan will include numerous site access improvements, including a new Purple Line transit station, a new access point to the Bethesda Metro Station, a new section of the Capital Crescent trail, in addition to improved sidewalks and vehicular site access.

ii. *Parking, Queuing, and Loading*

Adequate parking, queuing and loading for the buildings will be provided and will be determined at the time of Preliminary Plan(s) and Site Plan(s). The number of vehicular parking spaces will be determined at Site Plan(s) based on the number of residential dwelling units.

iii. *Open Space and Recreation*

The development associated with the Sketch Plan will provide open space and recreation tied to the access improvements. Along Wisconsin Avenue, a public open space will host the entrances to the Purple Line and Red Line station, while the regional Capital Crescent Trail will allow pedestrians and cyclists recreational access through the site from Woodmont Plaza to the west eventually to Elm Street park to the east. Final location and square footage of open space will be determined at the time of Site Plan(s), and the Applicant's recreation and amenity analysis, as required by M-NCPPC's Recreation Guidelines and the CR Zone, will be submitted at the time of Site Plan(s).

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. Final details will be determined at the time of Site Plan(s).

2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

Planning Vision of the Sector Plan

The Sketch Plan is consistent with and furthers the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Application realizes the Sector Plan's "Better Alternative" which incorporates the alternative station design that improves the quality of service provided by a new station as follows:

- The Purple Line platform will be larger and, without interrupting columns, will provide more room for riders and trains;
- The Purple Line station platform will be straight, eliminating gaps between the train and the platform;
- The Red Line Metro south entrance will be located within the new building with access to high-speed elevators directly from the street;
- CCT users will have a choice to cross Wisconsin Avenue either in a new tunnel or at street level;
- The 90-foot-tall ventilation tower will be incorporated into a new building and the over-run tracks would be significantly shortened, leaving more of Woodmont Plaza available for public enjoyment;
- The station area can accommodate space for full-service bike storage (i.e., a "bike station").

The Sketch Plan is consistent with the Sector Plan's recommendation to encourage coordinated redevelopment of the Subject Property, especially as it relates to realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the downtown. The Sketch Plan promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities. The Sketch Plan's streetscape enhancements, including new sidewalks, streetlights and street trees, allow for increased pedestrian access and connectivity, provide access to shared roadways and shared use paths recommended in the Sector Plan, and provide a human-scaled streetscape.

Land Use and Zoning

The Application takes full advantage of the density and height provisions promoted by the Sector Plan, which increased the density from a 5.0 FAR to an 8.0 FAR and a height increase from 143 feet to 250 feet. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail.

Infrastructure

The Sector Plan emphasizes that "the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the 'major public facilities' of the improved transit station and the CCT tunnel". With the increased height and density, the Applicant will to accommodate the new Purple Line Station, which includes the Red Line Metro south entrance and the CCT trail through the building. The infrastructure is consistent with Sector Plan recommendations.

Public Open Space

The public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances, at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan satisfies the green area requirement in effect on October 29, 2014.*

The Subject Property's zoning classification on October 29, 2014 was not a result of a Local Map Amendment.

5. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

As discussed above, the redevelopment of the Subject Property will establish a new center of activity for Downtown Bethesda, uniting several nearby places into one defined area. By design, the building heights on the Subject Property are taller than existing and proposed development on the surrounding blocks, with those blocks helping to transition from this transit center to the lower-density residential neighborhoods not far from the Subject Property. The CCT, station plaza, and other amenities will further attract people to and through the site, promoting the surrounding properties. The buildings and open spaces are compatible with existing and proposed nearby buildings, open spaces and uses.

6. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The CCT tunnel runs through the Subject Property and will feature a significant bicycle storage facility that will attract cyclists and promote alternatives to automobile trips. Adequate parking will be provided on-site to accommodate all users of the Subject Property, and access to parking and loading are located to minimize pedestrian-vehicular conflicts within the constraints of the site.

7. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and

7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Recommended
59.4.7.3.A: Major Public Facility	70	57	57
59.4.7.3.B: Transit Proximity	50	50	50
59.4.7.3.C: Connectivity and Mobility			
Transit Access Improvement	20	20	20
59.4.7.3.E: Quality of Building and Site Design			
Exceptional Design	10	5	5
Structured Parking	20	15	15
59.4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Terminations (BLTs)	30	18	18
Vegetated Roof	15	5	5
TOTAL		170	170

Major Public Facilities

The Subject Property will incorporate the proposed Purple Line station and the Red Line (south portal) connection as part of the Application. The Sketch Plan advances the "Better Alternative" described in the Bethesda Purple Line Station Minor Master Plan and describes the planning, construction and operation of the major public facility as "the top priority benefit for this Plan area." The Board supports the Applicant's request for 57 points at this time.

Transit Proximity

The Subject Property is located directly on top of the proposed Purple Line station and Red Line (south portal) connection, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. The Board supports the Applicant's request for 50 points at this time.

Connectivity and Mobility

Transit Access Improvements: The Applicant is constructing new access to the future Purple Line Station and improving access to the Red Line Station through a new south portal entrance. The Board supports the Applicant's request for 20 points at this time.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria and 10 points is appropriate for development that meets all six criteria. The Applicant asserts that the development associated with the Sketch Plan will meet 4 of the 6 criteria. The Board supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan(s).

Structured Parking: The Applicant requests 15 points for structured parking for parking above and below grade. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade, and the Applicant anticipates 95% of all parking will be structured below grade with final parking counts to be determined at Site Plan(s). The Board supports 15 points for the below-grade parking at this time.

Protection and Enhancement of the Natural Environment

Building Lot Termination: The Applicant requests 18 points for the for the purchase of 3 Building Lot Terminations (BLTs) easements. Section 59.4.7.3.F requires the Applicant to purchase BLT easements equal to 7.5 percent of the incentive density for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. The Applicant is required to purchase 2.09 BLTs under the following calculation: $937,184 \text{ sf. (8.0 FAR)} - 58,574 \text{ sf. (.5 FAR)} = 878,610 \text{ sf. } / 31,500 = 27.89 \times .075 = 2.09$. The Applicant is permitted 9 points for each required BLT, resulting in 18 points. The Board supports 18 points for this category at this time.

Vegetated Roof: The Applicant requests 5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment. This is consistent with the CR Guidelines, which recommend up to 7.5 points for development that meets the Zoning Ordinance requirements. The Board supports the requested 5 points in this case because the Sketch Plan meets the requirement of the Zoning Ordinance.

8. *The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development will be built in one phase. The phasing may be sequenced or modified to account for construction of the Purple Line. Phasing will be discussed in more detail at the time of Site Plan.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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

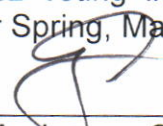
BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 7272 Wisconsin Avenue, Sketch Plan No. 320160040 submitted to M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is **FEB 12 2016** (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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 Fani-González, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, February 11, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. LISA SCHWARTZ
DHCA
100 MARYLAND AENUE
4TH FLOOR
ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY
MCDPS-ZONING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. CHRISTOPHER ANDERSON
MPDU MANAGER, DHCA
100 MAYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

CAROLINE LTIMER
JOHNSON-BERNAT-ASSOCIATES, INC.
205 NORTH FREDERICK AVENUE
SUITE 100
GAITHERSBURG, MD 20877

CYNTHIA BARR
LERCH, EARLY, & BREWER
3 BETHESDA METRO CENTER
SUITE 460
BETHESDA, MD 20814

JOHN BICKERMAN
MAYOR TOWN OF CHEVY CHASE
4011 THORNAPPLE STREET
APT. #4, BSP
CHEVY CHASE, MD 20815

ROBERT SPONSELLAR
LERCH, EARLY, & BREWER
3 BETHESDA METRO CENTER
SUITE 460
BETHESDA, MD 20814

DEBORH INGRAM
4411 ELM STREET
CHEVY CHASE, MD 20814

MR. GREG LECK
MCDOT
100 EDISON PARK DRIVE
4TH FLOOR
GAITHERSBURG, MD 20878

MR. ATIQ PANJSHIRI
MCDPS-RIGHT-OF-WAY
PERMITTING
355 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. CHRISTINA CONTRERAS
MCDPS-LAND DEVELOPMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ALAN SOUKUP
MCDDEP-WATER RESOURCE
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

LAURA CROCE
SHALOM BARANES ASSOCIATES
101 WISCONSIN AVENUE, NW
SUITE 900
WASHINGTON, DC 20007

ROBERT HARRIS
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BETHESDA, MD 20814

OLIVER CARR
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3 BETHESDA METRO CENTER
SUITE 460
BETHESDA, MD 20814

WILLIAM KOMINERS
7272 WISCONSIN AVENUE
BLDG. CORP.
3 BETHESDA METRO CENTER
BETHESDA, MD 20814

ROBERT SPANGLER
7301 WESTERLY LANE
MCLEAN, VA 22101

MR. RICHARD BRUSH, MANAGER
MCDPS-SEDIMENT/STORMWATER
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255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ESHAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. GENE VON GUNTEN
MCDPS-WELL & SEPTIC
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

JASON BOCKENEK
CARR PROPERTIES
1776 EYE STREET, NW
WASHINGTON, DC 20006

KEVIN JOHNSON
JOHNSON-BERNAT-ASSOCIATES, INC.
205 NORTH FREDERICK AVENUE
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GAITHERSBURG, MD 20877

GREG DRURY
COALITION FOR THE CAPITAL CRESCENT TRAIL
COMMUNITY ASSOCIATION REPRESENTATIVE
4545 42ND STREET, NW
SUITE #300
WASHINGTON, DC 20016

AUSTIN HOLDERNESS
LERCH, EARLY, & BREWER
3 BETHESDA METRO CENTER
SUITE 460
BETHESDA, MD 20814

DEBORAH A. VOLLMER
7202 44TH STREET
CHEVY CHASE, MD 20815

No.	Name & Address	Email Address Phone #	Name of Group or Affiliation Issue of Concern	Time
1	Mona Sarfaty Residents Living on Leland Street Chevy Chase, MD 20815	<u>240-743-4173</u> <u>monasarfaty@yahoo.com</u>	Adjacent Property Owner Subj: Apex Building	5
2	Greg Drury 4545 42nd Street NW St 300 Washington, DC 20016	(202) 674-8102 x 202 gregdrury@gmail.com	Coalition for the Capital Crescent Trail Community Association Representative Capital Crescent Trail under Apex Building	10
3	John Bickerman		via Mayor Town of Chevy Chase 4011 Thornapple St Apt 4, BSP Chevy Chase MD 20815	
4	Bob Harris, Applicant Oliver Carr/Austin Holderness Robert Sponsellar		3 Bethesda Metro Center #460 Bethesda, MD	
5	William Kominers		7272 Wisconsin Avenue Bldg Corp 3 Bethesda Metro Center Bethesda, MD 20814	
6	Deborah A. Vollmer		7202 44th Street Chevy Chase, MD 20815	
7	Deborah Ingram		4411 Elm Street Chevy Chase, MD 20815	
8	(Mike Manus)		(At table, didn't want to be person of record)	
9	Robert Spangler		7301 Westerly Lane McLean VA 22101	
10				
11				
12				
TOTAL				15

Ordinance No.: 18-17
Zoning Text Amendment No.: 16-08
Concerning: Commercial/Residential “T”
Zones – Workforce Housing
Draft No. & Date: 2 – 8/16/16
Introduced: June 21, 2016
Public Hearing: August 2, 2016
Adopted: September 27, 2016
Effective: October 17, 2016

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow additional building density in certain Commercial/Residential T Zones when workforce housing is provided;
- allow additional building height in certain Commercial/Residential T Zones when workforce housing and public facilities are provided; and
- generally amend the provisions concerning allowable building density and height in certain Commercial/Residential zones.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-4.5. “Commercial/Residential Zones”
Section 4.5.2. “Density and Height Allocation”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment or text added by this amendment in addition to ZTA 14-09.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) 16-08, introduced on June 21, 2016, would allow additional building density and building height in certain Commercial/Residential T Zones when workforce housing is provided, and would generally amend the provisions concerning allowable building density and height in certain Commercial/Residential zones. Council President Floreen is the lead sponsor of ZTA 16-08. In 2014, the Zoning Ordinance Rewrite did not recognize the past density allowances for the voluntary provision of workforce housing. ZTA 16-08 would allow density flexibility for the provision of workforce housing. ZTA 16-08 would also exclude the floor area devoted to a publicly owned or operated facility from height limits in Commercial/Residential (CR) “T” Zones and allow the Council to generally amend the provisions concerning allowable building density and height in certain Commercial/Residential zones.

In its report to the Council, the Montgomery County Planning Board recommended approval of ZTA 16-08 with the revisions that were ultimately recommended by the Planning, Housing, and Economic Development Committee. That identical recommendation was made by Planning Staff.

The Council conducted a public hearing on August 2, 2016. There were 2 speakers in favor of the approval of ZTA 16-08, including a representative from the Housing Opportunities Commission.

On September 12, 2016, the Planning, Housing, and Economic Development Committee recommended approval of ZTA 16-08 with amendments to allow, under certain circumstances, additional building height for projects that provide major public facilities.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 16-08 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-4.5 is amended as follows:

DIVISION 4.5. Commercial/Residential Zones

SECTION 4.5.2. Density and Height Allocation

A. Density and Height Limits

* * *

2. Each CRN, CRT, and CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by another number where:

* * *

d. The number following the H is the maximum building height in feet allowed unless additional height is allowed under Section 4.5.2.C₂ [[or]] Section 4.7.3.D.6.c₂ or Section 4.5.2.A.2.e.

e. With Planning Board approval, any Optional Method project in a CR zone that includes the provision of a major public facility under Section 4.7.3.A may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the major public facility diminishes the ability of the applicant to provide parking at or below grade.

3. The following limits apply unless additional total FAR, residential FAR, or height is allowed under Section 4.5.2.C₂ [[or]] Section 4.7.3.D.6.c₂ or Section 4.5.2.A.2.e:

* * *

B. FAR Averaging

* * *

C. Special Provisions for “T” Zones Translated from Certain Zones Existing Before October 30, 2014

1. These special provisions apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as “CR2.0 C1.5 R1.5 H75 T”.
 2. For Commercial/Residential-zoned properties designated with a T, the following provisions apply:
 - a. Residential density may be increased above the number following the R on the zoning map in proportion to:
 - i. any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units (MPDUs); or
 - ii. any workforce housing floor area that satisfies Chapter 25B; however, the increased residential density under this provision is limited to 10% of the floor area indicated on the zoning map.
 - b. Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.
- * * *
- d. On a property within a designated central business district mapped at a height up to 145 feet, height may be increased above the number following the H on the zoning map by up to 1.5 times if:
 - i. the height is the minimum necessary for [any] both:
 - (A) the floor area devoted to a publicly owned or operated facility; plus

(B) [workforce housing units provided based on] the
floor area provided for workforce housing units,
divided by the average residential floor plate area,
where each whole number and each remaining
fraction allows an increase of 12 feet[,]; or

* * *

Sec. 2. Effective date. This ordinance becomes effective 20 days after
approval.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council



Johnson ♦ Bernat ♦ Associates, Inc.

September 21, 2016

S Marie LaBaw, PhD, PE
Office of the Fire Marshal
Montgomery County Fire and Rescue Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850

Statement of Performance Based Design

Re: 7272 Wisconsin Avenue, Bethesda MD
Preliminary Plan #120160380
Site Plan #820160200

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

10/31/16

BY: SML FM: 43 DATE: _____

1. Ground floor occupancies' main side hinged doors are not located within 50' of fire department vehicular access as required in NFPA 1 Sec. 18.2.3.2.1.

The building was stepped back from the property line at the northeast corner of the property for cooperative sharing of this space to accommodate access to the new MTA Purple Line Station. If the building face was set at the property line (as desired); all occupancies' main side hinged doors would be located within 50' of both Wisconsin Avenue and/or Elm Street (both fire department vehicular access').

200' pre-connected handline will reach every point on the interior of the retail ground floor occupancies from fire department vehicular access (MCFRS referenced as the source of this response).

2. This project cannot provide a 15' clear and walkable path for all points surrounding the building (this is an interpretation of code NFPA 1 Sec. 18.2.3.2.2.1).

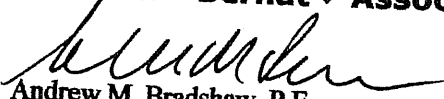
The issue is the southern face of the building is at the property line which abuts existing structures constructed on the 7200 Wisconsin Avenue property (adjacent property to the south).

Therefore this development will provide no openings for the new building directly on the southern property line.

Thank you for your consideration.

Sincerely,

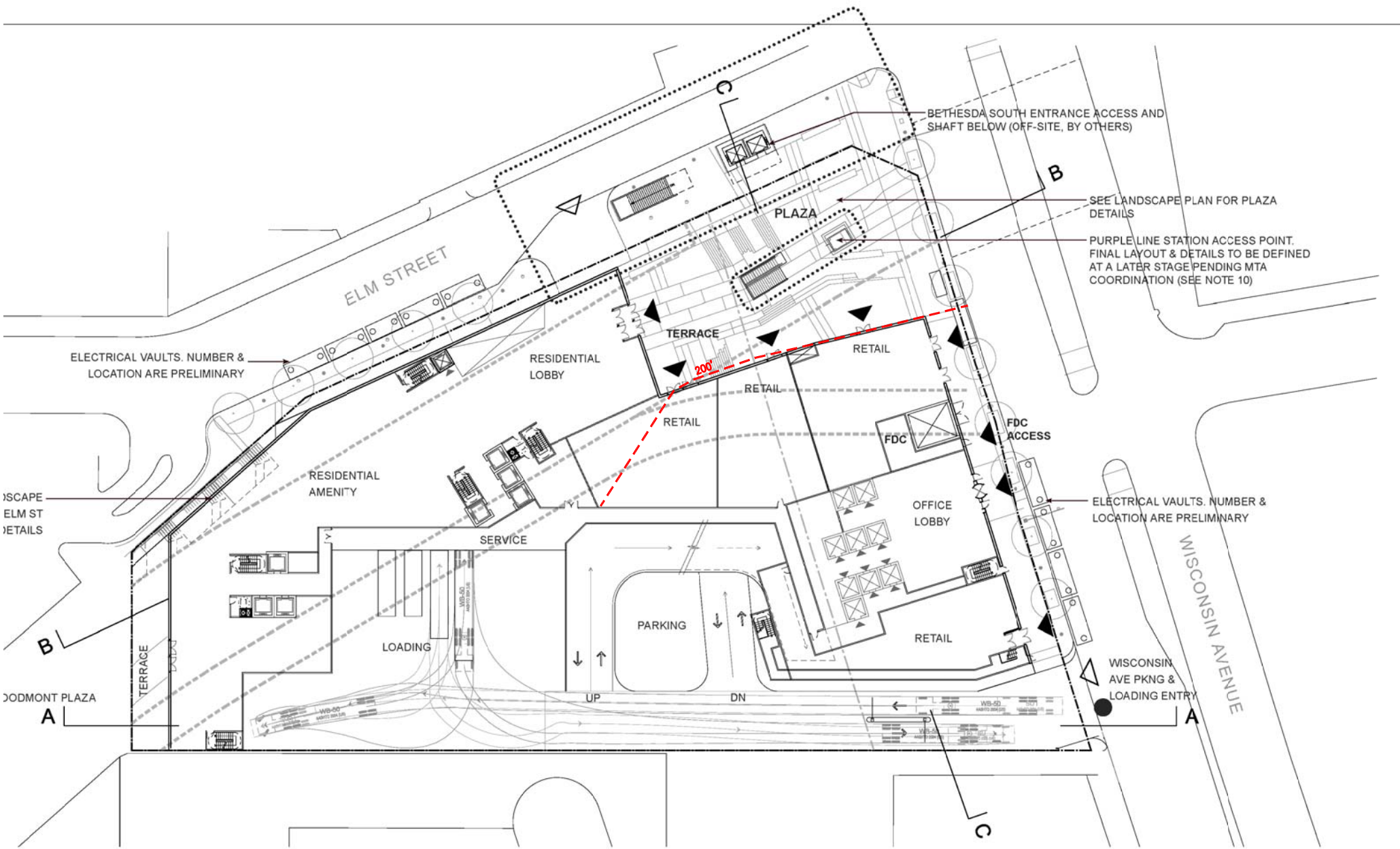
Johnson ♦ Bernat ♦ Associates, Inc.


Andrew M. Bradshaw, P.E.
Project Manager



Engineering ♦ Surveying ♦ Planning

205 N. Frederick Ave., S. 100 ♦ Gaithersburg, MD 20877 ♦ (301) 963-1133 ♦ (301) 963-6306 Fax
www.jba-inc.net



01 - GROUND FLOOR PLAN



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

December 21, 2016

Mr. Elza Hisel-McCoy
Area 1 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 7272 Wisconsin Avenue
Site Plan No. 820160200

Dear Mr. Hisel-McCoy:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval. The current MPDU and market rate unit bedroom mix meets the requirements of Chapter 25A. However, DHCA will need to review and approve the bedroom mix again if it changes at certified site plan.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Caroline Latimer, Johnson Bernat Associates, Inc.

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\7272 Wisconsin DHCA Letter 12-21-2016.docx

Division of Housing

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

December 19, 2016

Mr. Matthew Folden
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Folden:

Thank you for the opportunity to review the Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) prepared by Wells & Associates, dated July 1, 2016 (received on July 22, 2016), for the **7272 Wisconsin Avenue – Apex Building (SHA Tracking No.: 16APMO028XX)**, located on MD 355 (Wisconsin Avenue), Mile point: 1.52, in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- Proposed access to the 480 high-rise residential units, 360,800 square feet of office, and 14,572 square feet of retail is via one (1) right-in/right-out site access on MD 355 (Wisconsin Avenue) and one (1) full movement site access on Elm Street.
- The following intersections were analyzed under existing, background and future conditions:
 - Arlington Road & Elm Street
 - Woodmont Avenue & Hampden Lane
 - Woodmont Avenue & Elm Street
 - Woodmont Avenue & Bethesda Avenue
 - MD 355 (Wisconsin Avenue) & MD 187 (Old Georgetown Road)
 - MD 355 (Wisconsin Avenue) & Montgomery Lane/Montgomery Avenue
 - MD 355 (Wisconsin Avenue) & Elm Street/Waverly Street
 - MD 355 (Wisconsin Avenue) & Bethesda Avenue/Willow Lane
 - MD 355 (Wisconsin Avenue) & Woodmont Avenue
 - Montgomery Avenue & Waverly Street

My telephone number/toll-free number is 301-513-7300 or 1-800-749-0737
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 9300 Kenilworth Avenue • Greenbelt, Maryland 20770 • Phone 301.513.7300 • www.roads.maryland.gov

Mr. Matthew Folden
SHA Tracking No.: 16APMO028XX
Page 2 of 2
12/19/2016

- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit one (1) set of the proposed improvement plans (including a set of hydraulic plans and computations) and a CD containing the plans and all supporting documentation to Mr. Brian Young at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Kwesi Woodroffe. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development. If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at kwoodroffe@sha.state.md.us.

Sincerely,



Brian W. Young,
District Engineer, District 3, SHA

BWY/NK

cc: Mr. Matt Baker, SHA-RIPD
Mr. Samantha Biddle, SHA-RIPD
Mr. Chris Kabatt, Wells & Associates
Ms. Elisa C. Mitchell, SHA-DSED
Mr. David Murnan, SHA District 3 Traffic
Mr. Errol Stoute, SHA-TDSD



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

October 31, 2016

Mr. Andrew Bradshaw
Johnson, Bernat, Associates
205 N. Frederick Avenue, Suite 100
Gaithersburg, MD 20877

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
Request for Millers Addition to Bethesda
Preliminary Plan #: 120160380
SM File #: 282073
Tract Size/Zone: 2.69 Ac./CR-8.0
Total Concept Area: 2.02 Ac.
Block: A
Parcel(s): B
Watershed: Little Falls Branch

Dear Mr. Bradshaw:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is acceptable. The plan proposes to meet required stormwater management goals via the use of ESD via green roof and micro-biofiltration. A portion will be treated via an underground volume based filtration structure. Due to site conditions full treatment cannot be provided so a waiver of quantity for 1 acre is granted.

The following items will need to be addressed during the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on an approved Landscape Plan as part of an approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. All underground parking is to drain to WSSC. Provide a copy of the mechanical drawings show the riser diagram to verify that the garage drains go to WSSC.

6. Provide the riser diagrams to show that all roof drains and other outside drains go to the structural filter.
7. All stormwater management practices will require easements and covenants.
8. You must coordinate with MDSHA for requirements for stormwater management within their right of way (sidewalk). If stormwater management is not provided for this area, then this area must be included in the stormwater management contribution calculations.

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

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

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

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

Sincerely,



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

MCE: CN282073 Millers Addition to Bethesda.DWK

cc: C. Conlon
SM File # 282073

ESD Acres:	1.1
STRUCTURAL Acres:	1.0
WAIVED Acres:	1.0