

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org



MEMORANDUM

DATE: June 23, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor *Ma*
Development Review Division

FROM: Marilyn Clemens, Urban Designer/Planning Coordinator *MC*
Community Based Planning (On behalf of Development
Review Division), (301) 495-4572

REVIEW TYPE: **Site Plan Review**
CASE #: **#820060360**
PROJECT NAME: **8400 Wisconsin Avenue**
APPLYING FOR: Approval of a maximum of 198 multi-family dwelling units,
Including 25 MPDUs on 1.99 gross acres
REVIEW BASIS: Div. 59-D-3 of the Montgomery County Zoning Ordinance
ZONE: CBD-1
LOCATION: Northwest quadrant of the intersection of Wisconsin
Avenue and Battery Lane, Bethesda CBD

MASTER PLAN: 2006 Woodmont Triangle Amendment, and
1994 Sector Plan for the Bethesda CBD
APPLICANT: Crimson 8400 Bethesda LLC
FILING DATE: March 31, 2006
HEARING DATE: June 29, 2006

STAFF RECOMMENDATIONS: Approval of Site Plan 820060360 for 198 dwelling units, including 25 MPDUs, on 1.99 gross acres. All site development elements as shown on 8400 Wisconsin Avenue plans stamped by the M-NCCPP on June 20, 2006 shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance

The development shall comply with the conditions of approval for Preliminary Plan #120060400 as listed in the Planning Board opinion dated March 7, 2006. (Appendix A)

2. Project Plan Conformance

The development shall comply with the conditions of approval for Project Plan #920060060 as stated in the Project Plan Opinion dated March 7, 2006. (Appendix B)

3. Public Use Space

The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment. The Applicant shall provide no less than 27.6% (19,396 s.f.) of on-site public use space and no less than 21.2% (14,787 s.f.) additional on and off-site public amenity space, for a total public use and amenity space of 48.8% (34,183 s.f.) of on and off-site public amenity space.

4. Public Amenity Space on Site

The Applicant shall provide no less than 2,002 square feet of artist studio space open to the public within the building; the space shall be operated by the Bethesda Urban Partnership (BUP) in accordance with the Operation and Maintenance Agreement between the Applicant and BUP. A copy of the final Agreement shall be incorporated into the certified site plan.

5. Streetscape

The Applicant shall provide the full streetscape improvements along Wisconsin Avenue, Battery Lane and Woodmont Avenue, including the undergrounding of utilities. All streetscape improvements shall be in accordance with the *April 1992 Bethesda Streetscape Plan* as amended. Landscape plans shall be revised to reflect the correct spacing of streetlights and street trees, and the materials specified in the *Bethesda Streetscape Plan*. Revised plans shall be incorporated into the certified site plan. The Applicant shall get the authorization of BUP before installing the Hanover Architectural paver in the public right-of-way. Three additional benches with backs shall be provided outside the art studio space.

6. Moderately Priced Dwelling Units

- a. The Applicant shall provide all 25 (12.5% of the total number of units) MPDUs on site, consistent with Chapter 25A.
- b. The MPDU agreement shall be executed prior to the issuance of the first building permit.

7. Building Height

The height of the building shall not exceed 90 feet. It shall be measured from elevation 334, at the centerline of Battery Lane as shown on Site Plan sheet S-1 dated June 20, 2006.

8. Architectural Features

Removable architectural features including slicing walls, canopies and trellises, shall extend no more than seven feet across any property/right-of-way line on any frontage subject to approval by the Montgomery County Department of Permitting Services (DPS) and by the Maryland State Highway Administration (MSHA), (Appendices C and F).

9. Environmental

The Applicant shall comply with the following conditions from the Environmental Planning Division (Appendix D):

a. The proposed development shall comply with the conditions of the final forest conservation plan.

b. The Applicant shall satisfy all conditions in Environmental Planning memo dated June 16, 2006 prior to recording of plat(s) or Montgomery county Department of Permitting Services (MDCPS) issuance of sediment and erosion control permit.

c. Prior to building permit release, submit fee-in-lieu payment of \$9,409 to meet 0.24 acre (10,454 square feet) afforestation requirement

d. The Applicant shall construct the buildings in accord with the acoustical recommendations for the Polysonics Traffic Noise report dated March 30, 2006, with and changes affecting acoustical performance approved by the acoustical engineer, with copy to M-NCPPC staff.

e. The Applicant shall agree in writing to comply with the Polysonics recommendations cited in above condition A. Such acceptance letter shall be provided to M-NCPPC Environmental Planning staff prior to issuance of any building permits.

10. Stormwater Management

The proposed development is subject to Stormwater management Concept approval conditions dated May 4, 2006 (Appendix E), unless amended and approved by DPS.

11. Transportation

The Applicant shall comply with the conditions of the June 16, 2006 Memorandum from Transportation Planning (Appendix G):

a. Limit the development to 225 high-rise residential units.

b. Enter into a traffic mitigation agreement to participate in the Bethesda

Transportation Mitigation Organization.

- c. Provide four bike racks in front of entrance and sixteen bicycle lockers in the proposed structured parking garage.
- d. Finalize location and operation of proposed entrances on Battery Lane according to comments from Department of Public Works and Transportation dated December 2, 2005.
- e. Dedicate and show on the record plat a standard 25-foot truncation for the corner of Battery Lane and Wisconsin Avenue (MD 355), in accordance with the comment letters from State Highway Administration dated November 1, 2005 and December 16, 2005.
- f. Dedicate and show on the record plat sufficient right-of-way at the corner of Battery Lane and Woodmont Avenue, to provide necessary pedestrian access and public infrastructure, in accordance with comments from department of Permitting Services (DPS) (email received June 16, 2006).
- g. Submit analysis of the capacity of the public storm system to DPS for approval prior to record plat.
- h. Submit a revised Stopping Sight Distances evaluation form for the proposed entrances along Battery Lane and Woodmont Avenue. These forms must be received and approved by DPS prior to approval of the record plat.

10. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified plans.

11. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of certified site plan. The Development Program shall include a phasing schedule as follows:

- a. Streetscape improvements including utility work, paving, lighting, street furniture and tree planting for Wisconsin Avenue, Battery Lane and Woodmont Avenue to be complete prior to first occupancy permit for the first building tower.
- b. Interior recreation facilities for residents to be complete prior to first occupancy permit for the first building tower.
- c. Art studio space to be complete prior to first occupancy permit for building C.
- d. Internal courtyard and public plaza to be complete prior to first occupancy permit for the third and last building tower.
- e. Prior to issuance of building permit, the Applicant shall enter into a traffic mitigation agreement to participate in the Bethesda Transportation Mitigation Organization.
- f. Clearing and grading shall correspond to the construction phasing to minimize soil erosion.
- g. Phasing of dedications, storm water management, sediment/erosion control, pedestrian paths, trip mitigation or other features.

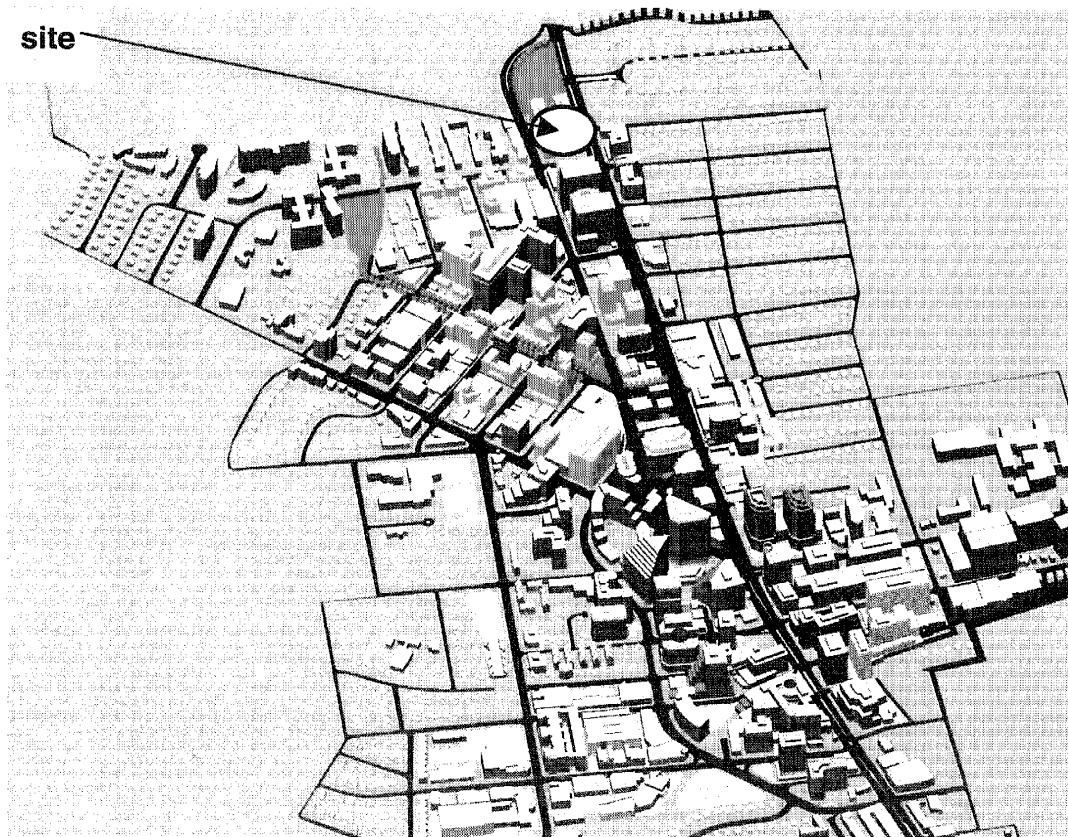
12. Certified Site Plan

Prior to approval of certified site and landscape/lighting plans, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule and Site Plan Resolution.
- b. A note stating that prior to clearing and grading the applicant must complete a pre-construction meeting with the M-NCPPC staff.
- c. Landscape Plans shall be corrected to reflect the materials specified in the 1992 *Bethesda Streetscape Plan as amended*.
- d. Final copy of signed "Operation and Maintenance Agreement" between the Applicant and the Bethesda Urban Partnership (BUP) regarding the artist workspace shall be included in the certified site plan
- e. Authorization from BUP to include the Hanover paver in the sidewalks of the public rights-of-way on Wisconsin Avenue, Battery Lane and Woodmont Avenue.
- f. Approval by DPS for the proposed removable architectural features that extend across any property/right-of-way line.

PROJECT DESCRIPTION: Site Vicinity

The proposed development is located on the west side of Wisconsin Avenue at the north end of the Bethesda Central Business District (CBD). Battery Lane is immediately south of the site, and The National Institutes of Health (NIH)'s green space is directly to the north. To the northeast across Wisconsin Avenue are residential townhouses in the R-60/TDR zone. Directly east across Wisconsin Avenue are properties in the CBD-1 zone, including older low-rise offices and the new Rosedale Park residential complex. The East Bethesda residential neighborhood is further to the east. To the south are commercial and office uses in the CBD-1 zone, including a gas station, the Monocle office building and a 3-story retail and office building. The site directly to the west is zoned PD-75 and is currently occupied by a large single family home and a 3-story office building. It has a pending application for a multifamily residential project.



Woodmont Triangle in the Bethesda CBD

PROJECT DESCRIPTION: Site Description

The site is located at 8400 Wisconsin Avenue and occupies 1.99 acres between Woodmont and Wisconsin Avenues north of Battery Lane. A 5-story Clarion Hotel and a two-story parking deck with 139 parking spaces are currently located on the site. Overhead wires exist along the Battery Lane, Wisconsin Avenue and Woodmont Avenue frontages. The intersections of Battery Lane and Woodmont Avenue and Battery Lane and Wisconsin Avenue are signalized.



site

The site topography slopes westward 12 feet down from Wisconsin Avenue to Woodmont Avenue and 8 feet down from Battery Lane north to the NIH green space.

PROJECT DESCRIPTION: Proposal

The Applicant, Crimson 8400 Bethesda LLC, proposes a 9-story, 198-unit residential project composed of three building towers on a slab over a three and one-half story underground garage. 25 moderately priced dwelling units (MPDUs) will be built on site. A public plaza and approximately 2,000 square feet of artists' studio open to the public are included in the project.



DESIGN

CORNER OF WISCONSIN AVENUE AND BATTERY LANE

Three building elements surround a large public plaza connected to Wisconsin Avenue, Woodmont Avenue and to the NIH green space to the north. The plaza will be urban in nature, with as much paving as landscape, two water features and many opportunities for sitting on seat walls as well as benches. Four doorways open from the art studio space out onto the plaza. Off-site streetscape improvements, including utilities placed underground, will be implemented around the site.



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DESIGN

This view is from the corner of Battery Lane and Wisconsin Avenue. The curved glass feature with a canopy marks the corner.

The view below is from the NIH green space looking south



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dos[®]
DESIGN

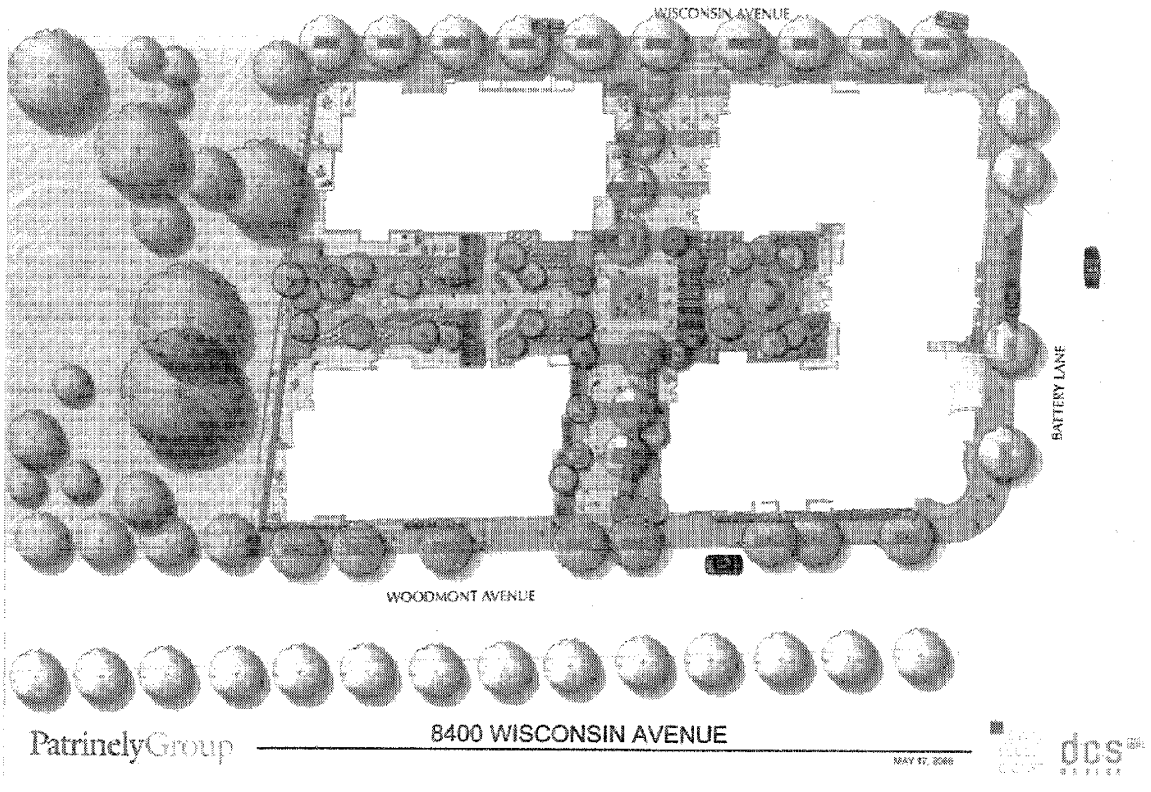
The building has several design features that contribute to providing a distinctive gateway to the CBD. One of these architectural features, “slicing walls,” is shown in brown in the picture below.



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dos
DESIGN

This view from the north along Wisconsin Avenue shows part of the NIH green space on the lower right. Architectural features, such as the slicing walls, canopies, and trellis are not structural, can be removed, and do not block the right-of-way. They serve to give definition to the building façade and provide distinguishing elements for the first modern building to be built on the north edge of the CBD. The exact location of the canopies and trellises are shown in Appendix D.



The above plan view shows the NIH green space on the left, Wisconsin Avenue on the top of the drawing and Woodmont Avenue on the bottom. The main entrance to the public plaza and the Artist studio space will be from Wisconsin Avenue. Distinct plaza paving elements will be continued out into the Wisconsin Avenue sidewalk and, along with the sight of the fountain, will help to draw the public into the plaza. The plaza entry at Wisconsin Avenue is 60 feet wide. Another entrance to the public space will be via a stairway from Woodmont Avenue, and the third entrance will be up a staircase from the NIH green space through a heavily planted area. The Applicant is providing 27.6% of the site as public use space exclusive of the artists' workspace.



PatrinelyGroup

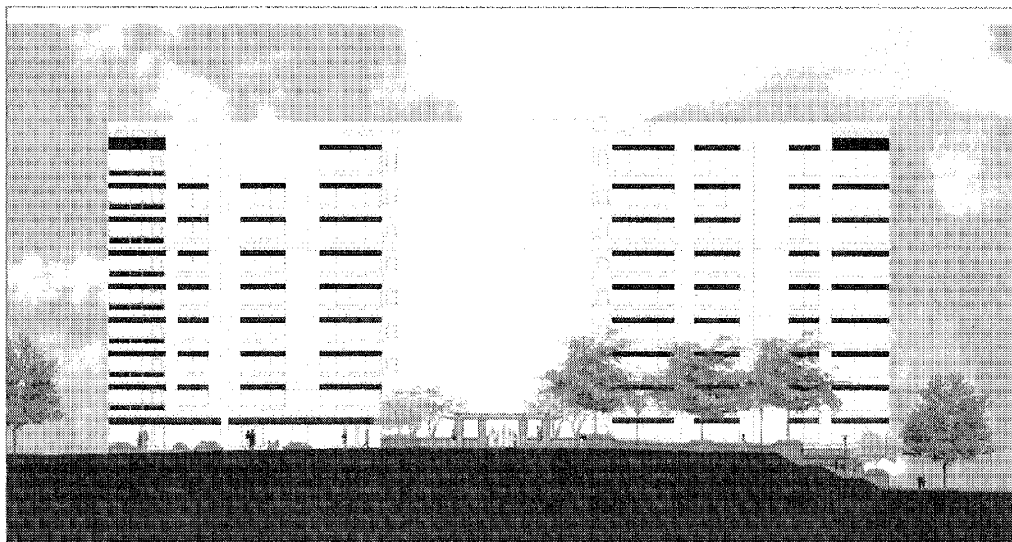
8400 WISCONSIN AVENUE

MAY 2, 2008



Section north-south through the site

Section below east-west through the site

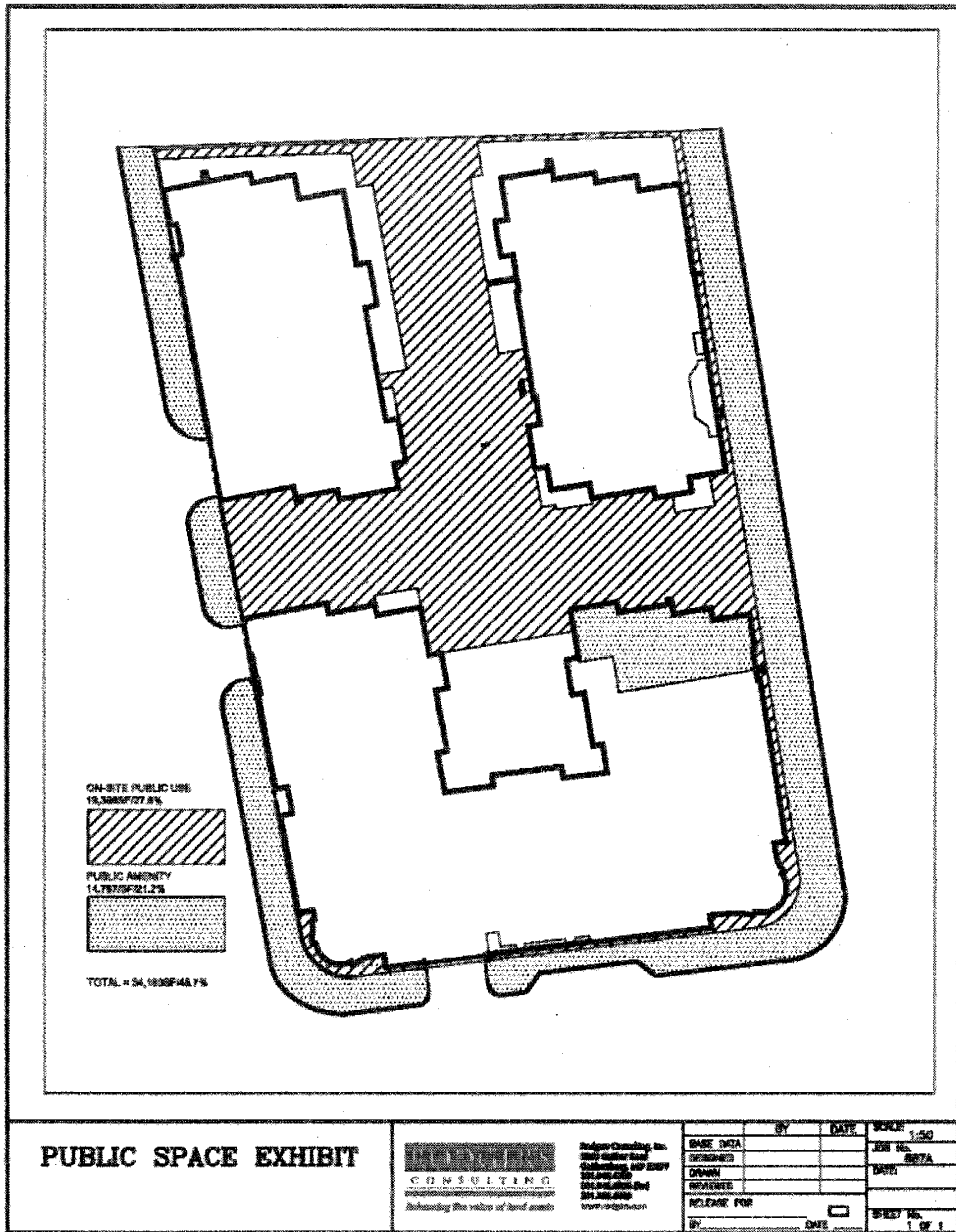


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8400 WISCONSIN AVENUE

MAY 2, 2008





In the above diagram, the on-site public use space is crosshatched, and the public amenity space is dotted. The dotted area on-site represents the artists' workspace. The garage entrances are indicated on Battery Lane and Woodmont Avenue.

The nine-story building contains three and one half levels of underground parking that contain 378 parking spaces, 8 motorcycle spaces, and 21 bicycle spaces. The vehicular access points to the garage are located on Battery Lane and Woodmont Avenue.

PROJECT DESCRIPTION: Prior Approvals

Master Plan

The Site Plan is in conformance with the 1994 Sector Plan for the Bethesda CBD. It is also in conformance with the 2006 Woodmont Triangle Amendment to the Sector Plan.

The proposed development is zoned CBD-1 (Central Business District-1). The property is comprised of part of Lots 19 and 20, Block 2, Northwest Park, totaling 86,806 gross square feet.

Preliminary Plan

The Planning Board approved a Preliminary Plan of Subdivision 120060400 (formerly 1-06040) on December 22, 2005 (Opinion issued March 7, 2006) for a maximum of 200 multi-family dwelling units.

Project Plan

The Planning Board approved Project Plan 920060060 (formerly 9-06001) on December 22, 2005 (Opinion issued March 7, 2006) for a maximum of 200 multi-family dwelling units.

ANALYSIS: Conformance to Development Standards

SITE PLAN DATA TABLE CBD-1

Zoning Ordinance Development Standard	Approved with Project Plan 920060060	Proposed for Approval with Site Plan 8200600360
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Gross Tract Area (s.f.):	18,000	86,806	86,806
Previous Dedication (s.f.):		14,905	14,905
Proposed Dedication (s.f.):		308	1,712
Net Lot Area (s.f.):		71,521	70,189
Dwelling Units Per Acre:	125	100	99
Unit Mix:			
Residential Uses (Mkt. Rate)			
1 BR Units		33	16
2 BR Units		114	137
3 BR Units		28	20
Residential Uses (MPDUs)			
1 BR Units		5	2
2 BR Units		20	23
Total Number of Units:		200	198
Public Use Space (%/s.f.):	(20%) 14,037s.f.		
On-site public use space	(27%) 19,301 s.f.	(27.6%) 19,396 s.f.	
On-site and off-site amenity space	- (18.6%) 13,320 s.f.	(21.2%) 14,787 s.f.*	
*art studio space/amenity space included			
Total public use and amenity space:	(45.6%) 32,621 s.f.	(48.8%) 34,183 s.f.	
Max. Building Height (ft.):	90	90	90
Measured from Battery Lane			
Number of Floors:		9 stories	9 stories
Total Parking Spaces Required:	285	375	378
(Based on unit mix proposed at site plan)			
Loading	1 space/25,000s.f.		
	1 space/100,000s.f. above	3	3**
**approved by DPS based on minimal anticipated use			
Building Setbacks:			
Wisconsin Avenue - set at project plan:	4 feet from r.o.w.	4 feet from r.o.w.	
Battery Lane	" 0 feet from r.o.w.	0 feet from r.o.w.	
Woodmont Avenue	" 0 feet from r.o.w.	0 feet from r.o.w.	

RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
Total Req. Points For 198 d.u.	7.92	7.92	79.2	152.5	91.1
On-Site supply Points					
Picnic/Sitting Area (5)	5.	5.	7.5	25	10
Pad. System	.8	1.6	15.8	68.6	41
Indoor Pool	.8	1.6	15.8	45.7	36.4
Indoor Community Space (2 areas)	1.6	2.4	47.5	91.5	72.9
Indoor fitness	0	1.6	15.8	61	27.3
Total Provided On-Site	8.2	12.2	102.4	291.8	187.6

The proposed project more than meets all recreation requirements on site. In addition, there is a bikeway one block away and a public park within 1,200 feet.

ANALYSIS:

Conformance to Sector Plan

The approved Woodmont Triangle Amendment and the 1994 Sector Plan for the Bethesda CBD recommend the CBD-1 zone for this site, which is in the Wisconsin Avenue North District of the 1994 Sector Plan, a "gateway" area for the CBD. The 1994 Plan recommended a continuation of the hotel use along Wisconsin Avenue and garden apartments or high-rise development on the western half of the site.

Conformance to the Zoning Ordinance

The proposed residential condominium project is comprised of 198 units (equivalent to 99 dwelling units per acre), which is consistent with the permitted 125 dwelling units per acre for the site. The Application is proposing to develop the site under the optional method of development. A height of 90 feet was recommended for this site in the 1994 Plan.

The minimum required public use space for this project is 14,037 square feet (20% of the net lot area). The Applicant is proposing 19,396 square feet of public use space (27.6%) and an additional 14,787 square feet (21.2%) of public amenity space.

Sector Plan Conformance:

The Woodmont Triangle Amendment and the 1994 Sector Plan for the Bethesda CBD both support the development of housing at the north end of the CBD. The Woodmont Triangle Amendment emphasized building affordable housing on site. This project will provide 25 MPDUs within the project. Both the 1994 Sector Plan and the Woodmont Triangle Amendment call for improvements to the public rights-of-way to encourage walking. This project improves the sidewalks on its frontages. In addition, the project provides an additional public plaza and an alternative and pleasant way to walk between Wisconsin Avenue and Woodmont Avenue. In conformance with the list of preferred amenities in the Woodmont Triangle Amendment, the Applicant is providing 2,002 square feet of art studio space in the project to support the arts. The proximity of the project to two Metro stations, to the Bethesda "Circulator" and to several bus stops will reduce automobile dependency for the residents of the development.

A. Compatibility:

The proposed project is compatible with the surrounding uses. Another condominium project is pending for a site located east across Woodmont Avenue. The Applicant of that project, Lawrence Lipnik, provided a letter of support at the time of project plan. Other uses in the area are commercial and residential. 4-5 story apartment buildings are located to the west and southwest in the R-10 zone.

The Applicant has provided a list of community outreach undertaken during the project plan and site plan review time period (Appendix H).

B. Sector Plan Street Rights-of-Way:

The Applicant provided right-of-way dedication at the time of preliminary plan. Further operational requirements are listed in the June 16, 2006 memorandum from Transportation Planning (Appendix G).

C. Streetscape:

The Applicant is providing the Bethesda Streetscape around the periphery of the site, including two types of Street Lights, as called for in the 1994 Sector Plan. The Bethesda Lantern is used on Wisconsin Avenue, and the Washington Globe is used on Battery Lane and Woodmont Avenue. In addition, the Applicant will provide the required Bethesda paver, street trees and all elements of the Bethesda streetscape, including placing the utilities underground.

D. Sector Plan Bikeways

No master plan bikeways are directly adjacent to the site. Two bikeways already exist nearby, one along the NIH campus and Woodmont Avenue and another connecting the NIH campus to Norfolk Avenue via Battery Lane Urban Park.

FINDINGS: For Site Plan Review

1. The site plan is consistent with an approved project plan for the optional method of development. The proposed development is consistent with approved project plan (920060060) in land use, density, location, building height, and development guidelines.
2. The Site Plan meets all of the requirements of the zone in which it is located. The Site Plan meets all of the requirements of the CBD-1 Zone as demonstrated in the project Data Table on page 14.
3. The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

a. Buildings and Structures

The proposed building is composed of 3 tower elements grouped around a central public plaza. The proposed height is 90 feet, measured from elevation 334 on the centerline of Battery Lane. The main residential lobby entrance is on Battery Lane, and additional entrances are provided on Wisconsin and Woodmont Avenues. The main public entrance to the plaza and the art studio space is from Wisconsin Avenue. The public plaza also leads to Woodmont Avenue on the west and the NIH green space on the north.

The residential complex is equipped with three and one half levels of parking containing 378 parking spaces, motorcycle and bicycle parking.

The location of the proposed building is adequate, safe and efficient and does not adversely affect the surrounding development.

b. Open Space

The proposed project will provide a 19,396 square foot public plaza with a 60 foot wide opening off Wisconsin Avenue. The proposed landscaping, seat walls, lights, and water features are attractive and appropriate to a passive urban outdoor space. The changes in grade add to the interest of the space. The conditions of approval require that the landscape plan for the streetscape in the public right-of-way be revised to conform to the spacing, materials and configuration of the *1992 Bethesda Streetscape Plan as amended*. Two handicap ramps are provided at corners in the CBD's unless, in unusual situations, such as at the crossing of Wisconsin Avenue at Battery Lane, there is only one crosswalk. Streetlights frame the crosswalks and are spaced at 60 feet on center, more or less. The Applicant must get the authorization of BUP before installing the Hanover Paver in the public right-of-

way. Three additional benches with backs should be provided outside the art studio space.

c. Art Studio Space

In conformance with the project plan conditions, the Applicant is providing 2,002 square feet of art studio space for emerging artists. The selection of the artists, their length of tenure in the arts space, and all other particulars of the operation and management of the art space, which will be regularly open to the public, is being finalized in an agreement between BUP and the Applicant. BUP will charge a fee to the artists for the maintenance of the space. The agreement is nearly finalized and will be included in the certified site plan documents. A letter from Carol Trawick, Chair of the Bethesda Arts & Entertainment District Board, dated June 16, 2006 is Appendix I and attests to the progress of the agreement. The studio space will accommodate 4 artists, will have individual lockable storage spaces, movable walls, a wash room and four separate doors opening out onto the public plaza.

d. Recreation

Recreation demand and supply is shown in the recreation calculations table on page 11 of this report. The recreation provided is appropriate for a high-rise residential project and includes an indoor pool, a fitness center, 2 indoor community spaces and picnic and sitting areas. The site is also close to the Battery Lane Urban Park and the NIH green space and bike trail. Walking will be an important activity for the residents, because they can walk from the site to a great variety of services, entertainment and transit.

e. Vehicular and Pedestrian circulation

The vehicular and pedestrian circulation is safe, adequate and efficient.

This site plan contributes to an improved pedestrian environment by providing wider, brick-paved sidewalks around the periphery of the site, attractive lighting and shade trees. In addition, pedestrians may pass through the plaza on their way from Wisconsin Avenue to Woodmont Avenue via an attractive, landscaped plaza away from the busy Battery Lane roadway.

Wisconsin Avenue (MD 355) is a major six lane divided highway and has a right-of-way of 104 feet adjacent to the site. Battery Lane has a 70-foot right-of-way, and Woodmont Avenue is an arterial with 80 feet of right-of-way. The Applicant has made the necessary dedications and has set the building 20 feet back from the curb along Wisconsin Avenue as called for in the 1994 Sector Plan. The other required setbacks are 17 feet from the building to the curb along Battery Lane, and 15 feet minimum from the building to the curb along Woodmont Avenue. The Applicant will provide sufficient right-of-way at

the corner of Battery lane and Woodmont Avenue to provide necessary pedestrian access and public infrastructure in accordance with Appendix C from the DPS. The driveway locations and widths are acceptable to DPS.

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

The proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the building and public spaces, intensity of the development and operational characteristics. The Woodmont Triangle Amendment emphasizes the development of housing in the Triangle, and especially affordable housing on site. 25 MPDUs will be provided on site. Other residential or mixed-use projects are proposed in the vicinity. The proposed height is compatible with the neighborhood, and the proposed amenities will greatly improve the neighborhood for nearby residents and workers alike.

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

The Applicant submitted a preliminary forest conservation plan on November 9, 2005. The Applicant will submit a fee-in-lieu payment of \$9,409 to meet the 0.24-acre afforestation requirement, prior to the release of the first building permit. The site contains no wooded areas. A stormwater management concept for the proposed development was approved with conditions by DPS on May 4, 2006.

APPENDICES

- A. Planning Board opinion for project plan
- B. Planning Board opinion for preliminary plan
- C. Memorandum from DPS Memorandum from Environmental Planning
- D. Memorandum from water resources/DPS
- E. List of removable architectural features
- F. Memorandum from Transportation Planning
- G. June 15, 2005 letter from Wwilliam Kominers regarding community outreach
- H. June 16, 2006 letter from Carol Trawick, Chair, Bethesda Arts & Entertainment District Board

Cpb/mc/8400siteplan.doc



CHECKLIST Site Plan / Project Plan Review

Plan # 820060360 Name: 8400 WISCONSIN AVENUE
 Zone: CPD-1 Tract Area: 1.99 ac Proposed Use: RESIDENTIAL CONDOMINIUM
 Number of Units: 198 Square Footage: 86,806
 Development Method: OPTIONAL METHOD Other: _____

Referral Comments:

M-NCPPC	Staff	Date	Other Agencies	Staff	Date
Transportation	✓	6-16-06	SHA		
Environmental	✓	6-16-06	DPS (SWM)	✓	
Community Planning	✓	6-19-06	DPS (Traffic)	✓	6-16-06
Historic Planning	NA		Public School		
Park Planning	NA		Utility		
Research/Housing	✓	6-16-06	Fire & Rescue	✓	5-8-06
			DPW & T		

Development Standards / Requirements

- Zoning Requirements
- MPDU Calculation
- Building Restriction Lines
- Development Data Table
- TDR Calculation
- Building Height
- Recreation Calculation
- Timing/Phasing Conditions
- Master Plan Conformance

Prior Approvals

- ~~Process~~ Development Plan
- Preliminary Plan
- Prior Site Plan Approvals
- Record Plat

Community Input

- Civic Association GLENSIDE, BATTERY LAKE, EAST PENTERSD
- Individuals CAPOZ TRAVICK

Supervisor Review

MM 6/23/06
RKZ 6/23/06

Chief Review

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: **MAR 07 2006**

Date of Hearing: December 22, 2005

Action: Approval with conditions

Motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4 to 0; Chairman Berlage and Commissioners Perdue, Bryant, and Robinson voting in favor. Commissioner Wellington was absent.

MONTGOMERY COUNTY PLANNING BOARD
OPINION

Project Plan No.: 920060060
Project: 8400 Wisconsin Avenue

The date of this written opinion is MAR 07 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal in Circuit Court within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions (Rule 7-203, Maryland Rules).

INTRODUCTION

On October 3, 2005, the applicant, Crimson 8400 Bethesda, L.L.C. ("Applicant"), filed an application with the Planning Board for approval of 415,825 gross square feet of residential development, consisting of approximately 200 multi-family dwelling units including 25 moderately priced dwelling units ("MPDUs"). The application was captioned Project Plan No. 920060060 ("Project Plan"). On December 22, 2005, the Project Plan was brought before the Montgomery County Planning Board for a public hearing.¹ At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

¹ The Planning Board considered Preliminary Plan No. 120060400 (formerly 1-06040) concurrently with this Project Plan at the December 22, 2005 hearing.

THE SUBJECT PROPERTY

The site is located at 8400 Wisconsin Avenue at the northwest corner of Wisconsin Avenue and Battery Lane, just east of Woodmont Avenue and is comprised of part of Lots 19 and 20, Block 2, Northwest Park, totaling 71,901 square feet ("Property" or "Subject Property"). Approximately 14,905 square feet of land has been previously dedicated for roadways. Therefore, the gross tract area for computation of density is 86,806 square feet. The former Sheraton Hotel, now operated by Clarion, currently occupies the site.

The Property is within the CBD-1 Zone near the northern edge of the Central Business District boundary for Bethesda. The National Institute of Health's ("NIH") gateway green space is directly north of the site. To the north and east are residential townhouses in the R-60/TDR zone. Across Wisconsin Avenue to the east are properties in the CBD-1 zone, including older low-rise offices and the new Rosedale Park residential complex at the intersection of Wisconsin Avenue and Rosedale Avenue. The East Bethesda residential neighborhood is further to the east. To the south across Battery Lane are a gas station, the Monocle office building and a 3-story retail and office building, all in the CBD-1 zone. The site directly to the west is zoned PD-75; currently occupied by a large single family home and a 3-story office building, it is the subject of a pending zoning case. Further to the west and southwest are older 3-4 story brick apartment buildings in the Battery Lane District of the CBD.

The Subject Property is within the Woodmont Triangle Amendment Study Area, before the County Council for final approval, and is the northern-most parcel in the "Wisconsin North Corridor District" of the 1994 Bethesda CBD Sector Plan.

PROPOSED DEVELOPMENT

The Applicant, proposes replacement of the existing 5-story Clarion Hotel and its two-level parking deck with three residential condominium elements over a three and one-half story below-grade parking structure. The 9-story, 200-unit residential project includes 25 MPDUs and a public arts incubator space located at the plaza along Wisconsin Avenue.

Building Design

Three separate 9-story glass and steel building elements frame the public plaza. Each has a separate entrance from an adjacent street. The largest building component, fronting along Battery Lane, has the main lobby of the complex and the more public of the interior areas, such as the party room. A two-car drop-off and an entrance to the parking garage are provided along Battery Lane. Approximately 120 feet north from the corner of Wisconsin Avenue and Battery Lane is the 60-foot wide opening to the public plaza. This

is an accessible, at-grade entrance leading through a landscaped and paved open space framed by the three buildings. The arts incubator space is located at the plaza and Wisconsin Avenue and will open out onto the plaza. The two northern residential building elements frame a fifty-foot wide public space with a view north to the NIH green space. A series of landscaped spaces and steps lead west down to Woodmont Avenue.

Vehicular and Pedestrian Access/Parking

The site is conveniently located for residents to walk to the Medical Center Metro Station (1,500 feet), take one of 6 buses stopping at the site or catch the Bethesda trolley to get to the Bethesda Metro or the many shops and restaurants in the Woodmont Triangle. The public will be able to use the plaza and stairs as a pleasant alternative passage from Wisconsin Avenue to Woodmont Avenue or to the NIH.

A minimum 10 feet width of sidewalk is required along Battery Lane at the drop off area, with the sidewalk widening to 17 feet either side of the drop-off. The public sidewalk will be 20 feet wide along Wisconsin Avenue and 15 feet wide along Woodmont Avenue, except where planted. The new brick sidewalks will improve the pedestrian access around the site.

The main access to the garage is provided off Battery lane via a two-way entrance. A 52- foot long lay by or drop off is provided at the main lobby entrance on Battery Lane as well. Vehicles may also enter and exit the parking structure via Woodmont Avenue where a separate loading dock is also located. Bike lockers, rack and parking will be provided in the garage. The existing curb-cut on Wisconsin Avenue will be removed.

Public Use Space

The Project Plan proposes 27% of the net lot area as on-site public use space. An additional 18.6% is provided as public amenity space in streetscape behind the public right-of-way and in the arts incubator space. Landscaping, seating, plantings, water and ornamental trees are laid out to draw passersby into the space. The arts incubator space will have several entrances onto the plaza and will have outdoor displays in good weather. The plaza will occasionally feature other outdoor activities in connection with the festivals and fairs organized by the Bethesda Urban Partnership ("BUP") but will mainly provide an attractive, passive outdoor public space and an alternative route for pedestrians walking between the NIH, Battery Lane and Wisconsin Avenue.

The Arts Incubator

The Woodmont Triangle Amendment to the Sector Plan for the Bethesda Central Business District contains a list of prioritized amenities desired by the greater Woodmont

community. An arts incubator, a space where "emerging" artists who do not have their own studios can work and exhibit, was the amenity considered most suitable for this residential project on the edge of the CBD. Many of the specific features of the incubator space and the selection process for the artists will be worked out before site plan review. A selection panel will also be set up, composed of members of the Board of the Bethesda Arts and Entertainment District, BUP, the Montgomery County Arts and Humanities Council and Planning Staff and finalized prior to site plan review.

In concept, artists will enter a selection process to work and exhibit in the incubator space for a specific number of months. In exchange for use of the space, artists will be required to have the studio open to the public during certain hours, participate in Woodmont Triangle and Bethesda art events and have a specific number of exhibits during their tenure. The approximately 2,000 square feet will accommodate about four artists, depending on their art form. BUP will provide overall management of the space and may charge the artists a nominal fee to cover insurance. Artists will benefit from the free studio space and exposure to the public.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff recommended approval of the Project Plan in its Staff Report and presented a PowerPoint presentation describing the elements outlined in the Staff Report. Staff described various features of the proposed development, including traffic studies, site access, density calculations, right-of-way dedications, and forest conservation.

The Applicant appeared at the hearing represented by legal counsel. Counsel for the Applicant stated that the Applicant accepted the Staff recommendation and conditions regarding the Preliminary Plan and Project Plan. Applicant's counsel outlined the use of the optional method of development for the site and expressed the benefits of redeveloping the hotel building currently on the site, including providing a more attractive streetscape.

The Planning Board questioned the Applicant and Staff regarding various aspects of the plan for the arts incubator space. The Board expressed concern with the allocation of utility costs to the future condominium association, as set forth in proposed Condition No. 9(c) of the Staff Recommendations. The Planning Board decided to combine Conditions No. 9(c) and 9(d) and amend them to require that BUP and the Applicant reach an agreement, to be reviewed at the time of site plan, on operation and management of the arts incubator space. This agreement will ultimately become part of the condominium association documents.

The Board further questioned why the Applicant had not maximized permitted density by building more units. The Applicant testified that its objective in designing the

development was to create the highest quality project with more than the minimum required green space so that almost every unit would look over the green space.

No other speakers testified at the public hearing.

FINDINGS

Based on all of the testimony and uncontested evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

- (a) ***The Project Plan complies with all of the intents and requirements of the zone.***

Purpose Clause (§ 59-C-6.212)

The Montgomery County Zoning Ordinance states the purposes, which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project Plan proposes to use the Optional Method of Development. It is in conformance with the 1994 Sector Plan for the Bethesda Central Business District and the Planning Board's Draft 2004 Wisconsin Triangle Amendment to the Sector Plan (under final County Council review). This project is the first to be reviewed since the Planning Board sent the draft Amendment to the County Council

The proposed development consists of one, 9-story condominium building containing approximately 200 dwelling units. High-density residential uses are permitted in the CBD-1 Zone. The 3 residential towers are 90 feet in height, measured from Battery Lane, and are technically considered one structure joined by a plaza and the parking structure. Since Wisconsin Avenue is at a higher elevation, the building would measure higher along that frontage. Under 59-C-6.23, up to 143 feet is permitted in the CBD-1 zone under certain conditions and when 22% MPDUs are provided on-site. Ninety feet is recommended for this site in the 1994 Sector Plan and in the Woodmont Triangle Amendment. The recent Woodmont Triangle Amendment requires MPDUs be built on-site in all residential projects using the Optional Method of Development. The project proposes 200

dwelling units, including 25 (12.5%) MPDUs. The proposal uses "units per acre" rather than floor area ratio (FAR) to calculate its density, as is permitted for an entirely residential project. The permitted density is 125 units per acre, and the Applicant is proposing approximately 100 units per acre.

The Project Plan will accomplish Sector Plan and Woodmont Triangle Amendment objectives by providing more housing near transit, MPDUs on-site and the first arts incubator space in the Bethesda CBD. The project upgrades the physical environment around the site and provides the Bethesda streetscape. The proposal greatly improves the area by replacing an unattractive 2-story open parking deck, multiple curb cuts and an older mid-rise hotel with attractive residential buildings and a large public plaza.

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

The Project Plan responds to the need for a variety of housing near metro in the Bethesda CBD and provides a unique public arts facility, contributing to the Bethesda Arts and Entertainment District's network of art venues.

Under the Optional Method, this project encourages pedestrian activities by providing improved, widened sidewalks, a public plaza connecting the adjacent streets and bus stops, and contributes to the attractiveness and liveliness of public spaces in the Woodmont Triangle.

(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 Project Plan contributes to the northern gateway to the Bethesda CBD with this residential complex, the third to be built along Wisconsin Avenue in the last 10 years. A two-car pedestrian drop-off is provided at the curb on Battery Lane. The 9-story building complex provides a transition from the lower densities and heights north and east of the site into the CBD and from the lower rise rental apartments on the west to Wisconsin Avenue. Older high-rise buildings up to 170 in height are located in the next block south of Battery Lane.

The access points to the project will not conflict with the curb cuts on the opposite side of the adjacent streets.

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

The site is located 1,500 feet from the Medical Center Metro Station and approximately 2,500 feet from the Bethesda Metro Station. Bus stops for six bus routes are located adjacent to the site, and the Bethesda Circulator stops one block away. Residents will be able to walk to the numerous places of employment and restaurant, retail, service, and arts uses within the Woodmont Triangle and along Wisconsin Avenue.

The applicant will enter into a traffic mitigation agreement (TMA) with the Planning Board.

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

The project provides pedestrians choices in walking through or around the site where the previous project presented a long impenetrable building mass, narrow sidewalks and numerous curb cuts that did not encourage pedestrian activity. The improved streetscape on all frontages of the project and the widened sidewalks will contribute to the improved pedestrian environment.

The Wisconsin Avenue frontage is improved by the removal of the former hotel access. Wisconsin and Woodmont Avenues constitute primary access points into the Bethesda CBD, and the location of the two garage entrance to this project will not impede the flow of traffic along Woodmont Avenue, Wisconsin Avenue or Battery Lane. The residential complex is a single building joined below grade and divided into separate towers at the plaza level. Three and a half floors of below grade parking are provided for residents and visitors with a total of 375 parking spaces, and parking for motorcycles and bicycles.

Because Battery Lane is a short block, approximately 210 feet in length and an important connection between Wisconsin Avenue, Woodmont Avenue and the Woodmont Triangle, much consideration was given to the location of the full service driveway on Battery Lane. In the review process, it was moved further east for greater distance from the intersection of Battery Lane and Woodmont Avenue, and the lay by was shortened and moved east as well. The full service driveway on Woodmont Avenue will not conflict with traffic flow around the site.

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

One of the main goals of the Woodmont Triangle Amendment to the 1994 Bethesda Sector Plan is to provide housing near metro for a variety of income levels. This project provides 175 market rate units and 25 MPDUs on-site. Under the Woodmont Triangle Amendment, only projects with MPDUs on-site are permitted to use the Optional Method of Development. Consistent with Chapter 25A, the applicant is committed to providing all 25 MPDUs within the building.

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

The project replaces an outdated building and parking deck with an attractive residential building complex and public plaza. This is a more desirable use of the land, adding residents who will use the businesses and services of the area and provide pedestrian activity on the street in a part of the CBD that has been underutilized. The Project Plan responds to the need for more housing in the CBD, addresses smart growth policies and contributes to the variety and size of the open space network in the Woodmont Triangle.

- (8) *The Project Plan also meets the provisions of § 59-C-6.213, which states that it is further the intent in 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 8400 Wisconsin project proposes additional residential uses for the edge of the CBD at an appropriate density. The site provides a transition from lower density to the north and east and the greater density of the Bethesda CBD core.

- (9) *The Project Plan meets all of the development standards of the CBD-1 zone as set forth in the following Project Plan Data Table:*

PROJECT PLAN DATA TABLE

	Zoning Ordinance Development Standard for the CBD-1 zone	Development Standard Approved by the Planning Board and Binding on the Applicant
Gross Tract Area (s.f.):	22,000	86,806 s.f.+
Net Lot Area (s.f.):		71,521 s.f.
Gross Floor Area (s.f.):	Residential Including Public arts incubator space	413,825 s.f.* 2,000 s.f.*
<u>Density</u>		
Dwelling Units (per acre)	125 d.u.	100 d.u.
Public Use Space (% s.f.):		
On-site:	20% min.net lot (14,304 s.f.)	27% net lot (19,301 s.f.)
Public Amenity Space (arts incubator) on-site		2,000 s.f.
Amenity Space Off-Site	-	18.6% net lot (13,320 s.f.)
Max. Building Height (ft.)	90	90
(measured from center line Battery Lane, approx. elevation 334.37)		
<u>Parking:</u>		
Residential Uses(Mkt. Rate)		
1 BR @ 1.25 sp/unit(33 x 1.25)	42	42
2 BR @ 1.50 sp/unit (114 x 1.5)	171	171
3 BR @ 1.5p sp/unit (28 x 1.5)	56	56
Residential Uses (MPDUs)		
1 BR @ 0.625 sp/unit (5 x 0.625)	4	4
2 BR @ 0.75 sp/unit (20 x 0.75)	15	15
Additional spaces provided by <u>the Applicant</u>		87
Total spaces provided	288	375

Note: Applicant is providing 375 spaces based on marketing needs. Site is within the limits of the Bethesda Parking Lot district and not required to provide any parking spaces pursuant to Section. 59-E-3 of the Montgomery County Zoning Ordinance. Parking credits

are applicable pursuant to Section 59-E-3.3 for residential uses in the CBD and proximity to the Metro.

+14,905 s.f. previously dedicated; new r.o.w. dedication at Woodmont Avenue = 380 s.f.

*Exact size of the arts incubator space will be determined at site plan.

(10) The following is a summary of the amenities and facilities that will be provided by the Applicant:

On-Site Improvements:

An on-site public plaza of approximately 16,827 square feet is provided. The plaza connects to the public sidewalk at Wisconsin Avenue and leads through the site via a graceful stairway to Battery Lane on the west and via a meandering path and stairs to the NIH green space north of the site. Every effort will be made to draw the public into the site via signage and focal points.

The arts incubator space will open on to Wisconsin Avenue and the public plaza with clear exhibit space and seating nearby.

The public plaza will be improved with paving, a water feature, landscaping, a variety of seating areas and benches and an area near the arts incubator for outdoor art shows. The plaza will be finished with paving to be selected prior to site plan review that complements both the Bethesda streetscape pavers and the building materials.

The design and landscape treatment of the plaza is "gardenesque" rather than formal, in keeping with the residential nature of the project and its location at the north end of the CBD. Trees on this north facing plaza are ornamental in scale, as they are planted over structure and must be placed on load bearing columns. Adequate drainage and soil depth must be assured for all plantings.

There will be sufficient shady areas on the plaza, given the orientation of the buildings.

The south courtyard will be a private outdoor space for residents, but it will join the public plaza at grade and appear to be part of the space.

Off-Site Improvements:

(a) *The Wisconsin Avenue Right-of-Way (104 foot r.o.w.)*

Wisconsin Avenue is a six lane major divided highway with a narrow planted median.

The full Bethesda CBD streetscape will be provided along Wisconsin Avenue for the extent of the property. Utility lines will be placed underground, the sidewalk will be paved with the Bethesda paver and be a minimum of 20 feet in width, the Bethesda Lantern will be installed at 60 feet on center, and London Plane street trees will be planted at approximately 30 feet on center in improved tree pits.

(b) *The Battery Lane Right-of-Way (70 foot r.o.w.)*

Battery Lane is a four lane roadway connecting Wisconsin Avenue to the east with the Woodmont Triangle area and to Old Georgetown Road further west.

The full Bethesda CBD streetscape will be provided along the north side of Battery Lane, including the Washington Globe street lamp at approximately 60 feet on center, the Bethesda paver, bike racks, and trash receptacles. Utilities will be placed underground. The paved sidewalk will be a minimum of 10 feet in width at the lay by, which shall not exceed 52 feet in length. No fixed objects shall be placed in the 10-foot clear sidewalk area. The sidewalk shall be a minimum of 17 feet in width along the frontage exterior to the 7-foot wide lay by area. Street trees shall be planted at approximately 30 feet on center, and the species will be determined prior to site plan review. The Applicant wants a "full service" garage entrance on Battery lane, but DPWT will only permit "right-in/right-out" turning movements. This issue will be resolved before site plan review. The driveway entrance shall be a maximum width of 24 feet and shall be built no closer than 64 feet from the intersection of Battery Lane and Woodmont Avenue.

(c) *The Woodmont Avenue Right-of-Way (80 foot r.o.w.)*

Woodmont Avenue is a four lane arterial and is an alternative north-south route to Wisconsin Avenue.

All attempts will be made to retain the existing mature, healthy Zelkova street trees planted along Woodmont Avenue. The Applicant will provide a minimum 15-foot wide sidewalk and planting area, the Bethesda paver, Washington Globe lamps along the site, and place the utilities underground.

- (b) **The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.**

Zoning, Land Use and Sector Plan Conformance:

The Approved and Adopted 1994 Bethesda CBD Sector Plan recommends the CBD-1 zoning for this site. The 1994 Plan assumed a hotel would remain on the site. Included in the Woodmont Triangle Amendment Study Area, no changes were made to the zoning or the development standards for the site. The recent Woodmont Amendment encourages a variety of housing throughout the area and only permits the Optional Method of Development if MPDUs are built on site. The pending Woodmont Triangle Amendment builds on the goals of the 1994 Plan and seeks to spur the development of a variety of housing in the Woodmont Triangle, promotes revitalization by having more people living, walking and working in the Triangle, promotes additional streetscape in the area and seeks to support the Arts and Entertainment District by implementing a series of amenity features described in the Amendment. This project is well-served by transit, will provide the first arts incubator in the Bethesda area and will contribute to the variety of outdoor public spaces in the Woodmont Triangle.

Conformance with the Purpose of the Woodmont Triangle Amendment:

The project advances several goals of the Woodmont Triangle Amendment, as stated above. The project provides additional housing units including 25 MPDUs, provides a public arts feature, improves the public right-of-way, and adds another link to the open space system linking the Woodmont Triangle District. The project helps revitalize the Woodmont Triangle District by bringing more residents to the area that will contribute to the local economy. The project is also well-served by transit.

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

The proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the buildings and public spaces, intensity of the development and operational characteristics.

- (d) ***As conditioned, the proposal would 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 proposed development will not overburden existing public services nor those programmed for availability concurrently with each stage of construction. The Applicant will enter into a traffic mitigation agreement with the Planning Board as specified. The residential project will not severely impact the adjacent intersections. Regarding local circulation, the DPWT has permitted only right-in/right-out access to the Battery Lane garage entrance. The site is within the Bethesda parking district.

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

The Optional Method of Development permits a more efficient and desirable product than the standard method of development. As part of the Woodmont Triangle Study Area, the Project Plan can use the Optional Method only by providing MPDUs on-site and contributing to the priority amenities outlined by the Woodmont Triangle Amendment. The project is in conformance with the recommendations of the pending Woodmont Triangle Amendment.

Under the standard method of development, the project could achieve 85 dwelling units and would provide only 11 MPDUs. Twenty-five MPDUs are provided by this project as well as streetscape, a public plaza and amenity improvements. The aggregate amount of public use space and amenities is 45.6% of the net lot area. Under the standard method of development, 10% public use space, a minimal amount of streetscape and no amenity space would be achieved. The Applicant is not maximizing the potential density of 125 dwelling units per acre nor building to the

maximum height that could be achieved under all the provisions of the Montgomery County Code.

- (f) ***The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.***

The proposed development is providing the required 25 MPDUs, or 12.5 percent of the total number of units on site, in accordance with the provision of Chapter 25A of the Montgomery County Code.

- (g) ***As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.***

The Applicant submitted a preliminary forest conservation plan on November 9, 2005. Environmental Planning recommends conditional approval. Final conditions will be on the site plan.

- (h) ***As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.***

A stormwater management concept plan has been submitted for review to the Department of Permitting Services. The application proposes on-site management.

- (i) ***The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.***

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Project Plan No. 920060060 for approximately 415,825 gross square feet of development, including a maximum of 200 residential multi-family condominium units, of which 25 will be MPDUs, and approximately 2,000 square feet of arts incubator space on 1.64 acres in the CBD-1 zone. All site elements of the 8400 Wisconsin Avenue Project Plan 9-06006 dated December 1, 2005, shall be required except as modified by the following conditions:

1. Development Ceiling

The proposed development shall be limited to 200 units in 415,825 (maximum) gross square feet of residential development.

2. Building Height/Mass

The height of the three proposed building elements shall not exceed 90 feet as measured from Battery Lane.

3. Transportation Improvements

- a. Enter into a traffic mitigation agreement to participate in the Bethesda Transportation Mitigation Organization.
- b. Provide four bike racks around the site as determined at site plan review; provide sixteen bicycle lockers in the proposed structured parking garage.

4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 25 MPDUs (or 12.5% of the total number of units) on-site, consistent with the requirements of Chapter 25A.

5. Public Use Space

- a. The Applicant shall provide 19,301 square feet or 27% of the net site area of on-site public use space.
- b. The proposed on-site public use space must be easily and readily accessible to the general public.

6. Streetscape

- a. The Applicant shall provide the full Bethesda streetscape along the property's frontages on Wisconsin Avenue, Battery Lane and Woodmont Avenue.
- b. Utilities shall be placed underground along the property's perimeter on Wisconsin Avenue, Battery Lane and Woodmont Avenue.
- c. Streetscape improvements shall be in accordance with the 1992 Bethesda CBD Streetscape Technical Manual as amended. The streetscape includes the Bethesda paver, the Bethesda Lantern on Wisconsin Avenue, the Washington Globe on Battery Lane and

Woodmont Avenue, trash receptacles, bike racks and street trees along Wisconsin Avenue and Battery Lane. All best efforts shall be made during demolition and construction to save the existing street trees on Battery Lane.

7. Staging of Amenity Features

- a. The proposed project shall be developed in one phase.
- b. Landscaping is to be installed no later than the next growing season after completion of the buildings and public plaza.
- c. The arts incubator space is to be completed prior to occupancy of the residential units.
- d. All streetscape improvements shall be installed prior to occupancy of the buildings.

8. Maintenance and Management Organization

Initially, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Bethesda Urban Partnership for the purpose of maintaining off-site public open spaces.

9. The Arts Incubator

- a. An arts incubator space of approximately 2,000 square feet shall be provided within the building facing onto Wisconsin Avenue and the public plaza; the space will be dedicated to studio and exhibit space for emerging artists selected by a local arts panel, for a specific time period.
- b. The selection of the artists, their length of tenure in the arts space, required exhibits, hours of public operation, and rules of participation in the program shall be determined prior to site plan review but shall not delay the Applicant's approvals; composition of the selection panel will be determined by members of the Board of the Bethesda Arts and Entertainment District, the Montgomery County Arts and Humanities Council, and Park and Planning Staff prior to site plan review.

- c. In conjunction with site plan review, the operation and management of the Arts Incubator space must be set forth in a complete agreement in draft form between the Bethesda Urban Partnership (BUP) and the Applicant. This agreement will be subject to Planning Board review at site plan and the final signed agreement will be incorporated into the documents governing the condominium association for the project. The Bethesda Urban Partnership (BUP) will manage the arts incubator space; BUP may charge a nominal fee to the artists for supplemental insurance on the arts space not covered by the condominium association.

In accordance with Montgomery County Code § 59-D-2.7, this project plan will remain valid for 24 months from the Initiation Date, as defined in § 59-D-2.7(a), provided that a complete site plan application is filed within 18 months of the Initiation Date.

* * * * *


[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY

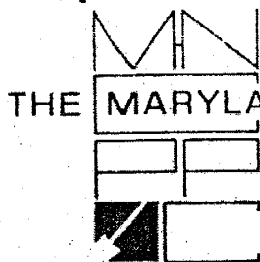
 DYN 2/24/06
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, March 2, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for 8400 Wisconsin Avenue, Project Plan Number 920060060 Commissioner Wellington abstained.



Certification As To Vote of Adoption
Technical Writer



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

OFFICE OF
THE GENERAL COUNSEL

(301) 495-4646
FAX (301) 495-2173

Date Mailed: MAR 07 2006

Hearing Date: December 22, 2005

Action: Approved Staff Recommendation.

Motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4-0; Chairman Berlage and Commissioners Bryant, Perdue and Robinson voting in favor. Commissioner Wellington was absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan No. 120060400 (formerly 1-06040)

NAME OF PLAN: 8400 Wisconsin Avenue

The date of this written opinion is MAR 07 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

I. INTRODUCTION

On October 3, 2005, Crimson 8400 Bethesda, L.L.C. ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the CBD zone. The application proposed to create 1 lot on 1.99 acres of land located at Northeastern quadrant of the intersection of Wisconsin Avenue (MD 355) and Battery Lane, in the Bethesda CBD master plan area ("Property" or "Subject Property"). The application was designated Preliminary Plan 120060400 (formerly 1-060401) ("Preliminary Plan"). The Applicant filed a concurrent Project Plan application with the Planning Board. On December 22, 2005, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE AND PROJECT DESCRIPTION

The Subject Property consists of Lots 19 and 20 of the Northwest Park subdivision, originally recorded in 1910. The Property is located on the west side of Wisconsin Avenue (MD 355) at the northern edge of the Bethesda Central Business District. The site is bordered by Battery Lane to the south and Woodmont Avenue to the east. The NIH campus and a large NIH green space are contiguous to the northern property line. Town homes abut the Property to the east, with a mixture of residential, office, retail and service station uses to the west and south. The former Sheraton Hotel, now operated by Clarion, currently occupies the site.

This Preliminary Plan is being reviewed under the optional method of development in the CBD-1 zone.¹ The Application proposes to create one (1) lot of 1.65 acres for the construction of three buildings, which will be nine stories tall but may not exceed the ninety (90) foot height limitation established under the CBD-1 zone optional method. The buildings will consist of a total of 200 multi-family dwelling units, including 25 MPDUs, and 375 underground parking spaces. Access to the underground parking will be provided exclusively via Battery Lane and Woodmont Avenue, as the State Highway Administration has denied access via Wisconsin Avenue. Staff reviewed and approved full vehicular movements in and out of the underground parking lot at the locations specified on the Preliminary Plan drawings.

The Preliminary Plan proposes new public open spaces and extensive streetscape improvements. The Preliminary Plan also proposes a 2,000 square foot arts incubator site to provide workspace for "emerging artists."

¹ Project Plan No. 920060060 was submitted and reviewed concurrently with the Preliminary Plan.

III. MASTER PLAN COMPLIANCE

The Preliminary Plan is in conformance with the 1994 Bethesda Central Business District Plan ("CBD Plan") and the pending Woodmont Triangle Amendment ("Amendment") to the 1994 Sector Plan. The Amendment does not propose changes for this site. The proposal conforms to the goals of the 1994 Bethesda CBD Plan by providing housing near the METRO station and locating MPDUs on site. It provides significant aesthetic and pedestrian-friendly upgrades when compared to the aging hotel complex currently located on the Property.

IV. SUBDIVISION REGULATIONS

The Preliminary Plan complies with all applicable provisions of Chapter 50 of the Montgomery County Code, Subdivision Regulations. The plan was reviewed by the agencies comprising the Development Review Committee and has been found to be adequate with respect to all public facilities, safety, and pedestrian circulation.

V. TRANSPORTATION

A. Site Location, Access, Circulation, and Parking

The Subject Property is located at the corner of Wisconsin Avenue and Battery Lane in Bethesda. It is currently developed as a hotel with 186 guest rooms. The development proposed by the Preliminary Plan occupies the northwest corner of the intersection and is bounded by Woodmont Avenue to the west, Battery Lane to the south, and Wisconsin Avenue to the east. Access to the Property will be provided from Battery Lane and Woodmont Avenue; there will be no future access from Wisconsin Avenue.

B. Local Area Transportation Review

The proposed development of 208 residential units is anticipated to generate 68 AM peak hour trips and 68 PM peak hour trips during a regular weekday peak periods. An LATR study was performed to determine the impact the proposed development would have upon the adjacent transportation infrastructure. Five signalized intersections adjacent to the development were selected for analysis: Wisconsin Avenue (MD 355) at Woodmont Avenue, Wisconsin Avenue (MD 355) at Battery Lane, Wisconsin Avenue (MD 355) at Cordell Avenue, Woodmont Avenue at Battery Lane and Woodmont Avenue at Cordell Avenue. All studied intersections are estimated to operate within the established Bethesda Central Business (CBD) District Critical Lane Volume (CLV) threshold of 1800 vehicles.

C. Master Plan Roadways and Bikeways

Wisconsin Avenue (MD 355) is a six-lane, major divided highway within 104 feet right-of-way. Wisconsin Avenue serves as a major conduit between the Capital Beltway (1.5 miles north of the Property) and downtown Washington, DC. Woodmont Avenue is a major arterial road serving as an alternate north-south route to Wisconsin Avenue. In the vicinity of the site, Woodmont Avenue is a four-lane arterial road consisting of 80 feet of right-of-way. Battery Lane is a four-lane roadway connecting Wisconsin Avenue to the east with Old Georgetown Road (MD 187) to the south. Battery Lane runs along the southern frontage of the Subject Property with 70 feet of right-of-way. Access to the Property will consist of one full service driveway from Battery Lane and another full service driveway on Woodmont Avenue. Service vehicles (refuse and delivery trucks) will use a reserved access drive on Woodmont Avenue.

According to the Countywide Bikeways Functional Master Plan, two bicycle facilities exist in the vicinity of the proposed development: a shared-use path (SP-62) alongside Woodmont Avenue from Wisconsin Avenue to Battery Lane and a proposed shared road bikeway (SR - 10) along Battery Lane between the National Institute of Health campus and the Capital Crescent Trail.

VI. PEDESTRIAN ACCESS

The adjacent signalized intersections have pedestrian crosswalks on most approaches. There are three marked crosswalks except for the northern side at the intersection of Wisconsin Avenue (MD 355) and Battery Lane. A marked pedestrian crosswalk was not provided on the northern side in order to allow for more efficient traffic circulation onto Wisconsin Avenue. Intersection signal timing and signage is adequate for pedestrians at all intersections studied. The Preliminary Plan proposes to tie into the existing network of pedestrian facilities within the Bethesda CBD, incorporating pedestrian access across the development from Wisconsin Avenue to Woodmont Avenue for improved pedestrian connectivity.

VII. ENVIRONMENTAL

The forest conservation requirements shall be met by use of offsite forest planting or banking. Site plan shall demonstrate the continuing commitment to noise and air quality compatibility by minimizing the potential negative effects of the surrounding parking garages to the north and west through site design and architectural measures.

VIII. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff recommended approval of the Project Plan in its Staff Report and presented a PowerPoint presentation describing the elements outlined in

the Staff Report. Staff described various features of the proposed development, including traffic studies, site access, density calculations, right-of-way dedications, and forest conservation.

The Applicant appeared at the hearing represented by legal counsel. Counsel for the Applicant stated that the Applicant accepted the Staff recommendation and conditions regarding the Preliminary Plan and Project Plan. Applicant's counsel outlined the use of the optional method of development for the site and expressed the benefits of redeveloping the hotel building currently on the site, including providing a more attractive streetscape.

As part of the Project Plan review, the Planning Board discussed with the Applicant and Staff various aspects of the arts incubator space as set forth more fully in the Planning Board's Opinion for the Project Plan No. 920060060.

The Board further questioned why the Applicant had not maximized permitted density by building more units. The Applicant testified that its objective in designing the development was to create the highest quality project with more than the minimum required green space so that almost every unit would look over the green space.

No other speakers testified at the public hearing.

IX. FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies²; the Applicant's position; and other uncontested evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, with the conditions of approval, that:

- a) The Preliminary Plan No. 120060400 (formerly 1-06040) substantially conforms to the 1994 Bethesda CBD Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.

² The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

X. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060400 (formerly 1-06040) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060400. All site elements of 8400 Wisconsin Avenue Preliminary Plan No. 1-06040 dated December, 2005; referenced as Attachment "B" in the staff report, are required except as modified by the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 200 residential units, including 25 MPDUs and a 2,000 square foot arts incubator space.
- 2) Prior to approval of the site plan signature set, enter into a traffic mitigation agreement to participate in the Bethesda Transportation Mitigation Organization.
- 3) Provide four bike racks in proximity to the Battery Lane entrance and sixteen bicycle lockers in the proposed structured parking garage, near stairwell or elevator shaft, location to be shown on the site plan.
- 4) Record plat to contain a note, "Access to Wisconsin Avenue Denied".
- 5) Compliance with conditions of approval for Project Plan No. 920060060 (Formerly 9-06006).
- 6) Prior to approval of the site plan, the Applicant must provide a noise study prepared by a professional engineer with competency in acoustical analysis of projected transportation noise levels affecting the site.
 - a) At site plan review, minimize noise impacts to outdoor spaces through noise-effective site and building design, with focus on plaza and balcony areas. All residential units exposed to exterior noise levels exceeding 65

dBA, Ldn shall be subject to interior noise mitigation conditions to be applied at time of site plan approval.

- 7) Compliance with the conditions of approval of the preliminary forest conservation plan, including documentation for use of approved forest bank, or location of offsite forestation prior to recordation of plat. The Applicant shall satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 8) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 9) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 10) Final number of MPDUs as per condition No. 8 above to be determined at the time of site plan.
- 11) Compliance with conditions of MCDPWT letter dated, December 2, 2005 unless otherwise amended.
- 12) Compliance with the conditions of approval of the MCDPS stormwater management approval dated December 8, 2005.
- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 14) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

* * * * *
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL ADEQUACY
DyD 2/23/06
MONTGOMERY COUNTY LEGAL COUNSEL

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, March 2, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for 8400 Wisconsin Avenue, Preliminary Plan Number 120060400 (formerly 1-06040). Commissioner Wellington abstained.



Certification As To Vote of Adoption
Technical Writer

Clemens, Marilyn**APPENDIX C**

From: Navid, Sarah [Sarah.Navid@montgomerycountymd.gov]
Sent: Friday, June 16, 2006 10:32 AM
To: Clemens, Marilyn
Cc: Leck, Gregory; Farhadi, Sam; Shariar.etemadi@mncppc-mc.org; Cheung, Joseph; Raymond Burns; Contreras, Christina; adowell@rodgers.com; Kim McCary; william.kominers@hklaw.com
Subject: 8400 Wisconsin Avenue - Site Plan 8-20060360

Marilyn,

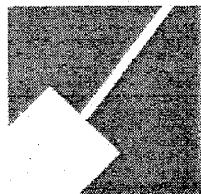
We have reviewed the site plan for the subject project and offer the following comments:

- The Department of Permitting Services will work with the applicant in the plat and permitting process to provide Revocable Permits (Maintenance and Liability Covenants) for the "Removable Architectural Accessories" that extend into the county right of way on Battery Lane and Woodmont Avenue (assuming these elements meet applicable building code standards). Because the sidewalk along Wisconsin Avenue will be maintained by the Bethesda Urban District, we are willing to include the Wisconsin Avenue right-of-way in the Revocable Permit if acceptable to the Maryland State Highway Administration.
- The driveway locations and widths are acceptable as shown based on anticipated usage of these driveways. All driveways are to follow the Bethesda streetscape design (e.g. brick pavers, level pedestrian crossing).
- Our review of the exhibit provided by the applicant for the "rounded" as opposed to standard truncation, demonstrates that the proposed right-of-way will accommodate ADA pedestrian access as well as traffic signal equipment, street lights etc.

Thank you for the opportunity to review this site plan. Please let me know if you have any questions regarding our comments.

Sarah Navid

Right-of-Way Permitting & Plan Review
Department of Permitting Services
tel. 240-777-6304
fax 240-777-6339



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Marilyn Clemens, Community Based Planning

FROM: Stephen D. Federline, AICP, Supervisor,
CountyWide Environmental Planning

DATE: June 16, 2006

SUBJECT: Site Plan #820060360: **8400 WISCONSIN AVENUE**

The Environmental Planning staff has reviewed the site plan referenced above. Staff recommends approval of the plans with the following condition(s):

- 1) The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions in Environmental Planning memo dated June 16, 2006 prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit.

Detailed conditions of forest conservation plan approval:

- a) Prior to building permit release, submit fee-in-lieu payment of \$9409 to meet 0.24 acre (10,454 square feet) afforestation requirement.
- 2) A) The builder must construct the buildings in accord with the acoustical recommendations from the Polysonics Traffic Noise Report dated March 30, 2006, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to MNCPPC staff.

B) The builder must agree in writing to comply with the Polysonics recommendations cited in above condition A. Such acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are approved.

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

APPENDIX E

Date: May 4, 2006

MEMO TO: Michael Ma, Supervisor
Development Review Committee, MNCPPC

FROM: William Campbell
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 820060360, 8400 Wisconsin Avenue
Project Plan #
Preliminary Plan # , DPS File # 219010
Subdivision Review Meeting of May 8, 2006

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both
 CPv < 2cfs, not required
 On-site/Joint Use Central (Regional): waived to
 Existing Concept Approved December 8, 2005
 Waiver: CPv WQv Both
 Approved on
 Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
 Separator Sand Filter Non Structural Practices Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site Yes No Possibly

- Provide source of the 100Year Floodplain Delineation for DPS approval:
 Source of the 100-Year Floodplain is acceptable.
 Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
 Dam Breach Analysis: Approved Under Review:
 100-Year Floodplain study: Approved Under Review:

SUBMISSION ADEQUACY COMMENTS:

- Provide verification of Downstream notification.

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter)
 Incomplete; recommend not scheduling for Planning Board at this time.
 Hold for additional information. See below
 Comments/Recommendations: Storm water concept currently being revised to eliminate underground storage and use two flow based Stormfilters.

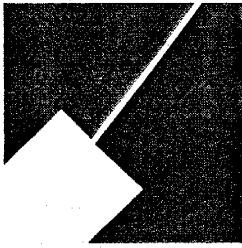
cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01

TABLE 2: REMOVABLE ARCHITECTURAL AMENITY FEATURES TABLE:

Standard	Permitted/Required	Approved at Project Plan	Proposed
Architectural Element -Removable Architectural Amenity Feature Setback From Wisconsin Ave.	To be established by Planning Board at site plan approval	Element not addressed at Project Plan approval	May project no more than a min. of 0 feet across Property Line/ROW No less than 17 feet+/- from curb May project up to 1 foot across Property line/ROW across Property line/ROW No less than 14 feet+/- from curb
Setback From Woodmont Ave.			May project up to 0 feet across Property line/ROW No more than 0 Ft from ROW No less than 15 feet +/- from curb
Setback From Battery Lane			May project up to 0 feet across Property line/ROW No more than 0 feet from Property line/ROW No less than 17 feet+/- from curb
Architectural Element -Removable Freestanding Metal Fin Setback From Wisconsin Ave.	To be established by Planning Board at site plan approval	Element not addressed at Project Plan approval	May project up to 4 Feet across Property Line/ROW May project up to 7 feet into Building Setback, Must be setback no less than 13 feet from curb Vertical clearance of no less than 8' from adjacent sidewalk.
Architectural Element - Canopy Setback From Wisconsin Ave.	To be established by Planning Board at site plan approval	Element not addressed at Project Plan approval	May project up to 7 Feet across Property Line/ROW May project up to 7 feet into Building Setback, Must be setback no less than 8 feet from curb Vertical clearance of no less than 8' from adjacent sidewalk.
Setback From Woodmont Ave.			May project up to 5 Feet across Property Line/ROW May project up to 7 feet into Building Setback, Must be setback no less than 10 feet from curb Vertical clearance of no less than 8' from adjacent sidewalk.
Setback From Battery Lane			May project up to 0 Feet across Property Line/ROW May project up to 3 feet into Building Setback, Must be setback no less than 17 feet from curb Vertical clearance of no less than 75' from adjacent sidewalk.
Architectural Element - Trellis Setback From Wisconsin Ave.	To be established by Planning Board at site plan approval	Element not addressed at Project Plan approval	May project up to 2 Feet across Property Line/ROW May project up to 2 feet into Building Setback, Must be setback no less than 13 feet from curb Vertical clearance of no less than 75' from adjacent sidewalk.
Setback From Woodmont Ave.			May project up to 0 Feet across Property Line/ROW May project up to 2 feet into Building Setback, Must be setback no less than 15 feet from curb Vertical clearance of no less than 75' from adjacent sidewalk.
Setback From Battery Lane			May project up to 0 Feet across Property Line/ROW May project up to 2 feet into Building Setback, Must be setback no less than 15 feet from curb Vertical clearance of no less than 75' from adjacent sidewalk.

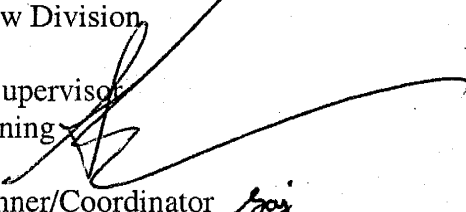
M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

June 16, 2006

MEMORANDUMTO: Marilyn Clemens, Planner/Coordinator
Community Based PlanningCathy Conlon, Supervisor
Development Review DivisionVIA: Shahriar Etemadi, Supervisor
Transportation PlanningFROM: Scott A. James, Planner/Coordinator 
Transportation PlanningSUBJECT: 8400 Wisconsin Avenue
Site Plan # 8-06036
Bethesda Central Business District

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review and approval of the subject site plan application to construct 208 residential units in downtown Bethesda.

RECOMMENDATION

Transportation Planning staff recommends approval of the above referenced site plan with the following conditions as part of the APF test for transportation requirements related to Local Area Transportation Review (LATR):

1. Limit the development to 225 high-rise residential units.
2. Enter into a traffic mitigation agreement to participate in the Bethesda Transportation Mitigation Organization.

3. Provide four bike racks in front of entrance and sixteen bicycle lockers in the proposed structured parking garage.
4. Finalize location and operation of proposed entrances on Battery Lane according to comments from Department of Public Works and Transportation dated December 2, 2005.
5. Dedicate and show on the record plat a standard 25-foot truncation for the corner of Battery Lane and Wisconsin Avenue (MD 355), in accordance with the comment letters from State Highway Administration dated November 1, 2005 and December 16, 2005.
6. Dedicate and show on the record plat sufficient right-of-way at the corner of Battery Lane and Woodmont Avenue, to provide necessary pedestrian access and public infrastructure, in accordance with comments from Department of Permitting Services (DPS) (email received June 16, 2006).
7. Submit analysis of the capacity of the public storm system to DPS for approval prior to record plat.
8. Submit a revised Stopping Sight Distances evaluation form for the proposed entrances along Battery Lane and Woodmont Avenue. These forms must be received and approved by DPS prior to approval of the record plat.

DISCUSSION

Site Location, Access, Circulation, and Parking

The subject property is located at the corner of Wisconsin Avenue (MD 355) and Battery Lane in Bethesda. The proposed development occupies the northwest corner of the intersection and is bounded by Woodmont Avenue to the west, Battery Lane to the south and Wisconsin Avenue (MD 355) to the east. The property is currently developed as a hotel with 186 guest rooms. Access to the development is from Battery Lane and Woodmont Avenue. SHA has denied access onto the future development from Wisconsin Avenue (MD 355).

Local Area Transportation Review

The proposed development of 225 residential units is anticipated to generate 68 AM peak hour trips and 68 PM peak hour trips. An LATR study was performed to determine the impact of the proposed development on the adjacent transportation infrastructure.

Five signalized intersections adjacent to the development were selected for analysis: Wisconsin Avenue (MD 355) at Woodmont Avenue, Wisconsin Avenue (MD 355) at Battery Lane, Wisconsin Avenue (MD 355) at Cordell Avenue, Woodmont Avenue at Battery Lane and Woodmont Avenue at Cordell Avenue. As shown in the table below, all studied intersections are

estimated to operate within the established Bethesda CBD Critical Lane Volume (CLV) threshold of 1,800 vehicles.

The following table shows the CLV analysis results for the studied intersections:

<u>Roadway Intersection</u>	<u>Current CLV levels (AM / PM)</u>	<u>Background CLV levels (AM / PM)</u>	<u>Projected Future CLV (AM / PM)</u>
Wisconsin Avenue MD 355)/ Woodmont Avenue	867/1,053	870/1,063	875/1,065
Wisconsin Avenue (MD 355)/ Battery Lane	926/943	931/962	941/970
Wisconsin Avenue (MD 355)/ Cordell Avenue	656/726	660/750	663/754
Woodmont Avenue/ Battery Lane	871/684	881/694	883/695
Woodmont Avenue/ Cordell Avenue	578/505	579/514	581/515

Master Plan Roadways and Bikeways

Wisconsin Avenue (MD 355) is a six lane major divided highway within 104 feet right-of-way. Wisconsin Avenue serves as a major conduit between the Capital Beltway (1.5 miles north of the property) and downtown Washington, DC. Woodmont Avenue is a major arterial serving as an alternate north-south route to Wisconsin Avenue. In the vicinity of the site, Woodmont Avenue is a four-lane arterial of 80 feet of right-of-way. Battery Lane is a four-lane roadway connecting Wisconsin Avenue to the east with Old Georgetown Road (MD 187) to the south. Battery Lane has a right-of-way of 70 feet along the frontage of the subject property between Wisconsin Avenue (MD 355) and Woodmont Avenue. Access to the site is one full service driveway from Battery Lane and another full service driveway on Woodmont Avenue. Service vehicles (refuse and delivery trucks) will use a reserved access drive on Woodmont Avenue.

According to the Countywide Bikeways Functional Master Plan, two bicycle facilities exist in the vicinity of the proposed development: a shared-use path (SP – 62) alongside Woodmont Avenue from Wisconsin Avenue to Battery Lane and a proposed shared road bikeway (SR – 10) along Battery Lane between the National Institute of Health campus and the Capital Crescent Trail.

Pedestrian Access

The adjacent signalized intersections have pedestrian crosswalks on most approaches. There are three marked crosswalks except for northern side at the intersection of Wisconsin Avenue (MD 355) and Battery Lane. A marked pedestrian crosswalk was not provided on the northern side in order to allow for more efficient traffic circulation onto Wisconsin Avenue. Intersection signal timing and signage is adequate for pedestrians at all intersections studied.

The project proposes to tie into the existing network of pedestrian facilities within the Bethesda Central Business District. The project will also incorporate pedestrian access across the development from Wisconsin Avenue to Woodmont Avenue for improved pedestrian connectivity.

SAJ:gw


mno to Clemens re 8400 Wisconsin Ave

William Kominers
301-215-6610

Internet Address:
william.kominers@hklaw.com

MEMORANDUM

TO: Marilyn Clemens

FROM: William Kominers 

RE: 8400 Wisconsin Avenue, Site Plan No.820060360 - -
Community Outreach

DATE: June 15, 2006

The purpose of this Memorandum is to describe the community outreach undertaken as part of the Site Plan Review for the project at 8400 Wisconsin Avenue in Bethesda.

Project Plan

As a preliminary matter, let me summarize the actions taken at the time of the Project Plan.

The Applicant met with the Board/Executive Committee of the Glenbrook Village Citizens Association and the East Bethesda Citizens Association. Glenbrook Village expressed interest and support, but did not submit anything in writing. They wanted to know when units would be available for purchase. East Bethesda had a positive discussion, with numerous questions, but took no formal position.

Ms. Marilyn Clemens

June 15, 2006

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The Project Plan was also reviewed by the Battery Park Citizens Association (at a meeting to which the Applicant was not invited). Battery Park determined to take no position, as the project was in conformance with the Sector Plan as to height, etc., and located beyond the general area of the Association's boundaries. The Applicant also presented the project to the Western Montgomery County Citizens Advisory Board. None of these groups appeared at the public hearing on the Project Plan and Preliminary Plan. A copy of our memorandum to you, dated December 22, 2005, summarizing the community contacts in connection with the Project Plan is attached as Exhibit "1".

Site Plan

As part of the Site Plan process, notices of the March 31, 2006 Site Plan filing were timely sent to the relevant civic associations and adjoining property owners. After the filing, I sent messages by electronic mail on April 4, 2006 to both Deborah Michaels for the Glenbrook Village Citizens Association and to Andy O'Hare for East Bethesda, notifying them of the filing and offering to make a presentation to each of their groups, if desired. (Copies of the e-mails are attached as Exhibits "2" and "3"). They both responded, indicating that they would look for the materials being sent with the formal notice. (Glenbrook, April 4; East Bethesda, April 5, Exhibits "4" and "5" respectively). On June 11, 2006, a follow-up e-mail was sent to East Bethesda, inquiring as to whether a briefing or presentation was desired. A copy of the e-mail is attached as Exhibit "6".

On April 20, 2006, Mal Rifkin advised me by telephone that the project received a "clean bill of health" at the Battery Park Association meeting the prior night (April 19, 2006). (The Applicant had not been invited or notified).

At the request of Glenbrook Village, the Applicant will be attending the Association's annual meeting on June 15, 2006 and will make a presentation at that time.

The Applicant has met several times with representatives of the Bethesda Urban Partnership ("BUP") in the person of Carol Trawick and Jack Hayes (of East Bethesda). Discussions at these meetings concerned the ongoing status of the project, as well as the parameters for the use and documentation of the Artist Workspace to be provided to BUP adjacent to the public use space. I am not certain whether because of the participation of Mr. Hayes in those discussions, the East Bethesda Association has not felt the need to meet with the Applicant. I assume, but do not know, that Mr. Hayes is transmitting that ongoing information and dialogue to the leadership of East Bethesda.

Ms. Marilyn Clemens

June 15, 2006

Page - 3 -

The Applicant continues its ongoing dialogue with NIH concerning adjoining property issues and construction. Similarly, I have been in contact with property owners on the block on the south side of Battery Lane, but no formal meeting has been held. The property owner to the west, across Woodmont Avenue, Mr. Laurence Lipnick, wrote a letter at the time of the Project Plan (December 9, 2005) indicating his support for the development as proposed. A copy of Mr. Lipnick's letter is attached as Exhibit "7". The Applicant has not felt the need to ask for a further letter from Mr. Lipnick.

The foregoing represents the substance of outreach to relevant citizen groups.

3842818_v1

Memorandum

To: Marilyn Clemens, M-NCPPC
From: Susan M. Reutershan *SM*
Re: 8400 Wisconsin Avenue – Community
Contacts
Date: December 22, 2005

Susan M. Reutershan
301 664 7622
susan.reutershan@hklaw.com

HAND-DELIVERED

The following is a summary of contacts between the Applicant and neighbors and community representatives regarding the proposal for 8400 Wisconsin Avenue (the "Project"):

- 3/05 - Representatives of the Applicant, Crimson 8400 Bethesda, LLC ("Crimson"), made an initial contact with Carol Trawick and Jack Hayes from East Bethesda prior to the date Crimson closed on the property. A subsequent meeting was held with them and representatives from M-NCPPC Staff on November 23, 2005 (see below).
- 4/05 - Representatives of the Applicant made an initial contact with Malcolm Rivkin from the Battery Park Citizens' Association prior to the date Crimson closed on the property. Subsequent contacts were made with Mr. Rivkin on November 8 and 10 and December 19, 2005 (see below).
- 4/05 - Representatives of the Applicant made an initial contact with Laurence Lipnick, a property owner across Woodmont Avenue, in April, 2005. Subsequent contact was made in December, 2005 (see below).
- 9/1/05, 10/3/05 - Representatives of the Applicant met with representatives from NIH. NIH has expressed no concerns relating to the Project. Applicant's attorneys are working with NIH representatives to provide the necessary easements for work along the joint property line.
- 9/29/05 - Representatives of the Applicant met with the Executive Committee of the Glenbrook Village Homeowners' Association. The meeting was an informational meeting. The Committee did not take a position, but expressed no concerns and raised no issues relating to the plans as submitted.

EXHIBIT "1"

- 11/07/05 - Representatives of the Applicant met with the Executive Committee of the East Bethesda Citizens' Association. The meeting was for informational purposes. The Executive Committee did not take a position, but expressed no particular adverse concerns at the time. They indicated they would contact the Applicant with any issues.
- 11/08/05 - Representatives of the Applicant made a presentation to the members of the Land Use Committee of the Western Montgomery County Citizens' Advisory Board. The Project was well received. The Committee does not take formal positions on such applications.
- 11/08-11/10/05
12/19/05 - Telephone conversations between representatives from the Applicant and Malcolm Rivkin, Zoning Chair, Battery Park Citizens' Association, occurred between November 8-10, 2005 and on December 19, 2005. Correspondence and drawings were delivered to Mr. Rivkin for his use at the Association's meeting. Mr. Rivkin reported that the Project was considered by the Association and was generally well received. The Association determined to take no formal position.
- 11/23/05 - Representatives of the Applicant met collectively with M-NCPPC Staff, and with Carol Trawick and Jack Hayes from East Bethesda, to discuss the art program and creation of the Arts Incubator Space.
- 12/05/05 - Representatives of the Applicant spoke with Mr. Lipnick, owner of the property located in the northwest quadrant of Battery Lane and Woodmont Avenue (across Woodmont Avenue from 8400 Wisconsin). Initial discussions with Mr. Lipnick were held in April, 2005. Mr. Lipnick has provided Crimson with a letter supporting the Project. A copy of that letter will be submitted to the Planning Board at the public hearing on the Project.

Kominers, William (BSA - X76610)

From: Kominers, William (BSA - X76610)
Sent: Tuesday, April 04, 2006 4:53 PM
To: 'Debbie Michaels'
Cc: William S. Glading (wsg@crimsoncorp.com); Reutershan, Susan M (BSA - X77622);
TVB@patrinely.com
Subject: 8400 Wisconsin Ave. -- Site Plan

Debbie:

You will get the formal notice letters in the mail, but I wanted to let you know beforehand that we have filed the site plan application for the project at 8400 Wisconsin Ave. The form/format is essentially as you saw it at the Project Plan; refinements have been made in the details and the parameters of the Artist Workspace are being worked out with Bethesda Urban Partnership.

Once you have gotten the Notice letter with the ground level plan, please let me know if you have any questions and/or would like us to make a presentation to you, as we did before.

I hope you will find the project attractive and consistent with what we have shown you before.

Please contact me if you have any questions.

Thanks,

Bill Kominers
301-215-6610

EXHIBIT "2"

Kominers, William (BSA - X76610)

From: Kominers, William (BSA - X76610)
Sent: Tuesday, April 04, 2006 4:53 PM
To: 'aohare@cement.org'
Cc: William S. Glading (wsg@crimsoncorp.com); Reutershan, Susan M (BSA - X77622)
Subject: 8400 Wisconsin Avenue -- Site Plan

Andy:

You will get the formal notice letters in the mail, but I wanted to let you know beforehand that we have filed the site plan application for the project at 8400 Wisconsin Ave. The form/format is essentially as you saw it at the Project Plan; refinements have been made in the details and the parameters of the Artist Workspace are being worked out with Bethesda Urban Partnership.

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Thanks,

Bill Kominers
301-215-6610

EXHIBIT "3"

Kominers, William (BSA - X76610)

From: Debbie Michaels [debbie.michaels@att.net]
Sent: Tuesday, April 04, 2006 6:32 PM
To: william.kominers@hklaw.com
Subject: Re: 8400 Wisconsin Ave. -- Site Plan

Thank you, I will look for the letters.

Best regards,
Debbie

----- Original Message -----

From: william.kominers@hklaw.com
To: debbie.michaels@att.net
Cc: wsg@crimsoncorp.com ; susan.reutershan@hklaw.com ; TVB@patrinely.com
Sent: Tuesday, April 04, 2006 4:52 PM
Subject: 8400 Wisconsin Ave. -- Site Plan

Debbie:

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Thanks,

Bill Kominers
301-215-6610

EXHIBIT "4"

Kominers, William (BSA - X76610)

From: Andy O'Hare [aohare@cement.org]
Sent: Wednesday, April 05, 2006 1:55 PM
To: william.kominers@hklaw.com
Subject: RE: 8400 Wisconsin Avenue -- Site Plan

Bill,

Thanks for the update. I look forward to reviewing the site plan.

Regards,
Andy
President, East Bethesda Citizens Association

From: william.kominers@hklaw.com [mailto:william.kominers@hklaw.com]
Sent: Tuesday, April 04, 2006 4:53 PM
To: O'Hare, Andy
Cc: wsg@crimsoncorp.com; susan.reutershan@hklaw.com
Subject: 8400 Wisconsin Avenue -- Site Plan

Andy:

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Please contact me if you have any questions.

Thanks,

EXHIBIT "5"

Bill Kominers
301-215-6610

Kominers, William (BSA - X76610)

From: Kominers, William (BSA - X76610)
Sent: Sunday, June 11, 2006 10:48 AM
To: 'aohare@cement.org'
Subject: RE: 8400 Wisconsin Avenue -- Site Plan

Andy:

Just trying to follow up as our hearing date on the site pan for 8400 Wisconsin Ave. is approaching.

Do you wish us to do a briefing for the Board/Exec Committee on the site plan? I realize that Jack may be keeping you informed from our discussions with BUP, but I wanted to make certain.

Thanks,

Bill

From: Andy O'Hare [mailto:aohare@cement.org]
Sent: Wednesday, April 05, 2006 1:55 PM
To: william.kominers@hklaw.com
Subject: RE: 8400 Wisconsin Avenue -- Site Plan

EXHIBIT "6"

Bill,

Thanks for the update. I look forward to reviewing the site plan.

Regards,
Andy
President, East Bethesda Citizens Association

From: william.kominers@hklaw.com [mailto:william.kominers@hklaw.com]
Sent: Tuesday, April 04, 2006 4:53 PM
To: O'Hare, Andy
Cc: wsg@crimsoncorp.com; susan.reutershan@hklaw.com
Subject: 8400 Wisconsin Avenue -- Site Plan

Andy:

You will get the formal notice letters in the mail, but I wanted to let you know beforehand that we have filed the site plan application for the project at 8400 Wisconsin Ave. The form/format is essentially as you saw it at the Project Plan; refinements have been made in the details and the parameters of the Artist Workspace are being worked out with Bethesda Urban Partnership.

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6/11/2006

Please contact me if you have any questions.

Thanks,

Bill Kominers
301-215-6610



June 16, 2006

Ms. Marilyn Clemens, MLA
Montgomery County
Department of Park & Planning
8787 Georgia Avenue
Silver Spring, MD 20910

Subject: 8400 Wisconsin Avenue

Reference: Site Plan #520060360

Dear Ms. Clemens:

It is important for you to know about the cooperation that we have received from the Patrinely Group and their legal representative, Mr. Bill Kominers of Holland & Knight. They have worked respectively and diligently with us to design a suitable Artist Work Space in the project referenced above. Along with our pro-bono lawyer, Mr. Jason Fisher of Lerch, Early & Brewer, we are finalizing an Operation & Maintenance Agreement that should be ready for signature soon.

We feel that the Patrinely Group has followed the guidance of MNCPPC staff and the intentions of the Woodmont Triangle Amendment by implementing an item on the community developed Amenity Priority List.

Sincerely,

Carol Trawick
Chair
Bethesda Arts & Entertainment District Board

The Bethesda Arts & Entertainment District is managed by the Bethesda Urban Partnership, Inc.