JUL 1 9 2012

MCPB No. 12-83

Site Plan No. 82006036B

Project Name: 8300 Wisconsin Avenue

Date of Hearing: May 3, 2012

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-[-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on August 22, 2006, the Planning Board, by Resolution MCPB No. 06-70, approved Site Plan No. 820060360, for a maximum of 198 multi-family dwelling units on 1.99 acres of CBD-1 zoned-land, located at the northwest quadrant of the intersection of Wisconsin Avenue and Battery Lane, Lot 6°, Block 2 ("Subject Property"), in the 1994 Bethesda CBD Sector Plan and the 2006 Woodmont Triangle Amendment ("Master Plan") area; and

WHEREAS, on June 28, 2007, the Planning Board approved Site Plan No. 82006036A (MCPB No. 07-35) to correct a typo in the data table for building setbacks and to reduce the number of parking spaces from 378 to 373; and

WHEREAS, on February 6, 2012, Stonebridge Carras, Ll C, SC ("Applicant"), filed an application for approval of a further amendment to charge the density from dwelling units per acre to a Floor Area Ratio ("FAR") of 3.0, includir g a total of up to 380 multi-family dwelling units and up to 55,000 sf of non-residential uses on the Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82006036B, 8300 Wisconsin Ave ("Amendment" 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 of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to

Legal Sufficiency:

8787 Georgia Avenus Department Chairman's Office: 301.495.46 15 Fax: 301.495.1320

WHEREAS, on May 3, 2012, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence sub ritted for the record on the Application, and voted to approve the Application subject to conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner 'Vells-Harley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presle / and Wells-Harley voting in favor;

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82006036B with a maximum FAR of 3.0, including a total of up to 360 multi-family dwelling units and up to 55,000 sf of non-residential space with the following conditions, which replace the previous conditions of approval in their entirety: 1

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan No. 92006006A.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 12006040A unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, Montgomery County Department of Transportation ("MCDOT") (formally known as "DPWT") conditions, and Department of Permitting Services ("DPS") stormwater conditions.

3. Public Art

- a. The Applicant must install the public art concept desened by artist Kent Bloomer, as presented to the Planning Department's Art Review Panel on April 10, 2012, and illustrated in the Certified Site Plan. The final location, quantity, design and function of the artwork will be provided on the certified site plan. At a minimum, the art program by Kent Bloon er will consist of the following elements:
 - 1) Facade treatments on the north side of the breezeway, north side of the building adjacent to the National Institutes of Health "NIH") property and wrapping around on a portion of the facade on Wisconsir Avenue;
 - 2) Sculptural light features within the public use space and adjacent to the NIH boundary;
 - 3) Artwork on the breezeway and on the plinth in the public plaza near the breezeway.
- b. The extent of artwork that is provided on the individual plinths within the public use space will be presented to the Art Review Panel and illustrated in

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

the Certified Site Plan. This artwork can be designed by other artists and must be complimentary to the other artwork on the building facades and around the site.

c. Final details of the art concept must be presented to the Art Review Panel and approved by M-NCPPC Area 1 staff before Certified 3 te Plan.

4. LEED Certification

The Applicant must achieve a Leadership in Energy and Environmental Design ("LEED") Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform N-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feas pility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide 12.5 percent of the total number of dwelling units (up to 45 with the maximum 360 dwelling units) on-site as MPDUs, in accordance with Chapter 25A of the Montgon ery County Code.
- b. The Applicant must comply with all conditions of The Department of Housing and Community Affairs (DHCA) letter dated April 13, 2012 unless amended
- c. The Applicant must execute an Agreement to Build with the DHCA prior to the release of the first residential building permit, exclusive of the sheeting and shoring permit.

6. Architecture

- a. The minimum clear distance between the exterior finish grade of the breezeway and the underside of the building above must be 17 feet 2 inches.
- b. Except as described above, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on sheets A.01 through A.10 of the submitted architectural drawings, as determined by M-NCPPC Area 1 staff at time of Building Permit.

7. Noise Analysis and Mitigation

Prior to approval of the certified site plan, the Applicant n list submit a revised noise analysis prepared by an engineer specializing in acoustics that addresses (to the satisfaction of staff) the following:

- a. Details for and location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity in the public plaza.
- b. Specifications for the design of the building shells for all residential dwelling units being constructed within the projected 65 dBA Ldn noise contour to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c. The builder must provide a signed commitment at time or certified site plan to construct the impacted units in accord with the acoustical design specifications. Any changes to the building shell construction that may affect acoustical performance after issuance of building permit rust be approved by an engineer specializing in acoustics prior to their implementation, to ensure the attenuation requirements will be met.
- d. The builder must provide certification from an engineer specializing in acoustics that interior noise levels do not exceed 45 dB/. Ldn. Certification to occur after construction is complete, and before occupancy.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated February 17, 2012 unless amended and approved by the Montgomery County Department of Permitting Services.

9. Public Use and Amenity Space

- a. The Applicant must provide a minimum of 48 percent of the net lot area as on and off-site public use and amenity space.
- b. The Public Use Space must be accessible and open to the public.

10. Recreation Facilities

- a. The Applicant must meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M NCPPC Recreation Guidelines.
- b. The Applicant shall provide the following onsite recreation facilities: swimming pool, pedestrian system, indoor community space and an indoor fitness facility.

11. Maintenance of Public Amenities

a. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscape, art, water features, and seating areas.

b. Prior to certified site plan approval, the Applicant must coordinate with M-NCPPC Area 1 Staff to develop an enforceable maintenance program regarding the upkeep of lighting, artwork, sculptures and water features.

12. Landscape Surety

The Applicant shall provide a surety (letter of credit or performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant materal, on-site lighting, recreational facilities, and site furniture within the relevant portion of development. Surety to be posted prior to issuance of first building permit of development and shall be tied to the development program, exclusive of the sheeting and shoring permit.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreemen: that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit, excluding the sheeting and shoring permit.

13. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. 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.
- b. On-site amenities including, but not limited to art work, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of the final building occupancy permit for the residential units.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must <u>not</u> occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NC PPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for ristallation of on-site landscaping and lighting.
- e. Recreation facilities, including the swimming pool, seating areas, and community room must be completed prior to issuance of the final use and occupancy permit.

f. The development program must provide phasing of ded cations, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

14. Certified Site Plan

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

- a. Include the stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Modify data table to reflect development standards enumerated in the staff report.
- c. The parking calculations, bike racks, and recreational a renities shall be reevaluated to ensure the provisions are appropriate relative to the final unit types and quantities.
- d. Ensure consistency of all tables, details and layout between site plan, landscape plan and architectural plans.
- e. Additional architectural or landscape details, as necessar /
- f. Provide details of the art work.

BE IT FURTHER RESOLVED, that all site development elements as shown on 8300 Wisconsin Ave drawings stamped by the M-NCPPC on April 2, 2012, shall be required, except as modified by the above conditions of approval; and

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

1. The site plan is consistent with an approved project plan for the optional method of development.

The Planning Board finds that the Site Plan complies with Project Plan No. 92006006A, which was approved simultaneous with this site plan amendment...

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

The proposed use is allowed in the CBD-1 Zone and the site plan fulfills the purposes of the zone by providing a retail component along with a housing component.

As the project data table below shows, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to public use space, the proposed development provides 22 percent of the net lot area, 2 percent above the minimum 20 percent requirement. The total public use and amenity space comes to 48 percent and includes on-site community areas, streetscape, and an integrated art program.

DATA TABLE

	Develor ment Standards Approve c by the Board and Binding on the Applica it
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.)	387,98 *
Max. Non-Residential Density (sf.):	55,000 [,] *
Max. Residential Density (sf.):	376,45
Max. Dwelling Units (du):	Up to 3 30
Efficiency	30
1 Bedroom	185
2 Bedroom	127
3 Bedroom	18
MPDUs (%):	12.5
Max. Building Height (ft.):	90 (fro⊧n measuring point identified on plan)
Min. Building Setbacks (ft.)	

Wisconsin Avenue (Front/East) Woodmont Avenue (Rear/West) NIH property (North)	20' from xirb 0' 0'
Battery Lane (South) Min. On-Site Public Use Space (%)	0' 31.0
Min. On-Site Public Use Space (sf.)	22,000
Min. Public Amenity Space Total Public Use & Amenity Space Max. Parking Spaces	12,000°s°(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	1.50 x 107 = 160.5 spaces
3 Bedroom @ 2.00 sp x unit	2.00 x1 } = 36 spaces
Residential Uses (MPDUs)	
Efficiency @ 0.5sp x unit	0.5 x8 = 4 spaces
1 Bedroom @ 0.625sp x unit	0.625 x '7 = 10.6 spaces
2 Bedroom @ 0.75 sp x unit	0.75 x2) = 15 spaces
Grocery Store 5 spaces per 1000gsf (55,000 sf)	5 x 55 = 275 spaces

^{*} Includes that portion of the grocery store located aboveground and counted tovards FAR.

^{** 43,447}sf. of cellar space is not included in the FAR

^{***} 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.

^{****} Final number of parking spaces to be determined at certified site plan basec upon final unit count/type.

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

The buildings and structures of the proposed development are located to hold the street edge, which is appropriate for the character envisioned by the Master Plan. The U-shaped building provides for a central spine linking the NIH open space to the north to the public plaza area at the intersection of Wisconsin Avenue and Battery Lane. The intersection of these two areas is activated by the mezzanine level entrance to the grocery store. Outdoor seating will further activate the space. The primary entrance to the grocery store is located at the Battery Lane and Woodmont Avenue intersection and the primary residential lobby area is located near the intersection of Battery Lane and Wisconsin Avenue. The breezeway connector provides for a break in the overall massing of the building with glass facades on the eastern perimeter of the breezeway. The locations of the buildings and structures are found to be adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space is centrally located, originating from the intersection of Wisconsin Avenue and Battery Lane as a hardscaped plaza to a passive opening at the northern edge of the property with NIH. The open space is landscaped to provide a subtle buffer for the ground floor units while c eating a welcoming atmosphere for the public with art, water features, outdoor seating and varying paving patterns. Landscaping is integrated into the storr water management facilities for the site. Street trees and lighting are provided along all street frontages to enhance the pedestrian environment and will be in conformance with the Bethesda CBD streetscape standards. Kent Bloomer has been chosen as the artist to provide sculptural lighting, artistic panels on the building facades and an art piece to complement the panels. Other pieces of art will be provided on plinths throughout the plaza area to accent the space. In addition to the outdoor seating areas and public use space, recreation facilities have been provided within the building to serve the residents. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

The pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Additional pedestrian access is provided from the intersection of Battery Lane and Wood nont Avenue for the primary entrance to the grocery store, which also provides a third entry in the public space from the mezzanine level. Vehicular circulation to the below grade parking structure is provided from Woodmont Avenue and from Battery Lane.

The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. As designed the paved area for both pedestrians and vehicles reduces imperviousness on site from the existing conditions and is set as far from protected trees as possible. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development. The proposed 9-story mixed-use building is compatible with the adjacent and confronting uses as well as pending plans to the south and west. The additional residential density and grocery compliment the density at the edge of the CBD. The building provides a transition from lower densities to the north and east to the greater density of the Bethesda CBD core.

The building is in scale with nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses.

4. 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 site has a new Stormwater Management Concept Plan approved on February 17, 2012 by DPS. The approved concept proposes to meet required stormwater management goals by the use of green roofs (3.3% minimum), micro biofiltration, and a waiver of quantity control. Planning Department Staff and DPS Staff requested the Applicant to consider increasing the green roof area beyond the 30 percent proposed. The Applicant has indicated that they will evaluate whether the green roof area can be increased at the time of final roof design.

The proposed amendment to the Site Plan are consister t with the amended Project Plan, as well as the requirements of the CBD- zone, and remain compatible with the existing and proposed development adjacent to the site. The proposed elements of the site design, including all buildings and structures, open spaces, landscaping, recreation facilities, and pedest ian and vehicular circulation systems, remain more than adequate, safe, and efficient. The amended site plan satisfies Forest Conservation, water quality, and other applicable regulatory requirements.

BE IT FURTHER RESOLVED, that this Resolution incorpor ites by reference all evidence of record, including maps, drawings, memoranda, correst ondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; 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. Carrie, Chair

Montgomery County Planning Board