

MCPB No. 12-81

Project Plan No. 92006006A

Project Name: 8300 Wisconsin Avenue

Date of Hearing: May 3, 2012

JUL 1 9 2012

# **RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review project plan applications; and

WHEREAS, on March 7, 2006 the Planning Board approved Project Plan No. 920060060 for 118 multiple-family dwellings on 1.6 acres of CBD-1 zoned-land, located at the northwest quadrant of the Battery Lane and Wisconsin Avenue intersection, Lot 61, Block 2 ("Subject Property"), in the 1994 Sector Plan for the Bethesda Central Business District and the 2006 Wisconsin Triangle Amendment to the Sector Plan area; and

WHEREAS, on February 6, 2012 Stonebridge Carras, LLC, SC ("Applicant"), filed an application for approval of a project plan amendment for up to 380 dwelling units, including 12.5% Moderately Priced Dwelling Units and a maximum of 65,000 square feet of non-residential uses ("Project Plan"), on the Subject Property; and

WHEREAS, the project plan amendment application was designated Project Plan No. 92006006A, 8300 Wisconsin Avenue (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated April 23, 2012, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on May 3, 2012, the Planning Board held a public hearing on the Application, and, after hearing testimony and receiving evidence on the Application, voted to approve the Application subject to conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

Approved as to Legal Sufficiency:

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Planning Board APPROVES Project Plan No. 92006006A for up to 360 multiple-family dwelling units, including 12.5 percent MPDUs and a maximum of 55,000 square feet non-residential space, on 1.6 gross acres in the CBD-1 zone, subject to the following conditions:

### 1. Development Ceiling

The proposed development shall be limited to a maximum of 360 units and 55,000 square feet of non-residential development.

# 2. Building Height/Mass

The height of the proposed building elements shall not exceed 90 feet as measured from the building height measuring point as shown on the plans near the corner of Wisconsin Avenue and Battery Lane.

### 3. Transportation Improvements

- a. Enter into a traffic mitigation agreement with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD)
- b. Provide four bike racks around the site and sixteen bicycle lockers in the proposed structured parking garage as determined at certified site plan review.

### 4. Moderately Priced Dwelling Units (MPDUs)

The Applicant shall provide 12.5% of the total number of units as on-site MPDUs to be finalized at certified site plan, consistent with the requirements of Chapter 25A.

#### 5. Public Use and Amenity Space

- a. The Applicant shall provide 34,000 square feet or 48% of the net site area as on and off-site public use and amenity space.
- b. The proposed on-site public use space must be easily and readily accessible to the general public.
- c. The Applicant shall provide art elements by Kent Bloomer in the plaza area near the breezeway and on the connector, on the northern facade of the building wrapping around on a portion of the eastern facade on Wisconsin Avenue, and artistic light elements within the courtyard area and throughout the site. The locations of the art elements shall be provided on the certified site plan.

#### 6. Streetscape

a. The Applicant shall provide the full Bethesda streetscape along the

property's frontages on Wisconsin Avenue, Battery Lane and Woodmont Avenue (with the exception of the specialty paving located at the urban plaza at the intersection of Wisconsin Avenue and Battery Lane).

- 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, Battery Lane and Woodmont Avenue.

# 7. Staging of Amenity Features

- a. The project shall be developed in one phase.
- b. Landscaping is to be installed prior to issuance of the final use and occupancy permit for the building. However, street tree planting may wait until the next growing season.
- c. The commissioned art work must be completed prior to issuance of the final use and occupancy permit for the residential units.
- d. All streetscape improvements shall be installed prior to issuance of the final use and occupancy permit for the building. However, street tree planting may wait until the next growing season.

# 8. Maintenance and Management Organization

The Applicant must insure adequate maintenance and management of the public open spaces in coordination with the Bethesda Urban Partnership (BUP).

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified by herein), and upon consideration of the entire record and all applicable elements of § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

(a) The proposed development complies with all of the intents and requirements of the CBD-1 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 Application 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 Application proposes to use the optional method of development. The Planning Board finds it is in conformance with the 1994 Sector Plan for the Bethesda Central Business District and the 2006 Wisconsin Triangle Amendment to the Sector Plan.

The Application consists of a 9-story building containing up to 360 multifamily dwelling units and a maximum of 55,000 square feet of non-residential use. High-density residential uses are permitted in the CBD-1 Zone. The U-shaped building is one structure with 4-levels of parking below grade. The central spine of the site opens up to the National Institutes of Health property on the northern end, embracing the environmental aspects of the adjacent property. The activated pedestrian plaza is also accessible from a breezeway connection to Wisconsin Avenue and from the retail space. A building height of ninety feet is recommended for this site in the 1994 Sector Plan and in the Woodmont Triangle Amendment. The Application provides up to 160 more residential units than the previous approval and a 55,000 square-foot non-residential component for a maximum 3.0 FAR, in lieu of the units per acre method previously approved.

The Planning Board finds that the Application will accomplish Bethesda CBD Sector Plan and Woodmont Triangle Amendment objectives by providing more housing near transit and MPDUs on-site. The project upgrades the physical environment around the site and provides the Bethesda streetscape. The proposal greatly improves the area by replacing an existing vacant site and previous unattractive two-story open parking deck, multiple curb cuts and older mid-rise hotel with an attractive mixed-use building and a large public gathering area.

(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 Planning Board finds that the Application responds to the need for a variety of housing near metro in the Bethesda CBD by significantly increasing the number of units and providing a grocery on the ground floor to meet the needs of workers, shoppers and residents. Although the previous approval was providing a public arts workspace, contributing to the Bethesda Arts and Entertainment District's network of art venues, the current Applicant has instead pursued an art program on the site and on the building itself.

Under the optional method, this Application continues to encourage pedestrian activity by providing improved, widened sidewalks, a public plaza connecting the adjacent streets and bus stops, which contributes to the attractiveness and liveliness of the 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 Planning Board finds that the development will contribute to the northern gateway of the Bethesda CBD by emphasizing the architecture and artistic impressions on the building. The Application is similar to the previously approved plan in that the 9-story (90-foot) building provides a transition from the lower densities and heights north and east of the site into the CBD and from the low rise rental apartments on the west to Wisconsin Avenue. Older high-rise buildings up to 170 feet 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 2,000 feet from the Medical Center Metro Station and 3,000 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 (TMAg) with the Planning Board to participate in the Bethesda Transportation Management District (TMD), which will reduce transportation impact of the project.

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

The Planning Board finds that the development will encourage pedestrian activity by providing a variety of pedestrian choices for walking through or around the site. The Application provides a new midblock connector at the north end of the site and provides improved streetscape and widened sidewalks on the other three frontages. These modifications will contribute to an improved pedestrian environment. The public use space entering the site from the Battery Lane and Wisconsin Avenue intersection provides a gathering space and street level access to the residential lobby, outdoor seating areas and to the grocery at the mezzanine level.

The garage and loading entrance from Woodmont Avenue will not impede the flow of traffic. The primary pedestrian access to the grocery is located at the intersection with Battery Lane and Woodmont Avenue. The Application continues to have access from Battery Lane, which is a short block, approximately 210 feet in length, and an important connection between Wisconsin Avenue and Woodmont Avenue.

(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 encourage housing near metro for a variety of income levels. The Application provides up to 360 dwelling units, of which 12.5 percent would be MPDUs. 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 MPDUs within the building.

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

The Planning Board finds that the Application allows for a more desirable use of the land, adding additional 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 under-utilized. The amendment responds to the need for more housing in the CBD, 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:

- a. 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
- b. to provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.

The Application proposes additional residential uses and a grocery use at the edge of the CBD at an appropriate density. The site provides a transition from the lower density to the north and east to 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 Data Table below:
- (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 22,000 square feet is provided. The plaza connects to the public sidewalk at Wisconsin Avenue and leads through the site via a graceful interior 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 public plaza will be improved with paving, a linear water feature, landscaping, and a variety of seating areas and benches and plinths to display outdoor art. 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. Adequate drainage and soil depth must be assured for all plantings.

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

As conditioned, the type, location, quantity, programming and maintenance of the artwork and building ornamentations to ensure the

associated objectives are achieved. The following items enumerate the artworks to be incorporated into the project:

- 1 Metal Sculpture by Kent Bloomer Studios at the entrance plaza near the southeast corner of the site. The sculpture is to relate to the metal trellis work descried in item 2 below:
- 2 Metal trellis work by Kent Bloomer Studios on the glass facade over the public plaza entrance, to relate in design with the metal sculpture in item 1;
- 3 Precast concrete panels by Kent Bloomer Studios decorating the wall beneath the bridge into the public plaza;
- 4 Select glass etching by Kent Bloomer Studios on the residential lobby façade in keeping with the principal focal points of the art described in items 1-3 above:
- 5 Precast concrete panels by Kent Bloomer Studios decorating the wall on the north elevation and portion of the east elevation of the building and include signage identifying the property name and the grocery store. The panel decoration at this location will extend around the building onto Wisconsin Avenue at the northeast building corner. These treatments also create pedestrian interest along the path connecting Wisconsin and Woodmont Avenues along the NIH property.
- 6 Approximately 17 lighting fixtures by Kent Bloomer Studios placed to create a visual design connection with art at the entrance plaza at the southeast corner of the site and the art along the pedestrian east west walkway at the northern end of the site.
- 7 A minimum of five sculptural works of art by other artist(s) located throughout plaza interior.

### Off-Site Improvements:

(a) The Wisconsin Avenue Right-of-Way (104-foot ROW)

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 consistent with the Master plan recommendations will be planted at approximately 30 feet on center in improved tree pits.

(b) The Battery Lane Right-of-Way (70 foot ROW)

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 15 feet in width. Street trees shall be planted at approximately 30 feet on center. The submitted plan proposes sugar maples along Battery Lane which corresponds with species recommended by the Master Plan for Rosedale Avenue (to the east of Battery Lane).

# (c) The Woodmont Avenue Right-of-Way (80-foot ROW)

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

Zelkova street trees will be planted along Woodmont Avenue consistent with the 1994 Plan recommendations at approximately 30 feet on center in improved tree pits. The Applicant will provide a minimum 15-foot wide sidewalk and planting area, the Bethesda paver, Washington Globe lamps along the site, and install all utilities underground.

# Requirements of the CBD-1 zone

The data table below lists the Zoning Ordinance required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the CBD-1 zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

#### DATA TABLE

	Development Standards Approved by the Board and Binding on the Applicant
Gross Lot Area (sf.)	129,327
Prior Dedication (sf.):	59,185
Proposed Dedication (sf.):	0
Net Lot Area (sf.):	70,142

Max. Total Density (FAR):	3
Max. Total Density (sf.)	387,981*
Max. Non-Residential Density (sf.):	55,000**
Max. Residential Density (sf.):	376,458
Max. Dwelling Units (du):	Up to 360
Efficiency	30
1 Bedroom	185
2 Bedroom	127
3 Bedroom	18
MPDUs (%):	12.5
Max. Building Height (ft.):	90 (from measuring point identified on plan)
Min. Building Setbacks (ft.)	
Wisconsin Avenue (Front/East) Woodmont Avenue (Rear/West) NIH property (North) Battery Lane (South) Min. On-Site Public Use Space (%) Min. On-Site Public Use Space (sf.)	20' from curb 0' 0' 0' 31.0
Min. Public Amenity Space Total Public Use & Amenity Space Max. Parking Spaces	12,000 sf (17.0%) 34,000 (48.0%) 599***
Residential Uses (Mkt. Rate)****	
Efficiency @ 1.00sp x unit	1.00 x 22 = 22 spaces
1 Bedroom @ 1.25sp x unit	1.25 x168 = 210 spaces
2 Bedroom @ 1.50sp x unit 1.5	0 x 107 = 160.5 spaces
3 Bedroom @ 2.00 sp x unit	2.00 x18 = 36 spaces
Residential Uses (MPDUs)	

Efficiency @ 0.5sp x unit 0.5 x 8 = 4 spaces

1 Bedroom @ 0.625sp x unit 0.625 x 17 = 10.6 spaces

2 Bedroom @ 0.75 sp x unit  $0.75 \times 20 = 15 \text{ spaces}$ 

Grocery Store 5 spaces per 1000gsf (55,000 sf) 5 x 55 = 275 spaces

# (b) The proposed development conforms to the Approved and Adopted 1994 Bethesda CBD Sector Plan and the 2006 Woodmont Triangle Amendment approved under Chapter 56.

### Zoning, Land Use and Sector Plan Conformance:

The Approved and Adopted 1994 Bethesda CBD Sector Plan ("1994 Plan") recommends the CBD-1 zoning for this site. The 1994 Plan assumed a hotel would remain on the site. The 2006 Woodmont Triangle Amendment Plan ("2006 Plan") did not recommend any changes were to the zoning or the development standards for the site. The 2006 Plan encouraged a variety of housing throughout the area and only permits the optional method of development if MPDUs are built on site. The 2006 Plan 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 Application. This project is well-served by transit 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 2006 Plan, as stated above. In addition to the grocery use, the Application provides additional housing units

<sup>\*</sup> Includes that portion of the grocery store located aboveground and counted towards FAR.

<sup>\*\* 43,447</sup>sf. of cellar space is not included in the FAR

<sup>\*\*\*</sup> Final unit count /type and parking spaces to be determined at certified site plan; Mixed-use parking requirement is ≈ 688 spaces; reductions in spaces are subject to payment of Parking Lot District (PLD) tax.

<sup>\*\*\*\*</sup> Final number of parking spaces to be determined at certified site plan based upon final unit count/type.

including 12.5 percent MPDUs, provides public art features, improves the public right-of-way, and adds another link to the open space system connecting the Woodmont Triangle District. The project helps revitalize the Woodmont Triangle District by bringing more residents to the area who will contribute to the local economy. The project is also well-served by transit.

At the public hearing, the Planning Department and the Applicant debated whether the proposed buildings satisfies the 2006 Plan's recommendation that this site be developed with a gateway feature. The Planning Department asserted that the building, as proposed, lacked a gateway feature along Wisconsin and Woodmont Avenues, where it should be focused. The Applicant's architect responded that although the building does not have a traditional gateway feature, such as a spire or other vertical element, at the north corners, and was instead more minimally designed, it would nonetheless serve as a gateway in the manner called for by the Plan. The Board shares the Planning Department's concern about fidelity to the Plan, but finds based on the testimony that the proposed design will substantially satisfy the Plan's call for this site to serve as a gateway to Bethesda.

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

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

The Application will not overburden existing public services nor those programmed for availability concurrently with each stage of construction. The Applicant will enter into a traffic mitigation agreement with the Planning Board to participate in the Bethesda Transportation Management District. The residential project will not severely impact the adjacent intersections. The site is within the Bethesda parking lot district ("PLD"). Payment of the PLD tax is proposed in addition to the creation of new parking spaces. School facility payments will be required to satisfy adequate public facilities for schools.

# (e) The proposed development is 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 amendment can use the optional method only by providing MPDUs on-site and contributing to the priority amenities outlined by the 2006 Plan. The project is in conformance with the recommendations of the 2006 Plan.

Under the standard method of development, the project could achieve 85 dwelling units and would provide only 11 MPDUs. Up to forty-five MPDUs are provided with this amendment, as well as a grocery use, streetscape, a public plaza and amenity improvements. The aggregate amount of public use space and amenities is 48% 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 maximizing the potential density of 3.0 FAR as opposed to the dwelling units per acre previously approved for the site.

# (f) The proposed development includes moderately priced dwelling units in accordance with Chapter 25A of this Code.

The Application is providing the required MPDUs, up to 45 units, or 12.5 percent of the total number of units on site, in accordance with the provisions of Chapter 25A of the Montgomery County Code.

# (g) The proposed development satisfies any applicable requirements for forest conservation under Chapter 22A.

The Final Forest Conservation Plan No. 820060360A, approved on August 10, 2007, identified an afforestation planting requirement of 0.24 acres (10,454 square feet). The planting requirement was satisfied per plan, by a \$9,409 fee-in-lieu payment which was received on August 16, 2007. The forest conservation plan was originally approved by the Planning Board before the effective date of variance requirements. Therefore, no forest conservation variance is required for the onsite activity or for impacts to the critical root zones of the offsite trees associated with the NIH campus. The proposed limits of disturbance (LOD) for the current proposal do not trigger any further requirements related to forest conservation.

# (h) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19.

The site has a new Stormwater Management Concept Plan approved on February 17, 2012 by the Department of Permitting Services (DPS). The approved concept proposes to meet required stormwater management goals by the use of green roofs (30% minimum), micro biofiltration, and a waiver of quantity control.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 92006006A, 8300 Wisconsin Ave stamped received by M-NCPPC on April 2, 2012 are required except as modified by the above conditions of approval; and

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

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

BE IT FURTHER RESOLVED that the date of this Resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record); and

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

#### **CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 12, 2012, in Silver Spring, Maryland.

Françoise M. Carrier, Chair Montgomery County Planning Board