



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

MCPB No. 12-82
 Preliminary Plan No. 12006040A
 Project Name: 8300 Wisconsin Avenue
 Date of Hearing: May 3, 2012

JUL 19 2012

RESOLUTION

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

WHEREAS, on March 7, 2006 the Planning Board approved Preliminary Plan No. 120060400, creating one lot on 1.6 acres of land in the CBD-1 zone, located at the northwest quadrant of the Battery Lane and Wisconsin Avenue intersection ("Subject Property"), in the Approved and Adopted 1994 Bethesda CBD Sector Plan and the 2006 Woodmont Triangle Amendment Sector Plan area; and

WHEREAS, on February 6, 2012, Stonebridge Carras, LLC, SC ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to change the density from dwelling units per acre to a Floor Area Ratio ("FAR") of 3.0, including a total of up to 380 multi-family dwelling units and up to 65,000 sf of commercial space on the Property; and

WHEREAS, the application was designated Preliminary Plan No. 12006040A, 8300 Wisconsin Avenue ("Preliminary Plan" or "Application"); and

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

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12006040A to change the density from dwelling units per acre to an FAR of 3.0, including a total of up to 360 multi-family dwelling units and up to 55,000

Approved as to
 Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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sf of non-residential space with the following conditions which replace the previous conditions of approval in their entirety:¹

- 1) Approval under this Preliminary Plan is limited to a maximum of 360 high-rise, multi-family residential units, including a minimum of 12.5% moderately priced dwelling units (MPDUs), and up to 55,000 square feet of non-residential.
- 2) The Applicant must show on the plan the following rights-of-way along property frontage consistent with the 1994 Approved and Adopted Bethesda CBD Sector Plan:
 - a. Wisconsin Avenue – minimum of 52 feet from the roadway right-of-way centerline or 104 feet from the opposite roadway right-of-way line.
 - b. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline or 80 feet from the roadway right-of-way line.
 - c. Battery Lane – minimum of 35 feet from the roadway right-of-way centerline or 70 feet from the roadway right-of-way line.
- 3) The Applicant must set back the building within the southwest corner of the site at Woodmont Avenue and Battery Lane intersection and within the southeast corner of the property at Wisconsin Avenue and Battery Lane intersection to the locations which would be dictated by full truncation. In lieu of truncation first and second floors of the building must not project into the setback area. The Applicant must grant a public improvement easement to allow for future construction and maintenance of the public sidewalk in that area as conditioned in the 1:40pm email from Greg Leck of Montgomery County Department of Transportation (“MCDOT”) dated May 3, 2012, unless amended.
- 4) The Applicant, to satisfy the Policy Area Mobility Review (“PAMR”) requirement of the Adequate Public Facilities (“APF”) test of mitigating 52 peak-hour trips, must enter into a binding Trip Reduction Agreement (“Agreement”) with the Planning Board and MCDOT. The Applicant must execute the Agreement and record the Agreement in the Land Records for Montgomery County prior to the release of a building permit associated with any development on the site, exclusive of the sheeting and shoring permit.

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

- 5) The Applicant must enter into a Traffic Mitigation Agreement (“TMAg”) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District and must execute the TMAg prior to the release of any building permit for development on the site, exclusive of the sheeting and shoring permit. The TMAg must include trip mitigation measures recommended by MCDOT.
- 6) The Applicant, as part of the TMAg or separately, must coordinate with MCDOT to accommodate an area for a future bikeshare station on the site, or within the county right-of-way, preferably with orientation towards Woodmont Avenue. The location of the bikeshare station and execution of any access/maintenance easement agreement that may be required with MCDOT for the proposed bikeshare station must be finalized prior to the release of any building permit for development on the site exclusive of the sheeting and shoring permit.
- 7) The Applicant must comply with the conditions of the MCDOT letter dated April 23, 2012 and email dated May 3, 2012 regarding preliminary plan review and traffic impact study review. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 8) The Applicant must align the handicap ramps with the pedestrian crossings across the streets.
- 9) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated February 17, 2012. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 10) Prior to approval of the certified site plan, the Applicant must submit a revised noise analysis prepared by an engineer specializing in acoustics that addresses details and locations of noise mitigation techniques to appropriately attenuate noise levels for the affected dwelling units and areas of common outdoor activity in the public plaza.
- 11) No clearing or grading prior to certified site plan approval, except as may be necessary for the undergrounding of utilities in advance of the onsite work.
- 12) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks, will be determined at site plan.

- 13) Final number of MPDUs as per condition #1 above to be determined at the time of certified site plan.
- 14) Applicant must comply with the conditions of the DHCA letter dated April 13, 2012 unless amended.
- 15) The Adequate Public Facility (APF) review for the preliminary plan for 360 residential dwelling units, and up to 55,000 square feet of retail use will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

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

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*

The amendment provides up to 160 more residential units than the previous approval and a 55,000 sq. ft. a non-residential component for a maximum 3.0 FAR, in lieu of the units per acre development previously approved. The increase in density associated with the amendment both substantially conforms to the Master Plan, and satisfies adequate public facilities requirements.

The additional housing associated with the amendment meets the Master Plan's goal of providing more housing. Moreover, as discussed in greater detail in the resolution approving the site plan for this project, the amendment will satisfy the requirement in the Master Plan for this site to be developed as a gateway to downtown Bethesda. Finally, the addition of a grocery store, public space, and art at this site, which are also discussed in greater detail in the site plan resolution, are consistent with the general goal of establishing a lively pedestrian environment in this area.

The current proposal will satisfy the Local Area Transportation Review requirements. As shown in traffic study, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the respective policy area congestion standards (1,600 CLV for the Bethesda-Chevy Chase Policy Area and 1,800 CLV for the Bethesda CBD Policy Area).

To satisfy the Policy Area Mobility Review ("PAMR") requirements of the APF test, and per the policy in place that offers a PAMR trip credit for CBD developments, a

development located within the Bethesda CBD Policy Area is required to mitigate 25 percent of "new" peak-hour trips generated by the development using Countywide trip generation rates, and is then offered a credit on the PAMR trip mitigation requirement equivalent to any reduction in peak-hour trips achieved by the development as a result of its location within the CBD.

Based on the analysis presented in the traffic study, the Planning Board finds that the current proposal will satisfy PAMR requirements. As shown in the traffic study, this amendment would generate 254 "new" peak-hour trips during the weekday morning peak period and 449 "new" peak-hour trips during the weekday evening peak period using countywide trip generation rates. With the requirement to mitigate 25 percent of the "new" peak-hour trips, the PAMR mitigation requirement for the development is 64 peak-hour trips during the weekday morning peak period and 112 peak-hour trips during the weekday evening peak period.

Using the Bethesda CBD trip generation rates, as shown in traffic study, this amendment would generate 115 "new" peak-hour trips during the weekday morning peak period and 389 "new" peak-hour trips during the weekday evening peak period.

The PAMR CBD trip credit, which is the difference in "new" trips between the Countywide and CBD trip generation for the density proposed on the site, is 139 peak-hour trips during the weekday morning peak period and 60 peak-hour trips during the weekday evening peak period. With the above credits, the PAMR mitigation requirement is fully mitigated during the morning peak-hour (64 trip PAMR mitigation requirement vs. 139 trip CBD PAMR credit) and is partially mitigated during the evening peak-hour (112 trip PAMR mitigation requirement versus 60 trip CBD PAMR credit, for a mitigation requirement of 52 peak-hour trips).

The Applicant will satisfy the PAMR mitigation requirements of the APF test by reducing 52 peak-hour trips on the site by entering in to a binding Trip Reduction Agreement with the Planning Board and MCDOT.

Pursuant to Section 50-26(c)(3) of the Subdivision Regulations, a 25-foot truncation at the corners must be shown, unless the Planning Board determines that a different amount is needed for safe site distance or traffic channelization. The truncation was not required under the original plan approval, and the property corners relative to the intersections were platted with an approximately 20-foot radius.

However, there are numerous factors that warrant full truncation-like setting of the intersections. The Applicant has proposed a design that functions similarly to truncation. The Applicant must set back the building within the southwest corner of the site at Woodmont Avenue and Battery Lane intersection and within the southeast corner of the property at Wisconsin Avenue and Battery Lane intersection to the locations that

full truncation would dictate. In lieu of truncation first and second floors of the building must not project into the setback area. The Applicant must grant a public improvement easement to allow for future construction and maintenance of the public sidewalk in that area.

The findings for non-transportation related adequate public facilities still apply to the extent of the previous approval. However, a number of changes have occurred in the availability of public facilities under the proposed plan. The original plan approval for 200 units was in 2006, which was prior to the current APF requirements for schools, which took effect in 2007. The previously approved units are still valid per Council resolution, and are not subject to the schools test as part of the current amendments. The 200 units were already captured in the pipeline of approved development which Montgomery County Public Schools (MCPS) uses in estimating projected enrollment.

Since all three school levels in the Bethesda Chevy-Chase (BCC) cluster (elementary, middle and high school) are currently operating above capacity, the additional students generated by the amendment (an increase of up to 160 dwelling units) are not covered under the current APF. Therefore, the development will be required to make a School Facility Payment for each unit exceeding the previous approval.

The Planning Board finds that the project provides adequate Stormwater Management. 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. Furthermore, Planning Department Staff and DPS Staff requested that the Applicant explore the potential for increasing the green roof area beyond the 30 percent proposed, and the Applicant has committed to do so at the time of final roof design.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 19 2012 (which is the date that this Resolution is mailed to all parties of record); and

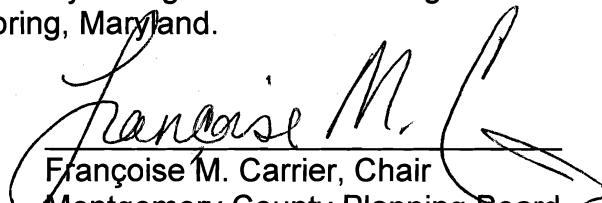
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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