






8008 Wisconsin Avenue, Project Plan Amendment 92015002A, Preliminary Plan 120160050, Site Plan 820160130

-  Neil Braunstein, AICP, Planner Coordinator, Area 1, neil.braunstein@montgomeryplanning.org, (301) 495-4532
-  Elza Hisel-McCoy, Supervisor, Area 1, elza.hisel-mccoy@montgomeryplanning.org, (301) 495-2115
-  Robert Kronenberg, Chief, Area 1, robert.kronenberg@montgomeryplanning.org, (301) 495-2187

Staff Report Date: 7/15/16

Description

Application: Project Plan Amendment to reduce the residential floor area from 151,953 square feet to 150,375 square feet and to increase the nonresidential floor area from 4,500 square feet to 5,793 square feet; Preliminary Plan for a subdivision to create one lot; Site Plan for 106 dwelling units and 5,793 SF retail in a mixed use building.

Location: Southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue

Zone: CBD-1

Master Plan: *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*

Property size: 13,962 net square feet

Applicant: Jemal's Surplus, LLC

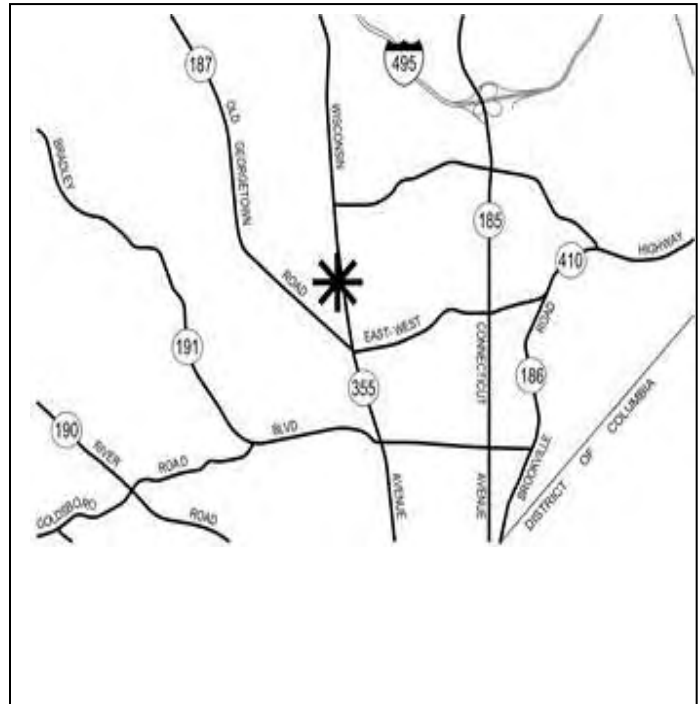
Filing Date: Preliminary Plan – December 4, 2015;

Project Plan Amendment – March 29, 2016;

Site Plan – March 31, 2016.

Review Basis: Chapter 50 and Chapter 59,

Montgomery County Code



- **Staff recommendation: Approval with conditions**
- Because this application is based on a previous application that was submitted before October 30, 2014, it is eligible to be processed under the CBD zone in the previous version of the Zoning Ordinance.
- The Applicant is not providing all of the required public use space on-site, and will pay a required fee in lieu of outstanding on-site public use space.

PROJECT PLAN AMENDMENT RECOMMENDATION AND CONDITIONS

Staff recommends approval of Project Plan Amendment No. 92015002A for a maximum of 150,375 square feet of multi-family residential use consisting of 106 multi-family dwelling units, including 15% Moderately Priced Dwelling Units (MPDUs), and 5,793 square feet of non-residential uses subject to the following condition and all previous conditions, except as modified by this approval:

1. The development is limited to a maximum of 150,375 square feet of multi-family residential uses, consisting of no more than 106 multi-family dwelling units (including a minimum of 15% Moderately Priced Dwelling Units (“MPDUs”), and a maximum of 5,793 square feet of non-residential use. The total floor area of the Project Plan is limited to 156,168 square feet. This condition modifies condition no. 1 of Planning Board Resolution MCPB 15-62 approving Project Plan 920150020, dated June 23, 2015.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120160050 for one lot for a maximum of 150,375 square feet of multi-family residential use consisting of 106 multi-family dwelling units, including 15% Moderately Priced Dwelling Units (MPDUs), and 5,793 square feet of non-residential uses subject to the following conditions:

1. This Preliminary Plan is limited to one lot for a maximum of 150,375 square feet of multi-family residential use consisting of 106 multi-family dwelling units, including 15% Moderately Priced Dwelling Units (“MPDUs”), and 5,793 square feet of non-residential uses.
2. The Applicant must comply with the conditions of approval for Project Plan No. 92015002A.
3. Include the stormwater management concept approval letter, forest conservation exemption letter, and Preliminary Plan Resolution on the approval or cover sheet(s).
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 24, 2016, and 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.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated May 2, 2016, and 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.
7. The Applicant must dedicate and show on the record plat(s) the following dedications:

- a. Wisconsin Avenue (MD 355): A dedication of 13.5 feet to provide 61 feet between the property line and right-of-way centerline to support a master-planned future right-of-way of 122 feet.
 - b. Woodmont Avenue: A dedication of 5 feet to provide 40 feet between the property line and right-of-way centerline to support a master-planned future right-of-way of 80 feet.
8. The plat must show a ten-foot-wide public improvement easement granted to the Maryland State Highway Administration along the entire Wisconsin Avenue frontage.
 - a. Prior to recordation of the plat, the Applicant must provide, for review and approval by Staff, the public improvement easement in a recordable form.
 - b. The liber and folio of the recorded public improvement easement must be noted on the plat.
 - c. The easement must be volumetric, encompassing the space from the top of the underground parking garage below to the bottom of the building overhang above.
 - d. The Applicant must maintain the area within the public improvement easement at its expense.
 - e. The Applicant must keep the sidewalk and other pedestrian areas within the public improvement easement free of snow, litter, and other obstructions and hazards at all reasonable times, at its expense.
9. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
10. The record plat must show necessary easements.
11. Final number of MPDUs as per condition #1 above will be determined at the time of site plan approval.
12. Prior to issuance of any above-grade building permit, the Applicant must provide 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 and must commit to construct the units in accordance with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
13. Prior to certification of any site plan, the Applicant must submit for Staff approval the details for and location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity.
14. 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 accordance with the approved specifications for noise attenuation.

15. Prior to submission of any plat, Site Plan No. 820160130 must be certified by Staff.
16. No clearing or grading of the site, or recording of plats prior to certified site plan approval.
17. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
18. 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.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820160130, 8008 Wisconsin Avenue, for a total of up to 156,168 square feet of development, including up to 150,375 square feet of multi-family residential uses, consisting of no more than 106 multi-family dwelling units (including a minimum of 15% MPDUs), and a maximum of 5,793 square feet of non-residential use on approximately 27,077 gross square feet in the CBD-1 zone. 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. Project Plan Conformance
The Applicant must comply with the conditions of approval for Project Plan No. 92015002A.
2. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan No. 120160050.

Environment

3. Noise Attenuation
For any residential dwelling units to be constructed within the projected 65, dBA Ldn noise contour, the Applicant must disclose in writing to all prospective residents that those units are impacted by transportation noise.
4. Stormwater Management
The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated May 2, 2016, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

Public Use Space, Facilities, and Amenities

5. Public Use Space, Facilities, and Amenities
 - a. The Applicant must provide a minimum of 2,918 square feet of public use space on the Subject Property.
 - b. The Applicant must construct the Bethesda CBD standard streetscape, including, but not limited to, street trees, street lighting, brick paving, and undergrounding of utilities, along the Subject Property's frontage on Woodmont Avenue, Cordell Avenue, and Wisconsin Avenue, as shown on the Certified Site Plan, except as modified by design exceptions approved by MCDPS.
 - c. Before the issuance of the final use and occupancy permit, all public use space areas must be completed.
 - d. Prior to issuance of a building permit, the Applicant must pay a fee in lieu of public use space equal to \$694,323.49, for design and/or construction of renovations at Battery Lane Urban Park. The fee will be calculated as follows: the percentage of public use space not being provided on-site multiplied by the assessed land value of the sending properties, plus the area in square feet of the public use space not being provided on-site multiplied by \$35 per square foot.
6. Recreation Facilities
 - a. Before Certified Site Plan approval, the Applicant must meet the requirements for all applicable recreational elements and demonstrate to Staff that each element meets M-NCPPC Recreation Guidelines.
 - b. The Applicant must provide at a minimum the following recreation facilities: Indoor community space, indoor fitness facility, picnic/sitting areas, and a pedestrian system.
7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, pedestrian pathways, landscaping, hardscape, and public use space.

Transportation and Circulation

8. Bicycle Parking
 - a. The Applicant must provide 30 bicycle parking spaces for long-term private use and eight bicycle parking spaces for short-term public use.
 - b. The private spaces must be on-site in a secured, well-lit bicycle room within the garage and/or building, and the public spaces must be inverted-U racks installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public and private bicycle parking must be identified on the Certified Site Plan.
9. Traffic Mitigation

Prior to issuance of a building permit, the Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and the Montgomery County Department of Transportation ("MCDOT") to participate in the Bethesda Transportation Management District. The TMAg must be executed prior to the release of any above grade building permit for development on the Subject Property exclusive of any sheeting and shoring permit. The TMAg must include trip mitigation measures recommended by MCDOT.

10. Department of Permitting Services

The Planning Board accepts the recommendations of MCDPS – Right-of-Way Section in its memorandum dated June 14, 2016, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by MCDPS –Right-of-Way Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

Density and Housing

11. Moderately Priced Dwelling Units (MPDUs)

- a. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“MCDHCA”) in its letter dated June 16, 2016, and 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 MCDHCA may amend if the amendments do not conflict with other conditions of the Site Plan approval.
- b. The Applicant must provide a minimum of 15% MPDUs within the project on the Subject Property in accordance with the letter from MCDHCA dated June 16, 2016.
- c. Prior to the release of any building permit, exclusive of the sheeting and shoring permit, the Applicant must execute the MPDU agreement to build.

Site Plan

12. Building Height

The development is limited to the maximum height of 143 feet, as measured from the approved building height measuring point shown on the Certified Site Plan.

13. Site 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 Staff.

14. Landscaping

- a. Before issuance of the final residential use and occupancy certificate or similar final inspection for this Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, streetscape and related improvements, hardscape, bicycle facilities, and public use space amenities must be installed.
- b. The Applicant must install the landscaping no later than the next growing season after completion of construction and site work.

15. Lighting

- a. Before approval of the Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) recommendations in effect on the date of this resolution for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations in effect on the date of this resolution.

- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

16. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or sediment and erosion control permit, 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 in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, plant materials, on-site lighting, exterior site furniture, art pieces, vegetated walls, retaining walls, railings, curbs, gutters, sidewalks, and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

17. 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.

18. 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 forest conservation exemption letter, stormwater management concept approval letter, development program, and Project Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. 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."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Include a note on the Site Plan that states that the Applicant must not place any structures or other items, including temporary items, that would interfere with pedestrian movement on the sidewalk or obstruct sight distance within the area that would have been the 20-foot truncation area at the intersection of Wisconsin Avenue and Cordell Avenue.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, is located in the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue, in the Woodmont Triangle area of downtown Bethesda. The subject property consists of five platted lots that comprise 13,962 net square feet developed with existing retail uses and surface parking. The gross tract area, including previous

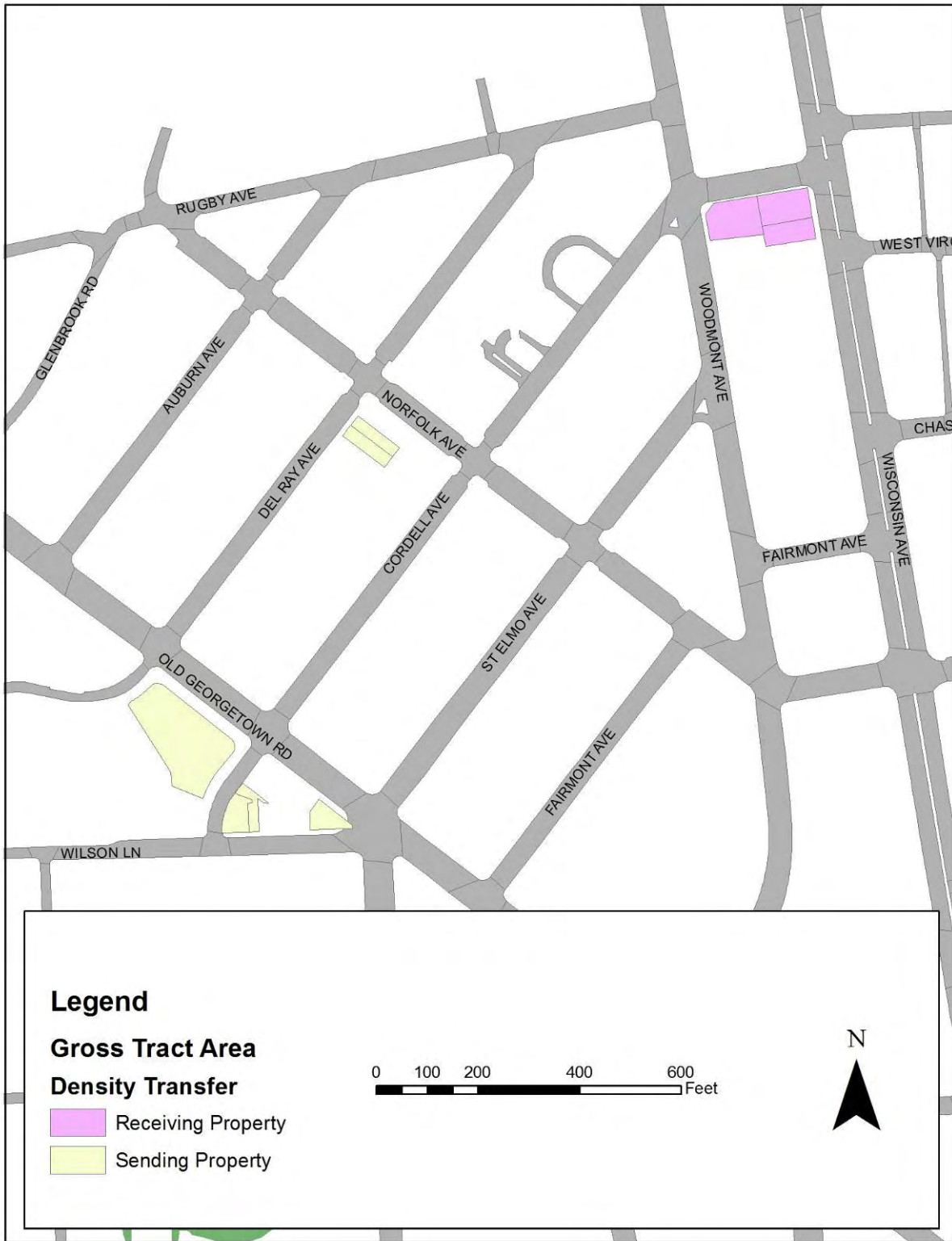
dedications for Woodmont Avenue, Cordell Avenue, and Wisconsin Avenue, measures 27,077 square feet (0.62 acres) in area. The subject property is located within the CR-3.0 zone, but the project is being developed under the previous CBD-1 zone under Section 7.7.1.B of the Zoning Ordinance. Surrounding properties are developed with a mix of residential, office, and retail uses in the CR 5.0 and CR 3.0 zones.

The property is located in the Lower Rock Creek watershed. The site is entirely developed, and there are no streams, floodplains, forests, or other sensitive environmental features on the site.

In addition to the site proposed for development, the application includes the density from five additional properties consisting of a total of four parts of lots and three lots that comprise 70,807 gross square feet of land. The total gross tract area of the properties that are sending development rights and the property receiving the development rights (i.e., the subject property) is 97,884 square feet.



Aerial Photograph of the Subject Property



Sending and Receiving Properties

PROJECT DESCRIPTION

Previous Approvals

On June 18, 2015, the Planning Board approved Project Plan 920150020 and Pre-Preliminary Plan 720150160. The project plan application was approved for a 14-story, mixed-use building containing a maximum of 151,953 square feet of multi-family residential use consisting of up to 140 dwelling units (including a minimum of 15% MPDUs) and 4,500 square feet of non-residential uses (retail, restaurant, or service). With approval of the pre-preliminary plan application, the Planning Board gave the applicant binding advice with respect to configuration of the right-of-way and a public improvement easement on the Wisconsin Avenue frontage of the subject property.

Project Plan Amendment

The applicant is proposing an amendment to the previously approved project plan for the limited purpose of modifying the project's floor areas. The residential floor area will be reduced from the previously approved 151,953 square feet (140 dwelling units) to 150,375 square feet (106 dwelling units), and the nonresidential floor area will be increased from 4,500 square feet to 5,793 square feet.

Subdivision

The preliminary plan will combine the existing five platted lots into one new 13,962-square-foot lot for development of the project. The preliminary plan will also dedicate 1,427 square feet for the rights-of-way for Wisconsin Avenue and Woodmont Avenue.

Project Description

The applicant is proposing an optional method of development project consisting of a mixed-use building to contain up to 150,375 square feet of multi-family residential use in no more than 106 multi-family residential units, including 15% moderately priced dwelling units (MPDUs), and up to 5,793 square feet of non-residential uses (retail, restaurant, or service uses). The total floor area of the building will be up to 156,168 square feet. The project is receiving a 22% residential density bonus for providing 15% MPDUs.

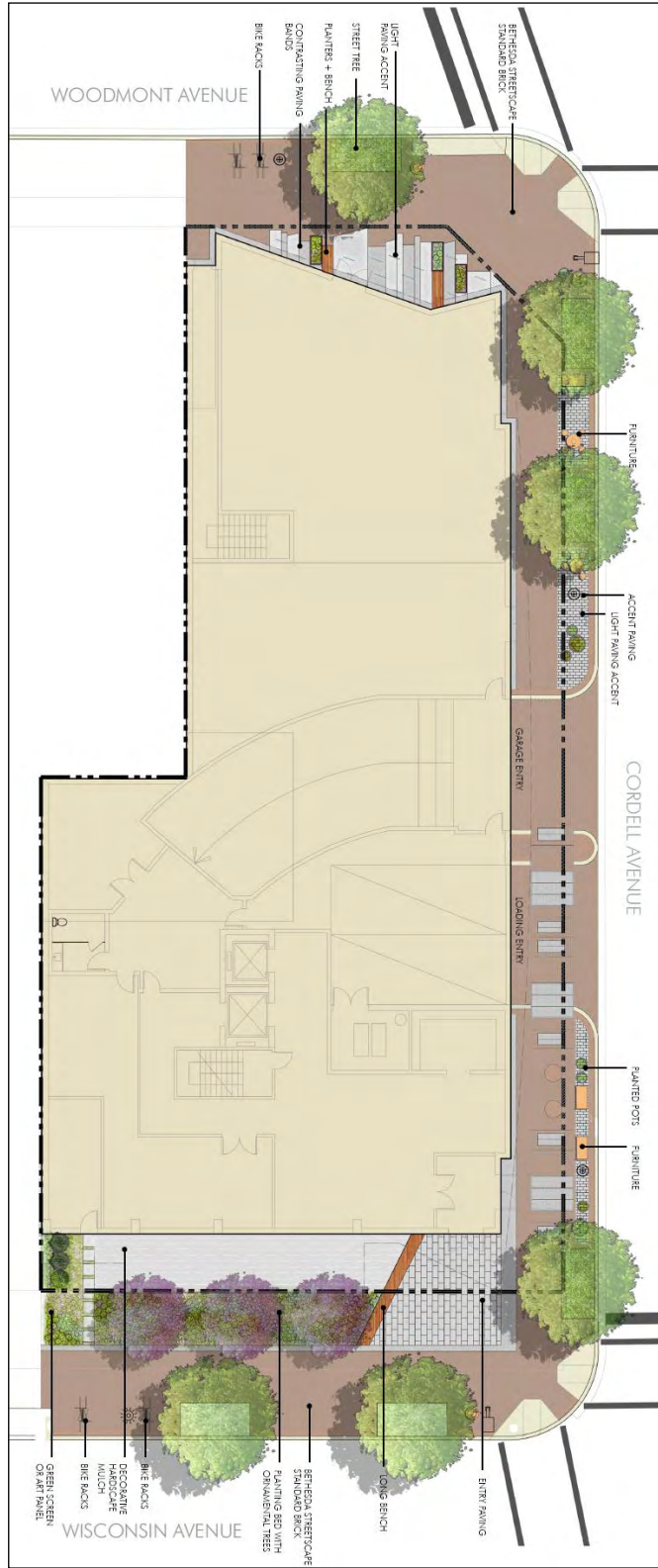
The proposed building will consist of a total of 14 floors, with a maximum height of 143 feet. The ground floor will contain up to 5,793 square feet of non-residential uses, which could be retail, restaurant, or service uses. In addition, the residential lobby and leasing office will be located on the ground floor. Above the ground floor will be 13 residential stories containing up to 106 multi-family units. Parking will be provided in an underground garage beneath the building. Vehicular access for parking and loading will be provided via a driveway from Cordell Avenue. Pedestrian access to the subject property is provided by Wisconsin Avenue, Cordell Avenue, and Woodmont Avenue. The site is served by public water and public sewer.

The project is being developed with the use of a density transfer from four parts of lots and three lots (see Attachment B and Attachment C). The density transfer will send 47,821 square feet of

floor area from the sending sites to the subject property. The sending sites will retain sufficient density to be developed under the standard method of development, including any existing buildings on those properties. As a condition of the original project plan application, a recorded easement for each sending property will limit the properties to this amount of development. Any attempt to develop the sending properties at a density higher than standard method would trigger a project plan amendment, and this would alert staff to the fact that the densities are limited to standard method. The combination of the recorded easements and the project plan amendment process will ensure that an application is not processed for an inappropriate increase in density.

Building Design

The design of the building presents a strong building edge, with an upgraded streetscape that includes a contrasting paving apron, ornamental planters, and bioretention basins within the subject property boundaries, as well as the standard Bethesda streetscape paving and other landscaping and street furniture in the public rights-of-way outside the subject property boundaries. The proposed building overhang above the portion of the sidewalk to be placed in a public improvement easement will create architectural interest along Wisconsin Avenue.



Illustrative Site Plan



Illustrative Rendering of the Proposed Building as Seen from Woodmont Avenue



Illustrative Rendering of the Proposed Building as Seen from Wisconsin Avenue

Public Use Space

Public use space is proposed along all three frontages of the subject property, along Woodmont Avenue, Cordell Avenue, and Wisconsin Avenue. The public use space will include landscaping, decorative paving, benches, and lighting. In total, the project will provide 2,792 square feet of on-site public use space, and 4,784 square feet of off-site public amenity space. In addition, the project is required to provide 3,848 square feet of public use space on the sending properties. Of that, 126 square feet will be provided on one of the sending properties and the remaining 3,722 square feet will be provided by payment of a fee-in-lieu of public use space. In total, the project will provide 6,640 square feet of public use space, consisting of 2,918 square feet of on-site public use space and 3,722 square feet provided by a fee-in-lieu.

ANALYSIS AND FINDINGS

Project Plan Amendment

In approving Project Plan 920150020 at its hearing of June 18, 2015, the Planning Board found that the application complies with the purposes and requirements of the CBD-1 zone, conforms to the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*, is compatible with and not detrimental to existing or potential development in the neighborhood, does not overburden existing public services nor those programmed for availability concurrently with each stage of construction, and is more efficient and desirable than could be accomplished through the use of the standard method of development. The proposed amendment does not affect the application's conformance with these findings and the Planning Board's prior findings remain valid.

Preliminary Plan

Conformance to the Master Plan

The subject property is located within the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* area. The project substantially conforms to the recommendations in the Sector Plan Amendment in the following ways:

The primary objectives of the Sector Plan are to encourage redevelopment in order to provide housing opportunities and to retain small-scale retail through the allowance of transfers of density between properties in Woodmont Triangle, thereby achieving a vibrant, urban, mixed-use neighborhood that emphasizes residential uses, small-scale retail, the arts, and public amenities.

The subject property is identified as the "Troiano property" in the Sector Plan (page 21). Accordingly, the subject property is recommended for the CBD-1 Zone and up to 143 feet of height with the 22% bonus density. As designed, the project maximizes the potential for development on the subject property, including the MPDU density bonus and density transfer from the sending properties, by building out to a maximum of 156,168 square feet and up to 143 feet in height. This utilization of the density potential of the subject property (which also allows the preservation of small-scale retail elsewhere in the Woodmont Triangle) is in accordance with the goals and objectives of the Sector Plan. Furthermore, the project is predominantly residential in nature, devoting only approximately 3% of the

total building to non-residential uses and concentrating those uses on the Woodmont Avenue frontage to create synergies with the existing Woodmont Triangle retailers.

The project conforms to the goals, recommendations, and design guidelines provided by the *Woodmont Triangle Amendment* for the subject property as follows:

- Transit-Oriented Development.

Being within walking distance of both the Bethesda and Medical Center Metrorail Stations, as well as several bus lines, the subject property is ripe for transit-oriented development, and the project, through its mix of uses, amenities, limited on-site parking, and enhancement of pedestrian connectivity, provides a model for transit-oriented development. Further, a bus stop is directly in front of the subject property on Wisconsin Avenue. Moreover, the project is designed to accommodate the proposed MD 355 South corridor of the BRT introduced in the *Countywide Transit Corridors Functional Master Plan*. To that end, the applicant is dedicating 13.5 feet to accommodate the 122-foot right-of-way referenced for BRT in the Functional Master Plan, and the building's ground floor is set back approximately 35 feet from the existing curb to accommodate future construction of the BRT line and station. Accordingly, should the BRT line be funded and constructed, the project will provide ample space to accommodate the additional right of way required to support that transit system. Until that time, the project will provide an expansive, approximately 35-foot setback from the curb on Wisconsin Avenue that will support pedestrian circulation throughout the Woodmont Triangle.

- Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.

The project proposes up to 106 multi-family residential units, with 15% on-site MPDUs, resulting in the maximization of the subject property for increasing the supply of housing for a variety of income levels, in the Woodmont Triangle area. The project is receiving a 22% residential density bonus for providing 15% MPDUs.

- Small-Scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.

The project provides a street-activating, non-residential component along Woodmont Avenue. The proposed commercial area of the project is flexible enough that it may provide opportunities for small and large retail or restaurant establishments. In addition, through the utilization of the density transfer provisions critical to the success of the *Woodmont Triangle Amendment*, small-scale retail sites will be preserved by transferring un-utilized density to the subject property for inclusion in the project, protecting and preserving the small-scale retail on the sending sites through recordation of appropriate documents in the land records.

- Arts and Entertainment District – Enhance the existing public arts programs in the Bethesda CBD and provide opportunities for both the visual and performing arts.

The CBD's public arts character is intended to be enhanced by the proposed entrance feature along Wisconsin Avenue as well as the proposed streetscape along Wisconsin, Cordell, and Woodmont

Avenues. The project features a contrasting paver apron along these streets, creating an artistic edge along the standard Bethesda Streetscape and vegetated amenity zone, as well as durable outdoor furniture along Cordell Avenue. Furthermore, the project proposes artistic paving banding, linear benches and planters within the Woodmont Avenue plaza area. Also, by providing in-grade lighting elements along the Woodmont and Cordell Avenue street frontages, the project will enhance the area's aesthetics. The variety of seating options, rich material palette and playful lighting will create an active, multi-season outdoor space that will enhance the Woodmont Triangle's existing public arts character.

- Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.

The project will improve the safety and character of the adjacent streets by (1) providing new, contrasting paver aprons and the Bethesda Streetscape Standard paving, lighting and street trees for the subject property frontages; (2) activating the streets both during the day as well as the evening hours with an influx of new residents and retail opportunities; (3) creating an attractive and well-lit pedestrian experience along Wisconsin, Cordell, and Woodmont Avenues; and (4) ensuring that the proposed loading and vehicular access areas on Cordell Avenue are safe and efficient.

Further, the subject property will dedicate approximately 13.5 feet of frontage along Wisconsin Avenue to bring the Wisconsin Avenue right-of-way to the 122 feet recommended in the Functional Master Plan, and it will provide an additional 10-foot easement to MDSA, further pulling the ground floor of the building back another 10 feet from the existing curb. Also, in accordance with the *Bethesda CBD Sector Plan*, the applicant will dedicate an additional 5 feet along Woodmont Avenue to bring the right of way to the 80 feet recommended in the Sector Plan. With these dedications, until the BRT is constructed, the width of the sidewalk along Wisconsin Avenue will be approximately 35 feet, of which approximately 10 feet will be within the subject property and approximately 25 feet will be from the property line to the curb. Furthermore, the project proposes substantial improvements to the existing streetscape and pedestrian network along Cordell Avenue and the east side of Woodmont Avenue, including an activated plaza area within the subject property along Woodmont Avenue. The proposed streetscape improvements along Wisconsin, Cordell, and Woodmont Avenues will create sizeable setback and sidewalk areas that will promote pedestrian activation as well as safe and attractive streets. Finally, the applicant has submitted a sight distance evaluation that concludes that the proposed driveway locations and intersection truncation reductions provide sufficient sight distance.

- Public Amenities – Increase the flexibility in providing the public use space through the optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.

The project provides 2,918 square feet of on-site public use space and 4,784 square feet of off-site public amenity space. The project's public use space is provided both in the 10-foot public improvement easement area between the ground floor of the building and property line on Wisconsin Avenue and the plaza along Woodmont Avenue. The application addresses several of the identified priority projects for public amenities in the Sector Plan area. In particular, it will enhance the pedestrian experience and connectivity along Cordell and Woodmont Avenues, and it will provide distinctive street lights as well as other festive, in-ground lighting features along Cordell Avenue and in the Woodmont Avenue plaza area. The project includes benches, bike racks, trash receptacles, and streetscape design that will improve the pedestrian experience in the area. Furthermore, the plaza along Woodmont Avenue can accommodate outdoor seating if a restaurant use is located on the ground floor of the

building. However, due to the property's small size and accommodation of the proposed BRT station, the applicant will pay a fee-in-lieu or provide off-site public use space for the amount of required public use space that cannot be provided on the subject property.

In terms of off-site public amenities, the applicant is providing the Bethesda Streetscape Standard sidewalk, planting zones, tree amenity zone and furniture within the rights-of-way along Wisconsin, Cordell, and Woodmont Avenues.

- Provide a range of housing opportunities, including new low-rise and high-rise housing, to serve a variety of income levels.

As envisioned in the Sector Plan, the project will provide a 143-foot, 14-story, high-rise building, containing up to 106 multi-family residential units, of which 15% will be MPDUs. Different unit sizes will ensure that the project serves a variety of residents at varying levels of income.

- Mixed-Use Development – Density; FAR; Public Use Space.

The Sector Plan strives to produce mixed-use projects that are primarily residential, capping non-residential uses to 1.0 FAR, and that provide meaningful on-site public amenities or, alternatively, contribute to public use space elsewhere in the Woodmont Triangle if more suitable to creating dynamic spaces. The project achieves maximum FAR through density transfers and the 22 percent MPDU bonus on the residential density, limiting non-residential uses to the ground floor along Woodmont Avenue (which serves to activate the area). The on-site public use space and off-site public amenity space will provide additional public benefits to people who live, work, and/or visit in the Woodmont Triangle. Furthermore, the project will provide sufficient right-of-way so that if the BRT is constructed in the future, it will be accommodated. Such transit oriented development further enhances the mixed-use, density, and public space vision of the Sector Plan Amendment.

The *Woodmont Triangle Amendment* establishes the following urban design guidelines, to which the project appropriately responds as described:

- Design new buildings so that public streets and spaces retain adequate sunlight.

Since the spaces and streets lie to the north, east and west of the building, as designed, the project will cast limited shadows on public streets and/or active public spaces and will retain adequate sunlight.

- Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements.

The project provides sufficient building setbacks and incorporates contrasting paving and the Bethesda Streetscape Standard improvements along all three subject property frontages. In particular, the ground floor of the building is set back from the existing curb on Wisconsin Avenue by approximately 35 feet, creating an expansive setback and sidewalk area that will adequately accommodate pedestrian and streetscape improvements. On Cordell Avenue, the applicant proposes almost 15 feet of sidewalk between the building face and the curb. On Woodmont Avenue, the

truncated corner of the building is set back approximately 30 feet from the Woodmont Avenue curb. In total, the project proposes 1,427 square feet of new right-of-way dedications to adequately accommodate proposed improvements on Wisconsin Avenue (future BRT) and Woodmont Avenue (proposed bike lane).

- Review new projects for compatibility with existing uses and to ensure animation of the first floor space through use of retail, restaurant, or other activating uses.

The project will be compatible in design, massing, and uses to the surrounding land uses. The exterior building materials will reflect similar materials that exist around the neighborhood, and the use of glass, metal, colors, and textures layered with masonry is contextual with the surrounding architectural language. The project's emphasis on transparency in the public spaces on the ground floor is also harmonious with the other adjacent buildings.

Furthermore, the project will ensure animation of the first floor space by providing first-floor commercial space along Woodmont Avenue and a residential entrance, proposed entrance feature, architecturally interesting building overhang, and new lighting along Wisconsin Avenue that will promote a dynamic pedestrian realm.

- Provide the Bethesda streetscape on other streets in the study area.

The Bethesda Streetscape will be constructed along all three street frontages – Wisconsin, Cordell, and Woodmont Avenues.

- Establish a network of diverse urban spaces including public use space on-site.

The project proposes 2,918 square feet of on-site public use space designed in a network of diverse urban spaces, including the revitalized and enlivened streetscape along Wisconsin and Cordell Avenues to the new public plaza area along Woodmont Avenue. With the proposed paving, planters and linear benches, the network of public spaces flanking the proposed building is designed to be inviting and to feel like an extension of the sidewalk. The applicant also proposes 4,784 square feet of off-site public amenity space including Bethesda Streetscape paving and seating to make the open space serve as both a gathering spot and a pedestrian access way.

- Provide public art, art facilities, and public gathering spaces. The arts-related space needs could include the following:
 - Arts incubator space – A stand-alone building or portion of a building open to the public to provide studio space for emerging visual and performing artists.
 - Exhibit, teaching and lecture space – Flexible space within existing or new buildings for a variety of functions.
 - Space for the arts, such as dance studios, a black box theater, and live/work space for artists that could be leased at moderate rates to non-profit arts organizations.

While the project will not provide any public art piece due to the constrained size of the subject property, it does provide engaging architecture and an outdoor plaza along Woodmont Avenue that will include a variety of seating options, the rich material pallet and playful lighting design. The plaza along Woodmont Avenue could become a public gathering place that could be utilized for arts-related gatherings.

Public Facilities

Roads and Transportation Facilities

Access and Circulation

Vehicular access to the loading area and underground parking structure is proposed directly from Cordell Avenue. Pedestrian and bicycle access to the subject property will be provided along the Woodmont Avenue, Cordell Avenue, and Wisconsin Avenue frontages.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 0.4 mile to the south of the site), Metrobus, RideOn, the Bethesda Circulator, future Purple Line, and future Wisconsin Avenue Bus Rapid Transit. Specific transit routes near the Site include:

1. RideOn Bus Routes 29, 32, 30, 34, 36, 40, 47, 70
2. WMATA Metrobus Routes J2, J3, J4, J7, and J9

Master Plan Facilities

The following summarizes recommendations included in the 1994 *Bethesda CBD Sector Plan*, 2005 *Countywide Bikeways Functional Master Plan*, and 2013 *Countywide Transit Corridors Functional Master Plan* along the property frontage:

1. Wisconsin Avenue (MD 355; M-6), along the eastern site frontage, as a major highway with a minimum right-of-way width of 122 feet. A bus rapid transit station is recommended at Cordell Avenue.
2. Cordell Avenue, along the northern site frontage, as a business district street with a minimum right-of-way width of 60 feet.
3. Woodmont Avenue (A-68), along the western site frontage, as an arterial roadway with a minimum right-of-way width of 80 feet.

Sector-Planned Transportation Demand Management

As a mixed-use project within the Bethesda Transportation Management District (TMD), the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery Count Department of Transportation (MCDOT) to participate in the Bethesda TMD. The specific criteria requiring a TMAg are as follows: 25 or more employees or more than 100 dwelling units.

Adequate Public Facilities

A traffic study, dated August 11, 2015, was submitted for the application per the *Local Area Transportation Review (LATR)/Transportation Policy Area Review (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 41 new peak-hour trips during the weekday morning peak period and 37 new peak-hour trips during the weekday evening peak period. That traffic study was supplemented with a traffic statement, dated March 10, 2016, to amend the project land use in the following manner: up to 106 high rise dwelling units (34 dwelling units fewer than the previous approval) and up to 5,793 square feet of general retail space (1,293 square feet more than the previous approval). As a result of the new land use densities, the project is estimated to generate nine fewer net new trips in the morning peak hour (32 morning peak hour trips) and seven fewer net new trips during the evening peak hour (30 morning peak hour trips). The study intersection critical lane volumes were not updated to show this small revision and, as a result, reflect the more conservative (higher) trip generation assumed in the original traffic study.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 8008 WISCONSIN AVENUE PROJECT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Existing (Credit) 6,354 SF Retail	2	2	4	9	8	17
Proposed 106 High Rise Dwelling Units 5,793 SF Retail Total Proposed	6 2 8	26 2 28	32 4 36	21 8 29	11 7 18	32 15 47
Total Net New Peak Hour Trips	6	26	32	20	10	30

Source: The Traffic Group traffic study dated August 11, 2015. Revised via March 10, 2016 supplemental traffic statement.

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 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED 8008 WISCONSIN AVENUE PROJECT**

Intersection	<i>Traffic Conditions</i>					
	<i>Existing</i>		<i>Background</i>		<i>Total</i>	
	AM	PM	AM	PM	AM	PM
Wisconsin Avenue/ Cordell Avenue	697	589	721	618	731	621
Woodmont Avenue/ Cordell Avenue	577	478	603	532	611	538
Cordell Avenue/ Site Driveway	-	-	-	-	151	133

Source: The Traffic Group traffic study dated August 11, 2015.

Transportation Policy Area Review (TPAR)

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 satisfies the TPAR requirement without making a mitigation payment.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The subject 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 subject 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.

Environment

The subject property is located in the Bethesda CBD and within the Rock Creek watershed which is classified as a Use I¹ watershed. The subject property is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains, steep slopes, or specimen trees. There are street trees along the subject property frontage, ranging in size from approximately eight inches to 12 inches diameter at breast height (DBH), and minor onsite trees that measures under 24 inches DBH.

¹ Use I:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

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 and industrial water supply.

Forest Conservation

The application is subject to the Forest Conservation Law; however, it qualifies for a Forest Conservation Exemption under Section 22A-5(s)(2) as a small property exemption. Forest Conservation Exemption 42014180E was confirmed for this project on June 3, 2014.

Noise

The project includes residential units to be built adjacent to a major transportation corridor, Wisconsin Avenue. A noise analysis prepared by Phoenix Noise and Vibration, LLC dated August 14, 2015, has been submitted confirming that some of the proposed units would be subject to moderate levels of noise impacts, in excess of the noise regulations. However, appropriate treatments of the building shell and windows would readily mitigate the interior noise to acceptable levels. The proposed outdoor common space areas (second floor courtyard and rooftop) are not overly impacted by noise levels and do not require mitigation. Conditions of approval are recommended by staff regarding the noise mitigation requirements.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on May 2, 2016. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of green roofs and micro-bioretenion planter boxes.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The size, width, shape and orientation of the proposed lot is 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. As discussed above, the application substantially conforms to the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. The application complies with the land use 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 application, the site is sufficiently large to efficiently accommodate the proposed mix of uses.

The lot was reviewed for compliance with the dimensional requirements for the CBD-1 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Site Plan

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

method of development, if required, unless the Planning Board expressly modifies any element of the project plan.

Neither a development plan, diagrammatic plan, nor a schematic development plan were required for the application. The site plan is consistent with Project Plan Amendment 92015002A, as conditioned.

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

The proposed uses are allowed in the CBD-1 zone, and the site plan fulfills the specific purposes of the zone by providing mixed-use development in a desirable urban environment, a transitional density from the core to the periphery of the CBD, and an effective use of transit facilities for residents and visitors to the subject property.

As the project data table below indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, density, and public use space, the proposed development meets the minimum and maximum standards, respectively.

Table 3: Project Data Table for the CBD-1 Zone

Development Standard	Permitted/ Required	Approved in Project Plan 920150020	Proposed for Approval in Project Plan Amendment and Site Plan
Gross Tract Area - total (sf.)	18,000	97,884	97,884
Receiving Site 27,077			
Sending Sites 70,807			
Previous Dedications - total (sf.)		44,013	44,013
Receiving Site 11,688			
Sending Sites 32,325			
Proposed Dedications - total (sf.)		1,427	1,427
Receiving Site 1,427			
Sending Sites 0			
Net Lot Area - total (sf.)		52,444	52,444
Receiving Site 13,962			
Sending sites 38,482			
Maximum Density (FAR) (base)			
CBD-1	3	3	3
C-2	1.5	1.5	1.5
Maximum Floor Area, Total (sf.) (base)	196,816	196,816	196,816
Receiving Site 129,052			
Sending Sites 67,764			
Maximum Density, Non-residential (FAR)	1	0.17	0.21
Maximum Floor Area, Non-residential (sf.)	128,004	4,500	5,793
Maximum Floor Area, Residential (sf.) (base)	n/a	124,552	123,259
Maximum Floor Area, Residential (sf.) (22% density bonus)	n/a	27,401	27,116
Maximum Floor Area, Residential (sf.) (including 22% density bonus)	n/a	151,953	150,375
Maximum Floor Area, Total (sf.) (including 22% density bonus)	n/a	156,453	156,168
Maximum Density, Total (FAR) (including 22% density bonus)	n/a	5.8	5.8
Maximum Dwelling Units, total	n/a	140	106
Minimum MPDU (%)	12.5	15	15
Building Height, Maximum (ft.)	143	143	143
Parking Spaces, Maximum			
Residential	146		
Non-residential	29		

Development Standard	Permitted/ Required	Approved in Project Plan 920150020	Proposed for Approval in Project Plan Amendment and Site Plan
Less 10% CBD Residential Credit	-17		
Total Required	158	40	54 ¹
On-Site Public Use Space, Minimum (% of net lot area)			
Receiving Site	20	20	20
Sending Sites	10	0.05	0.33 ²
On-Site Public Use Space (sf.)			
Receiving Site	2,792	2,792	2,792
Sending Sites	3,848	20	120 ²
Off-Site Public Amenity Space (% of net lot area)			
Receiving Site	n/a	34	34
Sending Sites	n/a	0	0
Off-Site Public Amenity Space (sf.)			
Receiving Site	n/a	4,784	4,784
Sending Sites	n/a	0	0

¹ The site is located in the Bethesda parking lot district, and as such is not required to provide the full complement of parking spaces on site. Parking that is not provided on the site, consistent with Section 59-E, will be subject to an ad valorem tax.

²The project will provide 126 square feet public use space on the sending sites. The remaining required 3,722 square feet of public use space for the sending sites will be provided by payment of a fee in lieu.

Public Use Space

In accordance with the standards of the CBD-1 zone, the application must provide public use space equal to 20% of the net lot area of the receiving site and 10% of the net lot area of the sending sites, which equates to a 6,640-square-foot public use space requirement. However, because of the constrained size of the subject property, the applicant proposed, with the previous approval of the project plan application, to provide 2,812 square feet of public use space and to pay a fee in lieu of providing the 3,828-square-foot remainder. A condition of approval of the previously approved project plan application requires the applicant to pay a fee in lieu of public use space in the amount of \$717,120.00, unless the amount is adjusted by the Planning Board to reflect any change in the amount of public use space being provided prior to approval of a site plan.

This site plan application reflects a modest increase in the amount of public use space attributed to the sending sites, from 20 square feet to 126 square feet. As previously approved, all public use space will continue to be provided on the receiving property. Because of the increase in the amount of public use space to be provided on-site, the fee required in the condition of approval is recalculated as follows:

The percentage of public use space not being provided on-site multiplied by the assessed value of the land, plus the area in square feet of public use space not being provided on-site multiplied by \$35 per square foot.

The assessed value of the land is shown in Table 4 below, based on data from the Maryland Department of Assessments and Taxation.

Table 4: Assessed Land Value of Sending Properties

Site No.	Address	Tax ID	Description	Plat	Zone	Assessed Value
1	5001 Wilson Lane	07-00441433	Block M, Lot P2, Battery Park Sec 2	304	C-2	\$500,400
2	5027 Wilson Lane	07-00440941	Block M, Lot P3, Battery Park Sec 2	304 & 24360	C-2	\$423,000
3	5004 Cordell Avenue	07-00440952	Block M, Lot P1 & P3, Part Lot 3 Battery Park	304 & 24360	C-2	\$273,300
4	7830 Old Georgetown Road	07-02446538	Block L, Lot 23, Battery Park Sec 2	15023	C-2	\$3,488,500
5	4906 Del Ray Avenue	07-00552161	Part Lot 278, Woodmont	4	CBD-1	\$573,100
5	4906 Del Ray Avenue	07-00552172	Part Lot 279, Woodmont	4	CBD-1	\$573,100
	Total					\$5,831,400

Based on the formula for calculation of the fee in lieu of public use space, Table 5 shows the amount of the fee that will be required by the recommended condition of approval. The condition allocates the fee to CIP project P118701 for design and/or construction of renovations at Battery Lane Urban Park. Payment to the amenity fund for the public use space contribution is required at the time of building permit.

Table 5: Calculation of fee in lieu of public use space

Percentage of public use space not provided on site	9.67%	\$564,046.49	Assessed land value times percentage of public use space not provided on site
Square feet of public use space not provided on site	3,722	\$130,277.00	Square feet of public use space not provided on site times \$35/square foot
Total fee in lieu of public use space		\$694,323.49	

Loading Space Waiver

Under Section 59-E-1.4 of the Zoning Ordinance, the project is required to provide two loading bays. However, the applicant is requesting a waiver from this standard to allow only one

loading bay along Cordell Avenue. The Planning Board is authorized to grant the requested loading waiver where it finds that the loading requirement is not necessary to accomplish the objectives in Section 59-E-4.2. Those objectives are:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
- (b) The safety of pedestrians and motorists within a parking facility.
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
- (d) The provision of appropriate lighting, if the parking is to be used after dark.

The requirement that the project include two loading bays is not necessary to accomplish any of the four objectives contained in Section 59-E-4.2. Reducing the number of loading spaces will reduce noise, enhance pedestrian safety, will provide safe circulation of traffic, and will not negatively impact the provision of appropriate lighting. Therefore, staff recommends that the Planning Board find that the requested waiver is justified and will promote the objectives identified in Section 59-E-4.2.

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

The project will improve safety and character of the adjacent streets by providing unique paver aprons and the Bethesda Streetscape standard paving, lighting, and street trees for the frontages of Cordell, Woodmont, and Wisconsin Avenues. Additionally, the project will activate these frontages both during the day and evening hours with new residential and retail uses. The project will provide a striking and illuminated public use space along all three of these frontages. Last, the project is designed to ensure that all proposed loading and vehicular access areas on Cordell Avenue are safe and efficient.

The building is to be located along the street frontage of Wisconsin Avenue, Cordell Avenue, and Woodmont Avenue. This location provides easy access to the building from adjoining sidewalks and parking. The location of the building is adequate and efficient, while meeting the aesthetic concerns of the area, and it does not pose any safety concerns on the site.

The public use space on the three frontages will be integrated into the adjacent sidewalk network. The public use space on Wisconsin Avenue is designed to accommodate pedestrian circulation associated with the future BRT station at the intersection of Wisconsin Avenue and Cordell Avenue. The site plan will improve pedestrian circulation in the area by providing Bethesda Streetscape improvements along all three adjacent street frontages. Recreational facilities will be placed on a rooftop terrace and within the building, and they will be easily accessible to building residents. Landscaping will be provided in the public use space areas.

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

The design, scale, façade, and uses proposed in the site plan will provide a complimentary relationship to adjacent buildings in the Woodmont Triangle and the Bethesda CBD as a whole. The 143 feet in building height proposed by the site plan represents a step-down from the taller buildings permitted in the core of the Bethesda CBD. The project will provide a street-activating, commercial component along Woodmont Avenue. The project's use of density transfers helps to preserve the small-scale retail sites in the Woodmont Triangle by transferring unused density to the subject property.

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

The application was granted an exemption from submitting a forest conservation plan per section 22A-5(s)(2) on June 3, 2014. The proposed development meets the conditions as the subject property is smaller than one acre with no existing forest, specimen trees, or champion trees, and the afforestation requirements would not exceed 10,000 square feet. The previously granted exemption remains in effect.

The MCDPS Stormwater Management Section approved the stormwater management concept on May 2, 2016. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of green roofs and micro-bioretenion planter boxes.

CITIZEN CORRESPONDENCE AND ISSUES

The applicant has complied with all submittal and noticing requirements. As of the date of this staff report, staff has not received any correspondence regarding the application.

CONCLUSION

The project plan amendment application meets all of the requirements established in the Zoning Ordinance and substantially conforms to the recommendations of the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* and the *Countywide Transit Corridors Functional Master Plan*. Therefore, approval of the project plan amendment application with the conditions specified above is recommended.

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* and the *Countywide Transit Corridors Functional Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the application. Therefore, approval of the preliminary plan application with the conditions specified above is recommended.

The site plan application complies with the general requirements and development standards of the Zoning Ordinance. Therefore, approval of the site plan application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Map

Attachment B – Gross Tract Area

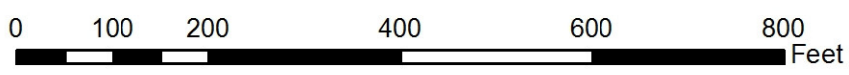
Attachment C – Density Transfer Table

Attachment D – Proposed Preliminary Plan and Site Plan

Attachment E – Agency Correspondence Referenced in Conditions

Attachment F – Property Data for Calculation of Fee in Lieu of Public Use Space

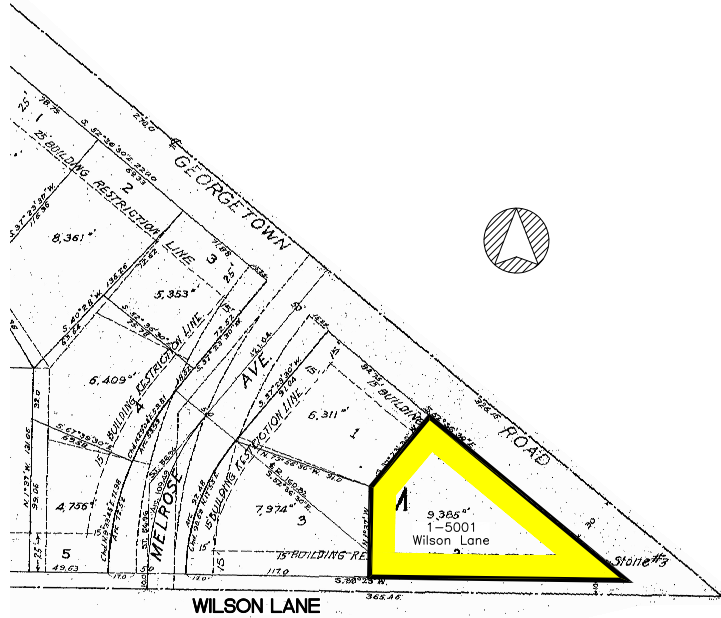
Attachment G – Resolutions for Previously Approved Applications



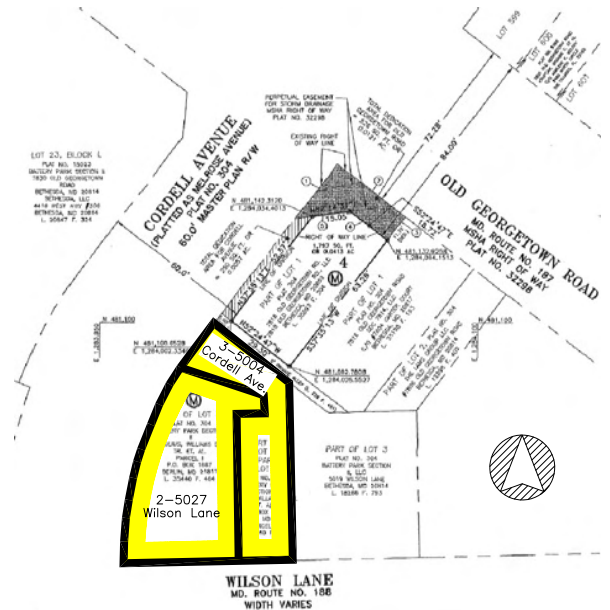
1 inch = 200 feet



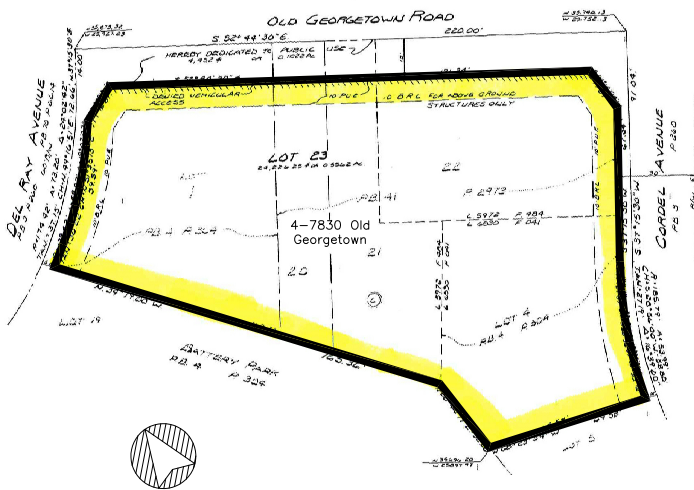
Sending Properties



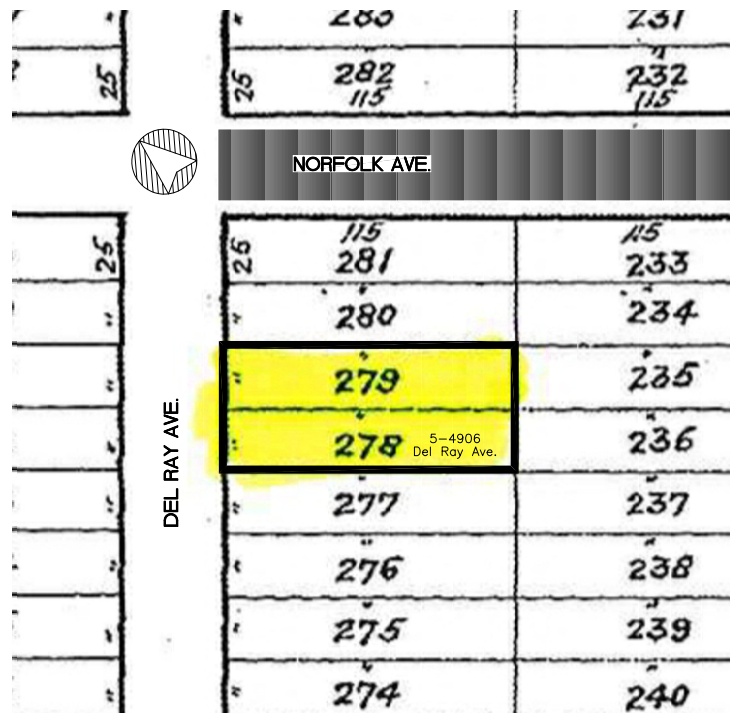
TRANSFER SENDING SITE 1
SCALE: 1" = 30'



TRANSFER SENDING SITE 2 AND 3
SCALE: 1" = 30'



TRANSFER SENDING SITE 4
SCALE: 1" = 30'



TRANSFER SENDING SITE 5
SCALE: 1" = 30'

Density Transfer Table

Site	Location/ Plat No.	Zone	Net Lot Area (sf)	Prior Dedi- cation (Propo- sed dedicat- ion) (sf)	Gross Tract Area (sf)	Max FAR	Total Allowable GSF (optional method)	Existing GSF to remain (sf)	GSF to transfer (sf)
Sending									
5001 Wilson Lane	Block M, Lot P2 Battery Park Sec. 2 Plat 304	C-2	4,170	8,090	12,260	1.5	18,390	5,517 (exist. bldg.)	12,873
5027 Wilson Lane	Block M, Lot P3 Battery Park Sec. 2 Plat 304 & 24360	C-2	2,938	3,992	6,930	1.5	10,395	3,684 (exist. bldg. plus additional leave behind)	6,711
5004 Cordell Avenue	Block M, Lot P1 & P3 Battery Park Sec. 2 Plat 304 & 24360	C-2	1,898	1,109	3,007	1.5	4,510	3,729 (exist. bldg. plus additional leave behind)	781
7830 Old George- town Road	Block L, Lot 23 Battery Park Sec. 2 Plat 15023	C-2	24,226	18,134	42,360	1.5	63,540	42,184 (exist. bldg. w/cellar per Landmark Eng.)	21,356
4906 Del Ray Avenue	Lots 278- 279, Woodmont Plat 4	CBD- 1	5,250	1,000	6,250	3.0	18,750	12,650	6,100
Subtotal			38,482	32,325	70,807		115,585	67,764	47,821
Receiving									
8008 Wisconsin	Lots 569- 572 & 641, Woodmont Plat 4 & 16377	CBD- 1	13,962	11,688 (1,427)	27,077	3.0	81,231	0	81,231
Grand Total			52,444	44,013 (1,427)	97,884		196,816	67,764	129,052 (156,453 w/ 22% MPDU bonus)



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdiah
Director

June 24, 2016

Neil Braunstein, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120160050
8008 Wisconsin Avenue

Dear Mr. Braunstein:

We have completed our review of the preliminary plan dated February 12, 2016, and revised on June 10, 2016. A previous plan was reviewed by the Development Review Committee at its meeting on January 11, 2016. We recommend approval of the plan subject to the following comments:

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

Design Exception Package

- A:1 Reduced Driveway Spacing: Cordell Avenue is only 195 feet long between curb returns from Wisconsin Avenue to Woodmont Avenue. The distance to the proposed loading entrance from Wisconsin Avenue is 64 feet. The distance to the parking garage access from Woodmont Avenue is 75 feet.

Response: MCDOT **approves** the request for the vehicular access points to be less than 100 feet. The 100 foot tangent cannot be met due to the short distance between Wisconsin Avenue and Woodmont Avenue.

- A:2 Reduction in the number of Required Loading Spaces: The project plan was submitted prior to October 1, 2014; therefore, it is subject to the ordinance which was in effect at the time of submission. This ordinance, DPS, requires two (2) loading spaces. The applicant has requested to comply with the new Zoning Ordinance, which requires only one (1) loading space.

Office of the Director

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

www.montgomerycountymd.gov/dot

Located one block west of the Rockville Metro Station

Response: MCDOT **approves** the request to reduce the number of loading spaces from two (2) to one (1) space. The one (1) loading space complies with the new Zoning Ordinance. In addition, the applicant has stated that one (1) loading space is adequate for the 5,793 square feet of retail space and 106 residential units.

Standard Comments

1. Necessary dedication of Woodmont Avenue in accordance with the master plan.
2. Full width dedication of Cordell Avenue in accordance with the master plan.
3. Necessary dedication of Wisconsin Avenue (MD 355) in accordance with the master plan and the Bus Rapid Transit (BRT) master plan.

In accordance with the Planning Board's directions on the prior pre-preliminary plan for this site, grant a ten (10) foot wide Public Improvements Easement along the Wisconsin Avenue (MD 355) site frontage for future construction of a BRT station at this location.

4. Maintain a five (5) foot wide clear width Americans with Disabilities (ADA)-compliant sidewalk along all streets.
5. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
6. Construct Bethesda Central Business District streetscaping amenities along the Cordell Avenue, Woodmont Avenue and Wisconsin Avenue (MD 355) site frontages.
7. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
8. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
9. On the certified preliminary plan, depict the street sections for Woodmont Avenue and Cordell Avenue that are provided along the site street frontage.
10. Remove the reference to the MCDOT standard for Wisconsin Avenue (MD 355) street section prior to approval of the certified preliminary plan.
11. Access and improvements along Wisconsin Avenue (MD 355) as required by the Maryland State Highway Administration.

12. Coordinate with Mr. Steve Renzi, Project Manager for the Office of Traffic & Safety at SHA for traffic signal project located at the Wisconsin Avenue (MD 355) and Cordell Avenue traffic signal project. Mr. Renzi can be reached at (410) 787-5854 or at srenzi2@sha.state.md.us.
13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
14. The applicant shall underground all utilities along their street frontages of Cordell, Wisconsin and Woodmont Avenues.
15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
16. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
18. The applicant is required to purchase and install a bus shelter along their Wisconsin Avenue (MD 355) street frontage. The bus shelter must be installed prior to issuance of the use and occupancy permit. At or before the permit stage, the applicant will coordinate with Ms. Stacy Coletta of our Division of Transit Services for the bus shelter improvements to the RideOn bus facilities. Ms. Coletta may be contacted at 240-777-5800.
19. We recommend that the applicant coordinate with Ms. Joana Conklin, the BRT Development Manager for Montgomery County, regarding the Bus Rapid Transit project on Wisconsin Avenue (MD355). Ms. Conklin can be reached at 240-777-7155 or at joana.conklin@montgomerycountymd.gov.
20. At or before the permit stage, please coordinate with Mr. Benjamin Morgan of our Division of Parking Management to coordinate the impacts on public parking facilities in the vicinity of this project. Mr. Morgan may be contacted at 240 777-8704.
21. No TPAR payment is required for this site.

22. Prior to the issuance of any building permits by Montgomery County Department of Permitting Services (MCDPS), the Applicant will need to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and this Department. The Applicant and Commuter Services met on June 7, 2016, to review the draft TMAg submitted with the Preliminary Plan. It was agreed that:
- a. The final TMAg will indicate why certain provisions are not appropriate for inclusion in the Agreement because of project-specific features (i.e., no car sharing spaces provided due to limited number of parking spaces provided; electric vehicle charging stations are not required due to fewer than 100 spaces but will provide as determined by demand).
 - b. Revisions to the draft TMAg will include a provision regarding a permanent information display stand.
 - c. The most recently revised TMAg template would be forwarded to the Applicant as follow up to the meeting, which was already completed at the writing of this letter.
23. Bikesharing Station. In the earlier approval process for this site, the prior Applicant was required to pay the capital cost of a nineteen (19) dock station and twelve (12) years of operating expenses. Since that time the requirement for operating expense contributions has been reduced to five (5) years. At the June 7, 2016 meeting, the Applicant and Commuter Services Section (CSS) reviewed the site with regard to locating a bikeshare station. After discussing site constraints (i.e., location of storm water retention and tree plantings, etc.), the size of various bikeshare station footprints, and associated capital and operating costs and potential offsets for those costs, the Applicant agreed to try to find a location on-site and communicate with CSS the results of that effort. Applicant has been asked to specify locations considered and reasons why a station is not feasible on-site, if that is the determination. In that event CSS will work with Applicant to find a site nearby for a nineteen (19) dock bikeshare station to be provided under the same terms, with payment of capital costs by the Applicant at the time of building permit or earlier. The Applicant will also be required to take other actions in concert with the County to promote use of bikesharing in order to accomplish the objectives of the Transportation Management Demand (TMD).
24. Real Time Transit Information: The TMAg will require that the Applicant provide opportunity and connections for electronic (LCD) display screens providing Real Time Transit Information Signs in the residential lobby to enable information to be readily accessed by building residents, employees, visitors, etc. Real Time Transit Information display can be incorporated into planned lobby display monitors/software system for building(s). Alternately, the Applicant will reimburse the County for the cost of County-provided monitors. The Applicant will pay for five years of maintenance for County-provided monitors/sign(s); if Real Time Transit Information is incorporated into the building's planned monitor systems, there are no additional maintenance costs.

Mr. Neil Braunstein
Preliminary Plan No. 120160050
June 24, 2016
Page 5

25. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

- a. Bethesda streetscaping amenities along the Woodmont Avenue and Cordell Avenue site frontages.
- b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- d. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- e. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- f. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

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

Sincerely,



Gregory M. Leck, Manager
Development Review Team
Office of Transportation Policy

m:/subd/tormar01/Developments/Bethesda/8008 Wisconsin/120160050 8008 Wisconsin Preliminary plan letter

Enclosure



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: 8008 Wisconsin Ave Preliminary Plan Number: 1- 120160050

Street Name: Cordell Avenue Master Plan Road Classification: Business

Posted Speed Limit: None mph

Street/Driveway #1 (Entrance 1 / Cordell Avenue) Street/Driveway #2 (Entrance 2 / Cordell Avenue)

Sight Distance (feet)	OK?
Right <u>187</u>	<u>Y</u>
Left <u>200</u>	<u>Y</u>

Sight Distance (feet)	OK?
Right <u>163</u>	<u>Y</u>
Left <u>224</u>	<u>Y</u>

Comments: Sight distance is available to and beyond signalized intersections. Speeds will be slow due to existing spacing.

Comments: Sight distance is available to and beyond signalized intersections. Speeds will be slow due to existing spacing.

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was prepared in accordance with these guidelines.

[Signature]
 Signature

5-6-16
 Date

PLS/P.E. MD. Reg. No.
33954

Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<i>[Signature]</i>
Date:	<u>6/17/16</u>



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

May 2, 2016

Ms. Angela Rassas, P.E.
ESE Consultants, Inc.
19775 Belmont Executive Plaza, Suite 250
Ashburn, VA 20147

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
Request for 8008 Wisconsin Avenue
Preliminary Plan #: 120160050
SM File #: 281786
Tract Size/Zone: 0.32 Ac./C
Total Concept Area: 0.43 Ac.
Lots/Block: 641,569,570,571,572
Watershed: Lower Rock Creek

Dear Ms. Rassas:

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 ESD to the MEP with the use of green roof and micro-bioretenion/planter boxes. Due to site limitations and existing shallow storm drain a waiver for treatment of the remaining volume is granted. **This approval supersedes stormwater concept approval letter for SM File No. #266815, dated May 27, 2015.**

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 the approved Landscape Plan as part of the 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. The 8" of depth on the green roof table 1 is the thickness of the planting media.

Ms. Angela Rassas, P.E.
May 2, 2016
Page 2 of 2

6. Provide a minimum of 3,076 square feet of 8" green roof. Try to provide more green roof at time of plan submittal.
7. Green roof to be designed by a professional with green roof experience.
8. Use the latest MCDPS design criteria at time of plan submittal.
9. Covered Garage areas are to drain to WSSC.
10. Provide copy of mechanical plans showing schematics of roof drains and garage drains showing where they drain.

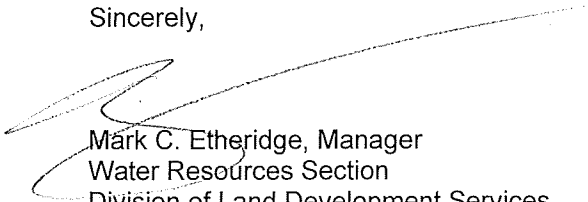
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90, quantity control, **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: DWK

cc: C. Conlon
SM File # 281786

ESD Acres: 0.43
STRUCTURAL Acres: 0.00
WAIVED Acres: 0.43

820160130 8008 Wisconsin Ave

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscaping plan files

“**07-SITE-820160130-SP3.pdf V3**” uploaded on/ dated “**6/10/2016**” and
“**08-LL-820160130-L1.00.pdf V5**” uploaded on/ dated “**5/24/2016**”.

The followings need to be addressed prior to the certification of site plan:

1. Please provide a list of proposed items in ROW or PIE that are not per Bethesda CBD standards for our review and approval.
2. Frontage County sidewalks:
 - a. When outdoor seating cafes are proposed we need 6' of free and clear sidewalk instead of 5'. All cafe seatings are subject to MCDPS requirements.
 - b. Ensure the HC ramp is aligned with the receiving ramp.
 - c. When public and private sidewalks are next to each other, the maintenance limit has to be delineated onsite by a physical feature or PIE has to provided for its entirety.
3. The proposed bike racks should be per/ approved by MCDOT requirements.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

June 16, 2016

Mr. Neil Braunstein
Area 1 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 8008 Wisconsin Avenue
Project Plan Amendment No. 92015002A
Site Plan No. 820160130

Dear Mr. Braunstein:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revisions to the above referenced plans and recommends Approval of the plans, with the following condition:

- The applicant will need to provide DHCA with a draft of the proposed condominium documents so that DHCA can determine if the Director should restrict any facilities, services or design costs for the MPDUs that may cause excessive mandatory condominium fees for the MPDU purchasers.

Please note that this project has a density bonus, so it does not qualify for an alternative payment under Chapter 25A.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Rob Cohen, VIKA Maryland, LLC

SAFiles\FY2014\Housing\MPDU\Lisa Schwartz\8008 Wisconsin DHCA Letter 6-16-2016.doc

Division of Housing

Affordable
Housing Program
FAX 240-777-3709

Multifamily Housing
Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

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

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-0311 • www.montgomerycountymd.gov/dhca

Real Property Data Search (w2)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 07 Account Number - 00441433			
Owner Information					
Owner Name:		SLEEPING GYPSY LLC		Use: COMMERCIAL	
Mailing Address:		5001 WILSON LN BETHESDA MD 20814-0000		Principal Residence: NO	
				Deed Reference: /34779/ 00483	
Location & Structure Information					
Premises Address:		5001 WILSON LN BETHESDA 20814-0000		Legal Description: BATTERY PARK SEC 2	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
HN22	0000	0000		0003	
					Block: M
					Lot: P2
					Assessment Year: 2014
					Plat No: Plat Ref:
Special Tax Areas:		Town: BATTERY PARK			
		Ad Valorem:			
		Tax Class: 80			
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1933		5426			
Property Land Area		County Use			
4,170 SF		599			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		RETAIL STORE			
Value Information					
		Base Value		Value	
				As of 01/01/2014	
Land:		417,000		500,400	
Improvements		868,600		997,500	
Total:		1,285,600		1,497,900	
Preferential Land:		0		1,356,367	
				Phase-in Assessments	
				As of 07/01/2014	
				As of 07/01/2015	
				1,427,133	
				0	
Transfer Information					
Seller: RIELEY, WALTON D & D A		Date: 08/29/2007		Price: \$760,000	
Type: ARMS LENGTH IMPROVED		Deed1: /34779/ 00483		Deed2:	
Seller:		Date: 10/06/1969		Price: \$67,000	
Type: ARMS LENGTH IMPROVED		Deed1: /03906/ 00538		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2014	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Real Property Data Search (w2)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration					
Account Identifier:		District - 07 Account Number - 00440941							
Owner Information									
Owner Name:		KOLIUS WILLAIM S TRUSTEE KOLIUS JOHN M		Use: Principal Residence: COMMERCIAL NO					
Mailing Address:		PO BOX 1667 BERLIN MD 21811-5667		Deed Reference: /41193/ 00213					
Location & Structure Information									
Premises Address:		5027 WILSON LN BETHESDA 20814-0000		Legal Description: BATTERY PARK SEC 2					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
HN22	0000	0000		0003		M	P3	2014	Plat Ref:
Special Tax Areas:			Town:		BATTERY PARK				
			Ad Valorem:						
			Tax Class:		80				
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1923		2770				2,938 SF		581	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		RETAIL STORE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2014		07/01/2014		07/01/2015	
Land:		352,500		423,000					
Improvements		381,800		344,400					
Total:		734,300		767,400		745,333		756,367	
Preferential Land:		0						0	
Transfer Information									
Seller: KOLIUS WILLAIM S TRUSTEE				Date: 02/24/2011		Price: \$0			
Type: ARMS LENGTH MULTIPLE				Deed1: /41193/ 00213		Deed2:			
Seller: KOLIUS WILLAIM S TR ET AL				Date: 02/24/2011		Price: \$0			
Type: ARMS LENGTH MULTIPLE				Deed1: /41193/ 00207		Deed2:			
Seller: KOLIUS, VASHA P TR				Date: 03/13/2008		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /35440/ 00464		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: No Application									

Real Property Data Search (w2)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 07 Account Number - 00440952			
Owner Information					
Owner Name:	KOLIUS WILLIAM S TRUSTEE KOLIUS JOHN M		Use:	COMMERCIAL	
Mailing Address:	PO BOX 1667 BERLIN MD 21811-5667		Principal Residence:	NO	
			Deed Reference:	/41193/ 00213	
Location & Structure Information					
Premises Address:		5004 CORDELL AVE BETHESDA 20814-0000		Legal Description:	PART LOT 3 BATTERY PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
HN22	0000	0000		0003	
					Block:
					M
					Lot:
					P1
					Assessment Year:
					2014
					Plat No:
					Plat Ref:
					/ 304
Special Tax Areas:		Town:		BATTERY PARK	
		Ad Valorem:			
		Tax Class:		80	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1935	1909		1,898 SF	599	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		RETAIL STORE			
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2014	07/01/2014	07/01/2015	
Land:	227,700	273,300			
Improvements	436,100	399,500			
Total:	663,800	672,800	666,800	669,800	
Preferential Land:	0			0	
Transfer Information					
Seller: KOLIUS WILLIAM S TRUSTEE		Date: 02/24/2011		Price: \$0	
Type: ARMS LENGTH MULTIPLE		Deed1: /41193/ 00213		Deed2:	
Seller: KOLIUS WILLIAM S TR ET AL		Date: 02/24/2011		Price: \$0	
Type: ARMS LENGTH MULTIPLE		Deed1: /41193/ 00207		Deed2:	
Seller: KOLIUS, VASHA P TR		Date: 03/13/2008		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35440/ 00464		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014	07/01/2015		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Real Property Data Search (w2)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 07 Account Number - 02446538								
Owner Information										
Owner Name:		7830 BETHESDA LLC				Use:		COMMERCIAL		
Mailing Address:		4416 E WEST HWY # 306 BETHESDA MD 20814-4565				Principal Residence:		NO		
						Deed Reference:		/20647/ 00324		
Location & Structure Information										
Premises Address:		7830 OLD GEORGETOWN RD BETHESDA 20814-0000				Legal Description:		BATTERY PARK SEC 2		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	15023
HN22	0000	0000		0003		L	23	2014	Plat Ref:	
Special Tax Areas:		Town:				BATTERY PARK				
		Ad Valorem:								
		Tax Class:				80				
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use	
1985		48333					24,226 SF		600	
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation		
		OFFICE BUILDING								
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2014		07/01/2014		07/01/2015		
Land:		2,907,100		3,488,500						
Improvements		7,592,900		10,011,500						
Total:		10,500,000		13,500,000		11,500,000		12,500,000		
Preferential Land:		0						0		
Transfer Information										
Seller: GREAT OAK LLC				Date: 03/01/2002				Price: \$8,537,500		
Type: ARMS LENGTH IMPROVED				Deed1: /20647/ 00324				Deed2:		
Seller: 7830 HOLDINGS LIMITED PTNS				Date: 01/28/1997				Price: \$6,610,000		
Type: ARMS LENGTH IMPROVED				Deed1: /14654/ 00307				Deed2:		
Seller: 7830 OLD GEORGETOWN RD LTD				Date: 10/28/1996				Price: \$4,000,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /14460/ 00273				Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class			07/01/2014		07/01/2015			
County:		000			0.00					
State:		000			0.00					
Municipal:		000			0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: No Application										

Real Property Data Search (w2)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 07 Account Number - 00552161							
Owner Information									
Owner Name:		JEMAL'S DEL RAY LLC				Use:		COMMERCIAL	
Mailing Address:		702 H STREET NW STE 400 WASHINGTON DC 20001-				Principal Residence:		NO	
						Deed Reference:		/48778/ 00373	
Location & Structure Information									
Premises Address:		4906 DEL RAY AVE BETHESDA 20814-0000				Legal Description:		PT LT 278 WOODMONT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
HN23	0000	0000		0049				2014	Plat Ref: / 4
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:		79		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
						2,625 SF		460	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2014		07/01/2014		07/01/2015	
Land:		367,500		984,300					
Improvements		0		0					
Total:		367,500		984,300		573,100		778,700	
Preferential Land:		0						0	
Transfer Information									
Seller: BALL PAULINE L				Date: 06/17/2014		Price: \$2,000,000			
Type: ARMS LENGTH VACANT				Deed1: /48778/ 00373		Deed2:			
Seller:				Date:		Price: \$0			
Type:				Deed1: /06960/ 00040		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: No Application									

Real Property Data Search (w2)

Guide to searching the database

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 07 Account Number - 00552172			
Owner Information					
Owner Name:		JEMAL'S DEL RAY LLC		Use: COMMERCIAL	
Mailing Address:		702 H ST NW STE 400 WASHINGTON DC 20001-		Principal Residence: NO	
				Deed Reference: /48778/ 00373	
Location & Structure Information					
Premises Address:		DEL RAY AVE 0-0000		Legal Description: PT LT 279 WOODMONT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
HN23	0000	0000		0049	
Special Tax Areas:				Town: NONE	
				Ad Valorem:	
				Tax Class: 79	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
				Property Land Area 2,625 SF	
				County Use 460	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value		Value	
				Phase-in Assessments	
				As of	
				As of	
Land:		367,500		07/01/2014	
Improvements		0		07/01/2015	
Total:		367,500		984,300	
Preferential Land:		0		573,100	
				778,700	
				0	
Transfer Information					
Seller: BALL PAULINE L		Date: 06/17/2014		Price: \$2,000,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /48778/ 00373		Deed2:	
Seller:		Date:		Price: \$0	
Type:		Deed1: /06960/ 00040		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2014	
County:		000		07/01/2015	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					



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

JUN 23 2015

MCPB No. 15-62
Project Plan No. 920150020
8008 Wisconsin Avenue
Date of Hearing: June 18, 2015

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-2 in effect on October 29, 2014, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review project plan applications; and

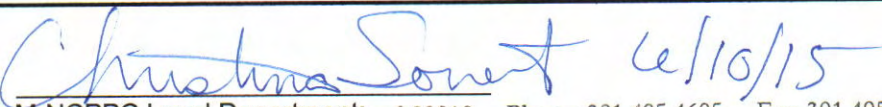
WHEREAS, on October 1, 2014, Jemal's Surplus, LLC ("Applicant"), filed an application for approval of a project plan for a 14-story, mixed-use building containing a maximum of 151,953 square feet of multi-family residential use consisting of up to 140 dwelling units (including a minimum of 15% moderately priced dwelling units ("MPDUs")) and 4,500 square feet of non-residential uses on 13,962 net square feet of CBD-1 zoned land, located at the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue ("Subject Property"), in the Bethesda CBD Policy Area, and Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan Amendment") area; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920150020, 8008 Wisconsin Avenue ("Application" or "Project Plan"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 5, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 18, 2015, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

Approved as to
Legal Sufficiency:  6/10/15
MNCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board APPROVES Project Plan No. 920150020 for a 14-story, mixed-use building containing a maximum of 151,953 square feet of multi-family residential use consisting of up to 140 dwelling units (including a minimum of 15% MPDUs) and 4,500 square feet of non-residential uses on the Subject Property, subject to the following conditions:¹

1. The development is limited to a maximum of 151,953 square feet of multi-family residential uses, consisting of no more than 140 multi-family dwelling units (including a minimum of 15% MPDUs), and a maximum of 4,500 square feet of non-residential use. The total floor area of the project is limited to 156,453 square feet.
2. The development is limited to the building footprint delineated in the Project Plan drawings submitted to Staff dated April 20, 2015, unless modified at site plan review. Building height is limited to a maximum height of 143 feet as determined by the Department of Permitting Services approved building height measurement point(s).
3. The development will provide a minimum of 15% MPDUs based upon the total number of units, in accordance with Chapter 25A.
4. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated April 21, 2015, and does hereby incorporate them as conditions of the Project 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 Project Plan approval.
5. With submission of a preliminary plan application, the Applicant must provide a noise analysis (prepared by an engineer specializing in acoustics) which includes exhibits of existing noise contours and 20 year projection. If applicable, the analysis must also describe the mitigation techniques needed to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity and for interior levels not to exceed 45 dBA Ldn.
6. The Applicant must provide a minimum of 20% of the net lot area of the receiving property for on-site public use space.
7. The public use space must be easily and readily accessible to the general public and available for public enjoyment.
8. Prior to issuance of a building permit, the Applicant must pay a fee in lieu of public use space equal to \$717,120, unless the amount is adjusted by the Planning Board prior to approval of a site plan, for design and/or construction of renovations at Battery Lane Urban Park.

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

- a. The fee will be calculated as follows: the percentage of public use space not being provided on-site multiplied by the assessed land value of the sending properties, plus the area in square feet of the public use space not being provided on-site multiplied by \$35 per square foot.
 - b. Prior to approval of a site plan, the Planning Board may adjust the amount of the fee to reflect any change in the amount of public use space to be provided on-site.
9. The Applicant must provide a minimum of 4,784 square feet for off-site public amenity space, consisting of street scape improvements in the public right-of-way of Wisconsin Avenue, Woodmont Avenue, and Cordell Avenue.
10. The streetscape improvements must be installed and consistent with the Bethesda CBD Streetscape Standards, as amended, including placing the utilities underground.
11. The following issue is to be addressed at site plan approval:
 - a. The Applicant must ensure that any landscaping, hardscape, or street furniture proposed within the MDSHA easement area will not interfere with the future bus rapid transit ("BRT") station or pedestrian circulation around the station.
12. Density Transfer
 - a. Prior to certification of the site plan, the Applicant must record an easement in the County Land Records for the density transfer for this Application in conformance with Section 59-C-6.2355 of the Zoning Ordinance that was in effect on October 29, 2014.
 - b. The Applicant must provide verification of the density transfer from the Sending Properties through recordation of a covenant that provides for all available standard method density, at a minimum, to remain on the Sending Property that is zoned CBD-1, and transferring no more than 1.2 FAR from the Sending Properties that are zoned C-2, pursuant to Section 59-C-6.2355(b) of the Zoning Ordinance in effect on October 29, 2014.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920150020, 8008 Wisconsin Avenue stamped received by M-NCPPC on March 20, 2015, are required except as modified by the above conditions of approval; and

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

- (a) The development complies with all of the intents and requirements of the CBD-1 zone.*

Intents and Purposes of the CBD Zones

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

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

The Application is in conformance with the recommendation of the Sector Plan Amendment to permit up to 3.0 floor area ratio ("FAR") and up to 143 feet in building height as recommended for the Troiano property in Block 10. As directed by the Sector Plan Amendment, the Application provides the opportunity to enhance the Woodmont Triangle area with increased housing opportunities for persons of varying income levels through MPDUs, and also fulfills an important need to preserve small-scale retail on other properties in the Woodmont Triangle area through density transfers. Finally, consistent with the Sector Plan Amendment, the Application will add meaningful public use and amenity space by upgrading the surrounding properties through the installation of special pavers and the Bethesda streetscape along the three street frontages of the Subject Property. An outdoor plaza will also be created along Woodmont Avenue, including decorative paving, benches, planters, and seating areas. In addition, the Application is in substantial conformance with the Countywide Transit Corridors Functional Master Plan ("Functional Master Plan") by providing dedication at preliminary plan of additional right-of-way for the 122-foot right-of-way for Wisconsin Avenue and a ten-foot-wide easement to accommodate the proposed BRT station at this site.

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

The Application responds to the current market by providing high-rise residential development where infrastructure, public facilities, and area amenities already exist. The Application will address the need for a greater variety of housing options in the Woodmont Triangle area, and will enhance the pedestrian experience along Wisconsin, Cordell, and Woodmont Avenues. The additional housing opportunities created by the Application, as

well as the public use space and off-site public amenities, will help to ensure that the Woodmont Triangle area remains activated and vibrant throughout the day and into the evenings and weekends.

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

The design, scale, and façade of the Application will provide a consistent and complementary relationship to adjacent buildings in the Woodmont Triangle area and the Bethesda CBD as a whole. At the same time, the Application is designed to take advantage of its location on the highly visible intersections of Wisconsin and Cordell Avenues on the east and Woodmont and Cordell Avenues on the west and by providing an inviting and active pedestrian transition from Wisconsin Avenue to the core retail area of the Woodmont Triangle. The pedestrian improvements along the surrounding streetscapes and plaza area along Woodmont Avenue will strengthen the identity of the Woodmont Triangle as a pedestrian-friendly destination.

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

The Application is designed to be a transit-oriented development with convenient, walkable access to the existing Metrorail at the Bethesda and Medical Center stations, bus facilities (Metrobus, Ride On, and the Bethesda Circulator all pass by or within a block of the Subject Property), the Bethesda CBD pedestrian network, and bikeways, such as the Capital Crescent Trail. Furthermore, in proposing a revised footprint that was designed to accommodate the proposed BRT station on Wisconsin Avenue, the Application provides a building footprint that will promote and allow the effective use of transit facilities along Wisconsin Avenue when the BRT system is implemented.

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

The Application promotes pedestrian circulation around the Subject Property via the retail-activated corner of Woodmont and Cordell Avenues, the Bethesda streetscape paving, outdoor furniture, ornamental planters. The proposed right-of-way dedication and public improvement easement along the Wisconsin Avenue frontage will ensure ample space for pedestrian circulation around the future BRT station. Vehicular access to the underground parking and separate, covered loading dock are from Cordell Avenue, which

continues the existing practice, and will provide safe and convenient on-site circulation.

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

The Application includes both market-rate units and MPDUs, which comprise 15% of the total number of units. The units include a variety of unit sizes, from one-bedroom to three-bedroom units, appealing to residents with a range of incomes, needs, and desires. The Application is receiving a 22% residential density bonus for providing 15% MPDUs.

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

The Application will be completed through assembly of five platted lots to create a single lot that will front on Wisconsin Avenue to the east, Woodmont Avenue to the west, and Cordell Avenue to the north. As assembled, the Subject Property will be located at the prominent intersections of Woodmont and Cordell Avenues and Wisconsin and Cordell Avenues. Furthermore, the use of density transfers to the Subject Property allows for the maximum utilization of an important planning tool to revitalize the Woodmont Triangle. The Subject Property is in an ideal location for both residential units and street-level retail, and it satisfies a need for more housing in the Woodmont Triangle area.

Further Intentions of the CBD-1 zone

Section 59-C-6.213(a) of the Zoning Ordinance states further intentions of the CBD-1 zone:

- (1) *To foster and promote the orderly development of the fringes of the central business districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*
- (2) *To provide a density and intensity of development which will be compatible with adjacent land uses outside the central business districts.*

The Application will transfer density from four commercially-zoned (C-2) sites that are on the fringes of the Woodmont Triangle area. By sending density to another site within the Woodmont Triangle area, the sending

properties will retain a lower density, which will encourage small business enterprises but also allow for orderly development consistent with adjacent neighborhoods. Additionally, the Application will offer affordable housing with 15% MPDUs, which strengthens housing opportunities for diverse populations. The Application is also compatible with adjacent land uses outside the central business district, of which the closest is the National Institutes of Health, the multi-acre, medical and research center with high-rise office and hospital buildings.

The Application will offer a variety of housing options through provision of both market-rate units and MPDUs. The market-rate units will be in an array of unit sizes and it is the Montgomery County Department of Housing and Community Affairs practice to require MPDU unit counts to match those of the market-rate units. This will provide residential opportunities in an area otherwise dominated by employment uses. In addition, the project provides non-residential uses (retail, restaurant, and/or service uses), which will enhance the living environment for residents of the project and provide retail opportunities for nearby residents, workers, and visitors. All of these uses are located within easy walking distance of the Bethesda Metro station, bus facilities, and bikeway and pedestrian routes, including the Capital Crescent Trail.

Requirements of the CBD-1 zone

The data table below lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the optional method of development in the CBD-1 zone.

DATA TABLE

Development Standard	Permitted/ Required	Approved
Gross Tract Area - total (sf.)	18,000	97,884
Receiving Site 27,077		
Sending Sites 70,807		
Previous Dedications - total (sf.)		44,013
Receiving Site 11,688		
Sending Sites 32,325		
Proposed Dedications - total (sf.)		1,427
Receiving Site 1,427		
Sending Sites 0		
Net Lot Area - total (sf.)		52,444
Receiving Site 13,962		
Sending sites 38,482		
Maximum Density (FAR) (base)		
CBD-1	3	3
C-2	1.5	1.5
Maximum Floor Area, Total (sf.) (base)	196,816	196,816
Receiving Site 129,052		
Sending Sites 67,764		
Maximum Density, Non-residential (FAR)	1	0.05
Maximum Floor Area, Non-residential (sf.)	128,004	4,500
Maximum Floor Area, Residential (sf.) (base)	n/a	124,552
Maximum Floor Area, Residential (sf.) (22% density bonus)	n/a	27,401
Maximum Floor Area, Residential (sf.) (including 22% density bonus)	n/a	151,953
Maximum Floor Area, Total (sf.) (including 22% density bonus)	n/a	156,453
Maximum Density, Total (FAR) (including 22% density bonus)	n/a	5.8
Maximum Dwelling Units, total	n/a	140
Minimum MPDU (%)	12.5	15
Building Height, Maximum (ft.)	143	143
Parking Spaces, Maximum		
Residential	170	
Non-residential	68	
Less 10% CBD Residential Credit	-17	

Development Standard	Permitted/ Required	Approved
Total Required	221	40 ¹
On-Site Public Use Space, Minimum (% of net lot area)		
Receiving Site	20	20
Sending Sites	10	0.05 ²
On-Site Public Use Space (sf.)		
Receiving Site	2,792	2,792
Sending Sites	3,848	20 ²
Off-Site Public Amenity Space (% of net lot area)		
Receiving Site	n/a	34
Sending Sites	n/a	0
Off-Site Public Amenity Space (sf.)		
Receiving Site	n/a	4,784
Sending Sites	n/a	0

According to the Zoning Ordinance (59-C-6.215(b)), a further requirement of optional method projects is the provision of additional public amenities:

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

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

The Application is required to provide 20% of the net lot area of the receiving property and 10% of the sending properties as public use space. However, because of the small size of the properties a fee-in-lieu of the public use space will be provided for a portion of the requirement. The receiving property will provide 2,792 square feet of public use space to meet the 20% requirement. The sending properties will provide 20 square feet of public use space, which is 0.05% of the net lot area of the sending properties. The 20

square feet will be provided on the receiving site, for a total of 2,812 square feet of public use space on-site.

For the sending sites, the Applicant cannot provide the 3,828 square feet of public use space that is required on those sites. Therefore, a condition is included in this Resolution that requires the Applicant to pay a fee in lieu of the 3,828 square feet of public use space (or 10% of the sending properties' net lot area) that is not being provided on the Subject Property.

The fee in lieu of public use space is calculated as follows:

The percentage of public use space not being provided on-site multiplied by the assessed value of the land, plus the area in square feet of public use space not being provided on-site multiplied by \$35 per square foot.

Based on the formula for calculation of the fee in lieu of public use space, the required fee is \$717,120, unless it is adjusted by the Planning Board prior to approval of a site plan. The condition allocates the fee to design and/or construction of renovations at Battery Lane Urban Park.

The on-site public use space will be in the form of a plaza on the Woodmont Avenue frontage, containing decorative paving, landscaping, and benches; decorative paving on the Cordell Avenue frontage; and landscaping, decorative paving, and benches on the Wisconsin Avenue frontage. The public use space adjacent to Wisconsin Avenue will be overlain with a 10-foot-wide easement for MDSHA, which will be used for pedestrian circulation around the future BRT station, in the event that the system is implemented on Wisconsin Avenue. The final design of the Wisconsin Avenue frontage will be determined at site plan approval.

(b) The development conforms to the Sector Plan Amendment.

The primary objectives of the Sector Plan Amendment are to encourage redevelopment in order to provide housing opportunities and to retain small-scale retail through the allowance of transfers of density between properties in Woodmont Triangle, thereby achieving a vibrant, urban, mixed-use neighborhood that emphasizes residential uses, small-scale retail, the arts, and public amenities.

The Subject Property is identified as the "Troiano property" in the Sector Plan Amendment. Accordingly, the Subject Property is recommended for the CBD-1 Zone and up to 143 feet of height with the 22% bonus density. As designed, the Application maximizes the potential for development on the

Subject Property, including the MPDU density bonus and density transfer from the sending properties, by building out to a maximum of 156,453 square feet and up to 143 feet in height. This utilization of the density potential of the Subject Property (which also allows the preservation of small-scale retail elsewhere in the Woodmont Triangle) is in accordance with the goals and objectives of the Sector Plan Amendment. Furthermore, the Application is predominantly residential in nature, devoting only approximately 3% of the total building to non-residential uses and concentrating those uses on the Woodmont Avenue frontage to create synergies with the existing Woodmont Triangle retailers.

The Application conforms to the goals, recommendations, and design guidelines provided by the Sector Plan Amendment for the Subject Property as follows:

- Transit-Oriented Development.

Being within walking distance of both the Bethesda and Medical Center Metrorail Stations, as well as several bus lines, the Subject Property is ripe for transit-oriented development, and the Application, through its mix of uses, amenities, limited on-site parking, and enhancement of pedestrian connectivity, provides a model for transit-oriented development. Further, a bus stop is directly in front of the Subject Property on Wisconsin Avenue. Moreover, as discussed above, the Application is designed to accommodate the proposed MD 355 South corridor of the BRT introduced in the Functional Master Plan. To that end, the Applicant is dedicating 13.5 feet to accommodate the 122-foot right-of-way referenced for BRT in the Functional Master Plan, and the building's ground floor is set back approximately 35 feet from the existing curb to accommodate future construction of the BRT line and station. Accordingly, should the BRT line be funded and constructed, the Application will provide ample space to accommodate the additional right of way required to support that transit system. Until that time, the Application will provide an expansive, approximately 35-foot setback from the curb on Wisconsin Avenue that will support pedestrian circulation throughout the Woodmont Triangle.

- Housing – Provide opportunities to increase the supply of housing to serve a variety of income levels.

The Application is for up to 140 multi-family residential units, with 15% on-site MPDUs, resulting in the maximization of the Subject Property for increasing the supply of housing for a variety of income levels, in the

Woodmont Triangle area. The Application is receiving a 22% residential density bonus for providing 15% MPDUs.

- Small-Scale Retail – Provide opportunities to retain existing businesses and expand opportunities for new businesses.

The Application provides a street-activating, non-residential component along Woodmont Avenue. The commercial area of the Application is flexible enough that it may provide opportunities for small and large retail or restaurant establishments. In addition, through the utilization of the density transfer provisions critical to the success of the Sector Plan Amendment, small-scale retail sites will be preserved by transferring un-utilized density to the Subject Property for inclusion in the Application, protecting and preserving the small-scale retail on the sending sites through recordation of appropriate documents in the land records.

- Arts and Entertainment District – Enhance the existing public arts programs in the Bethesda CBD and provide opportunities for both the visual and performing arts.

The CBD's public arts character is intended to be enhanced by the entrance feature along Wisconsin Avenue as well as the streetscape along Wisconsin, Cordell, and Woodmont Avenues. The Application features a contrasting paver apron along these streets, creating an artistic edge along the standard Bethesda Streetscape and vegetated amenity zone, as well as durable outdoor furniture along Cordell Avenue. Furthermore, the Application provides artistic paving banding, linear benches and planters within the Woodmont Avenue plaza area. Also, by providing in-grade lighting elements along the Woodmont and Cordell Avenue street frontages, the Application will enhance the area's aesthetics. The variety of seating options, rich material palette and playful lighting will create an active, multi-season outdoor space that will enhance the Woodmont Triangle's existing public arts character.

- Safe and Attractive Streets – Focus on improving the safety and character of the existing streets.

The Application improves the safety and character of the adjacent streets by (1) providing new, contrasting paver aprons and the Bethesda Streetscape Standard paving, lighting and street trees for the Subject Property frontages; (2) activating the streets both during the day as well as the evening hours with an influx of new residents and retail opportunities; (3) creating an attractive and well-lit pedestrian experience along Wisconsin,

Cordell, and Woodmont Avenues; and (4) ensuring that the loading and vehicular access areas on Cordell Avenue are safe and efficient.

Further, the Applicant will dedicate approximately 13.5 feet of frontage along Wisconsin Avenue to bring the Wisconsin Avenue right-of-way to the 122 feet recommended in the Functional Master Plan, and it will provide an additional 10-foot easement to MDSHA, further pulling the ground floor of the building back another 10 feet from the existing curb. Also, in accordance with the *Bethesda CBD Sector Plan* ("Sector Plan"), the Applicant will dedicate an additional 5 feet along Woodmont Avenue to bring the right of way to the 80 feet recommended in the Sector Plan. With these dedications, until the BRT is constructed, the width of the sidewalk along Wisconsin Avenue will be approximately 35 feet, of which approximately 10 feet will be within the Subject Property and approximately 25 feet will be from the property line to the curb. Furthermore, the Application provides substantial improvements to the existing streetscape and pedestrian network along Cordell Avenue and the east side of Woodmont Avenue, including an activated plaza area within the Subject Property along Woodmont Avenue. The streetscape improvements along Wisconsin, Cordell, and Woodmont Avenues will create sizeable setback and sidewalk areas that will promote pedestrian activation as well as safe and attractive streets. Finally, the Applicant has submitted a sight distance evaluation that concludes that the driveway locations and intersection truncation reductions provide sufficient sight distance.

- Public Amenities – Increase the flexibility in providing the public use space through the optional method of development by allowing off-site and on-site fulfillment of this requirement, and by identifying a list of priority public amenities.

The Application provides 2,812 square feet of on-site public use space and 4,784 square feet of off-site public amenity space. The Application's public use space is provided both in the 10-foot MDSHA easement area between the ground floor of the building and property line on Wisconsin Avenue and the plaza along Woodmont Avenue. The Application addresses several of the identified priority projects for public amenities in the Sector Plan Amendment area. In particular, it will enhance the pedestrian experience and connectivity along Cordell and Woodmont Avenues, and it will provide distinctive street lights as well as other festive, in-ground lighting features along Cordell Avenue and in the Woodmont Avenue plaza area. The Application includes benches, bike racks, trash receptacles, and streetscape design that will improve the pedestrian experience in the area. Furthermore, the plaza along Woodmont Avenue can accommodate outdoor seating if a restaurant use is located on the ground floor of the building. However, due to

the Subject Property's small size and accommodation of the proposed BRT station, the Applicant may pay a fee-in-lieu or provide off-site public use space for the amount of required public use space that cannot be provided on the Subject Property.

In terms of off-site public amenities, the Applicant is providing the Bethesda Streetscape Standard sidewalk, planting zones, tree amenity zone and furniture within the rights-of-way along Wisconsin, Cordell, and Woodmont Avenues.

- Provide a range of housing opportunities, including new low-rise and high-rise housing, to serve a variety of income levels.

As envisioned in the Sector Plan Amendment, the Application will provide a 143-foot, 14-story, high-rise building, containing up to 140 multi-family residential units, of which 15% will be MPDUs. Different unit sizes will ensure that the project serves a variety of residents at varying levels of income.

- Mixed-Use Development – Density; FAR; Public Use Space.

The Sector Plan Amendment strives to produce mixed-use projects that are primarily residential, capping non-residential uses to 1.0 FAR, and that provide meaningful on-site public amenities or, alternatively, contribute to public use space elsewhere in the Woodmont Triangle if more suitable to creating dynamic spaces. The Application achieves maximum FAR through density transfers and the 22 percent MPDU bonus on the residential density, limiting non-residential uses to the ground floor along Woodmont Avenue (which serves to activate the area). The on-site public use space and off-site public amenity space will provide additional public benefits to people who live, work, and/or visit in the Woodmont Triangle. Furthermore, the project will provide sufficient right-of-way so that if the BRT is constructed in the future, it will be accommodated. Such transit oriented development further enhances the mixed-use, density, and public space vision of the Sector Plan Amendment.

The Sector Plan Amendment establishes the following urban design guidelines, to which the Application appropriately responds as described:

- Design new buildings so that public streets and spaces retain adequate sunlight.

Since the spaces and streets lie to the north, east and west of the building, as designed, the building will cast limited shadows on public streets and/or active public spaces.

- Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvements.

The Application provides sufficient building setbacks and incorporates contrasting paving and the Bethesda Streetscape Standard improvements along all three Subject Property frontages. In particular, the ground floor of the building is set back from the existing curb on Wisconsin Avenue by approximately 35 feet, creating an expansive setback and sidewalk area that will adequately accommodate pedestrian and streetscape improvements. On Cordell Avenue, the Application provides almost 15 feet of sidewalk between the building face and the curb. On Woodmont Avenue, the truncated corner of the building is set back approximately 30 feet from the Woodmont Avenue curb. In total, the Application provides 1,427 square feet of new right-of-way dedications to adequately accommodate improvements on Wisconsin Avenue (future BRT) and Woodmont Avenue (proposed bike lane).

- Review new projects for compatibility with existing uses and to ensure animation of the first floor space through use of retail, restaurant, or other activating uses.

The Application will be compatible in design, massing, and uses to the surrounding land uses. The exterior building materials will reflect similar materials that exist around the neighborhood, and the use of glass, metal, colors, and textures layered with masonry is contextual with the surrounding architectural language. The Application's emphasis on transparency in the public spaces on the ground floor is also harmonious with the other adjacent buildings.

Furthermore, the Application will ensure animation of the first floor space by providing first-floor commercial space along Woodmont Avenue and a residential entrance, entrance feature, architecturally interesting building overhang, and new lighting along Wisconsin Avenue that will promote a dynamic pedestrian realm.

- Provide the Bethesda streetscape on other streets in the study area.

The Bethesda Streetscape will be constructed along all three street frontages – Wisconsin, Cordell, and Woodmont Avenues.

- Establish a network of diverse urban spaces including public use space on-site.

The Application provides 2,812 square feet of on-site public use space designed in a network of diverse urban spaces, including the revitalized and enlivened streetscape along Wisconsin and Cordell Avenues to the new public plaza area along Woodmont Avenue. With the paving, planters and linear benches, the network of public spaces flanking the building is designed to be inviting and to feel like an extension of the sidewalk. The Application also provides 4,784 square feet of off-site public amenity space including Bethesda Streetscape paving and seating to make the open space serve as both a gathering spot and a pedestrian access way.

- Provide public art, art facilities, and public gathering spaces. The arts-related space needs could include the following:
 - Arts incubator space – A stand-alone building or portion of a building open to the public to provide studio space for emerging visual and performing artists.
 - Exhibit, teaching and lecture space – Flexible space within existing or new buildings for a variety of functions.
 - Space for the arts, such as dance studios, a black box theater, and live/work space for artists that could be leased at moderate rates to non-profit arts organizations.

While the Application will not provide any public art piece due to the constrained size of the Subject Property, it does provide engaging architecture and an outdoor plaza along Woodmont Avenue that will include a variety of seating options, the rich material pallet and playful lighting design. The plaza along Woodmont Avenue could become a public gathering place that could be utilized for arts-related gatherings.

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

The Application is for a 14-story residential building with a retail use on the ground floor. Several properties in the general neighborhood are developed with buildings that are similar in size and intensity to the Application. Other properties in the neighborhood are developed with low intensity, single story buildings. However, those properties are expected to

develop in a similar fashion to the Application, based on the CR-3 and CR-5 zoning.

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

The Application will not overburden existing public services nor those programmed for availability. The development is expected to generate 41 morning peak-hour trips and 37 evening peak-hour trips. As a result of the expected transportation impact, a full traffic study will be submitted with the subsequent preliminary plan application.

Since the 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 development is not required to pay the transportation impact tax to satisfy the Transportation Policy Area Review requirement. Local Area Transportation Review will be conducted at the time of preliminary plan.

As a mixed-use project within the Bethesda Transportation Management District ("TMD"), the Applicant is required to enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and the Montgomery County Department of Transportation to participate in the Bethesda TMD. The specific criterion requiring a TMAg is the creation of more than 100 dwelling units. The TMAg will be required by a condition of approval of the subsequent preliminary plan.

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

Under the standard method of development, the building height would be capped at 90 feet, the maximum building coverage would be 75%, and the total maximum density would be 2.0 FAR. Accordingly, if developed under the standard method of development, the Subject Property's maximum potential would not be fully realized, and the building would be shorter and smaller than with the optional method, thereby providing fewer residential units, contrary to the intent and goals of the Sector Plan Amendment. Furthermore, by utilizing the optional method of development, the Application will provide off-site amenities, that, with the on-site public use space, will enhance the surrounding street network and activate the pedestrian realm to

the benefit of the entire Woodmont Triangle area. The Application will result in a significantly improved pedestrian linkage between Woodmont and Wisconsin Avenues that has the immediate benefit of improving the pedestrian circulation throughout the area for both residents and visitors. In addition, the optional method allows for the transfer of density from the sending properties, which helps to preserve existing small-scale buildings in the Woodmont Triangle.

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

The Application will provide 15% on-site MPDUs (with the final number to be based upon the total unit count established at the time of site plan). An MPDU agreement will be executed between the Applicant and the Montgomery County Department of Housing and Community Affairs prior to issuance of a building permit for the project that will address all of the provisions for construction of the MPDUs as provided in Chapter 25A of the Montgomery County Code.

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

- (1) *The project will preserve an historic site, building, structure, or area as shown on the Locational Atlas and Index of Historic Sites or the master Plan for Historic Preservation; and/or*
- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) *The project will result in an overall land use configuration that is significantly superior in meeting the goals of the applicable master or sector plan and the zone than what could be achieved without the proposed transfer.*

The Application will transfer density between a number of lots under common ownership within the Woodmont Triangle Area. The density transfer will not preserve a historic resource or implement an urban renewal plan, but will result in a significantly superior development that meets the goals and objectives of both the Sector Plan Amendment and the zone, including maximizing mixed-use density near transit and preserving existing retail uses in the Woodmont Triangle. Given the comparatively small Subject Property, the development would not be possible without the density transfer.

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

All applicable requirements for forest conservation under Chapter 22A are satisfied. Under Section 22A-5(s), as confirmed by Staff in a letter dated June 3, 2014, the Application is exempt from forest conservation plan requirements as a small property.

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

A stormwater management concept plan has been submitted to the Montgomery County Department of Permitting Services for conditional approval. The stormwater management concept plan will provide for environmental site design to the maximum extent practicable. Approval of the Stormwater Management concept is required prior to submittal of the site plan application.

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

The Application is required to provide 20% of the net lot area of the receiving property and 10% of the sending properties as public use space. However, because of the small size of the properties, a fee-in-lieu of the public use space will be provided for a portion of the requirement. The receiving property will provide 2,792 square feet of public use space to meet the 20% requirement. The sending properties will provide 20 square feet of public use space, which is 0.05% of the net lot area of the sending properties. The 20 square feet will be provided on the receiving site, for a total of 2,812 square feet of public use space on-site.

For the sending sites, the Application cannot provide the 3,828 square feet of public use space that is required on those sites. Therefore, a condition is included in this approval that requires the Applicant to pay a fee in lieu of the 3,828 square feet of public use space (or 10% of the sending properties' net lot area) that is not being provided on the Subject Property.

The fee in lieu of public use space will be allocated to design and/or construction of renovations at Battery Lane Urban Park. The Sector Plan Amendment recommends improvements to this park, including improvements made by developers through a CIP project in exchange for increased density.

The public interest is served by providing high-quality park improvements, while allowing the redevelopment of land that is suitable for dense urban uses in a transit-proximate location.

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

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

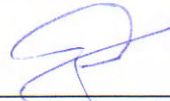
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is JUN 23 2015 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner 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, June 18, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



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

JUN 23 2015

MCPB No. 15-63
Pre-Application No. 720150160
8008 Wisconsin Avenue
Date of Hearing: June 18, 2015

RESOLUTION

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

WHEREAS, on April 10, 2015, Jemal's Surplus, LLC ("Applicant"), filed a pre-application for binding advice on the configuration of the right-of-way along the Subject Property frontage on Wisconsin Avenue and truncation at the intersections of Woodmont Avenue and Cordell Avenue and Wisconsin Avenue and Cordell Avenue, on 13,962 net square feet of land in the CBD-1 zone, located in the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue ("Subject Property"), in the Bethesda CBD Policy Area, and Woodmont Triangle Amendment to the Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's pre-application was designated Pre-Application No. 720150160, 8008 Wisconsin Avenue ("Pre-Application"); and

WHEREAS, following review and analysis of the Pre-Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 5, 2015, setting forth its analysis and recommendation for approval of the Pre-Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 18, 2015, the Planning Board held a public hearing on the Pre-Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Pre-Application; and

WHEREAS, at the hearing the Planning Board voted to provide binding advice on the Pre-Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board provides binding advice on Pre-Application No. 720150160 to configure the right-of-way along

Approved as to
Legal Sufficiency

Christina Sout 6/4/15

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

the Subject Property frontage as described in Condition No. 1 below, subject to the following conditions:¹

1. Any preliminary plan submitted based on this binding advice must show the following right of way configuration:
 - a. Dedication of 13.5 feet of right-of-way along the Subject Property's Wisconsin Avenue frontage to provide 61 feet of right-of-way to the centerline to support a future right-of-way width of 122 feet from the opposite right-of-way line as required in the *Countywide Transit Corridors Functional Master Plan* ("Functional Master Plan").
 - b. Dedication of 5 feet of right-of-way along the Subject Property's Woodmont Avenue frontage to provide 40 feet of right-of-way to the centerline totaling 80 feet from the opposite right-of-way line as required in the *Bethesda CBD Sector Plan*.
 - c. Provision of a 10-foot-wide public improvement easement ("PIE") along the Wisconsin Avenue frontage to accommodate a proposed bus rapid transit ("BRT") station and/or sidewalk areas around the station. At the intersection of Wisconsin Avenue and Cordell Avenue, the PIE must be expanded to cover the area equivalent to a 20-foot right-of-way truncation. The project's underground parking garage will be permitted to extend under the PIE, and, starting at 15 feet above grade, the building structure will be permitted to extend over the PIE.
 - d. Provision of reduced right-of-way truncations – 20 feet at the intersection of Woodmont Avenue and Cordell Avenue and no truncation at the intersection of Wisconsin Avenue – instead of the required 25-foot standard truncation.
2. Any subsequent plat must note the liber and folio of the recorded PIE.
3. The subsequent site plan must include a note that states that the Applicant must not place any structures or other items, including temporary items, which would interfere with pedestrian movement on the sidewalk or obstruct sight distance within the area that would have been the 20-foot truncation area at the intersection of Wisconsin Avenue and Cordell Avenue.

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

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

1. *The provision of an easement is an acceptable alternative to right-of-way dedication for the Subject Property frontage on Wisconsin Avenue.*

The existing Wisconsin Avenue right-of-way along the Subject Property frontage is 90 feet wide, measured from the opposite right-of-way line. The Sector Plan recommends a right-of-way width of 104 feet, and the Functional Master Plan recommends a 122-foot width to accommodate the future BRT system on Wisconsin Avenue. In addition, the Functional Master Plan recommends a width of 142 feet to accommodate BRT stations at the intersection of Cordell Avenue and Wisconsin Avenue. The station will be located in the street right-of-way adjacent to the Subject Property, either along the curb or in a median. In order to provide the recommended right-of-way width, the Applicant would need to dedicate 13.5 feet for Wisconsin Avenue, including the BRT route, and an additional 10 feet for the BRT station. However, due to the constrained size of the Subject Property, full dedication as recommended by the Sector Plan and the Functional Master Plan would reduce the building footprint to the point that the project would not be feasible.

In order to maintain the viability of the project, the Applicant proposes to dedicate right-of-way to create the 122 feet necessary for Wisconsin Avenue, including the BRT route, but to provide an easement for the final 10 feet needed for the BRT station. Unlike right-of-way, an underground garage can project under the easement area, and a building can project over the easement area. The Applicant is proposing that a garage project under the easement and a building project over the easement, starting at the second story. These projections are seen by the Applicant as necessary to develop a viable project on the size-constrained Subject Property. The 10-foot easement area will serve as a pedestrian walkway around the future BRT station. Provision of an easement instead of right-of-way dedication will accommodate the future BRT station and the needs of the project. In its letter of April 21, 2015, The Maryland State Highway Administration ("MDSHA") agrees with provision of the easement and projection of the building into the easement area above the second floor and underground for the garage.

2. *The proposed non-standard truncation is appropriate at the intersections of Wisconsin Avenue and Cordell Avenue and Woodmont Avenue and Cordell Avenue.*

Section 50-26(c)(3) of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections that ensures that adequate sight distance is available and creates space for traffic channelization. But the regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and channelization needs at the intersections adjacent to the Subject Property.

In this case, the existing Subject Property has a 20-foot truncation at the intersection of Woodmont Avenue and Cordell Avenue, and the Applicant is proposing to continue to provide this 20-foot truncation. Full 25-foot truncation at this intersection is not necessary because adequate sight distance exists. The intersection is signalized, which further enhances its safety and removes the concern that there is not sufficient space within the right-of-way to place traffic signal equipment. Providing full truncation would negatively impact the design of the proposed project and the provision of the required public use space.

The Applicant is also proposing to provide no truncation of the right-of-way at the intersection of Wisconsin Avenue and Cordell Avenue, but to provide an area in the MDSA easement that would be equivalent to a 20-foot truncation. Full truncation at this intersection is not necessary because adequate sight distance exists. The intersection is signalized, which further enhances its safety and addresses the concern for sufficient space within the right-of-way to place traffic signal equipment. Providing full truncation would negatively impact the design of the proposed project and the provision of the required public use space by further reducing the size of the already constrained Subject Property. Providing the equivalent of truncation by way of the easement instead of right-of-way dedication will allow the building to project above and the garage to project below a portion of the truncation area. In order to ensure that the easement area remains functionally equivalent to truncation, this Resolution includes a condition of approval that requires that the Applicant not place anything in the area that otherwise would have been the 20-foot truncation that would obstruct site distance or pedestrian movement.

BE IT FURTHER RESOLVED, that this Pre-Application will remain valid for 90 days from the date of the Planning Board's action, and that prior to the expiration of this validity period, a preliminary plan application must be filed, or the Pre-Application will expire unless it is extended by Action of the Planning Board; and

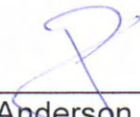
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 23 2015 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner 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, June 18, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board