



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

OCT 7 2014

MCPB No. 14-72  
Site Plan No. 820140120  
7340 Wisconsin Avenue  
Date of Hearing: September 18, 2014

**RESOLUTION**

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

WHEREAS, on April 28, 2014, Bainbridge Wisconsin Avenue Apartment LLC ("Applicant") filed an application for approval of a site plan for a maximum of 204,381 square feet of multi-family residential use consisting of 225 multi-family dwelling units, including 15% Moderately Priced Dwelling Units ("MPDUs"), and 5,500 square feet of non-residential uses on 34,650 square feet of CBD-2 zoned-land, located on Montgomery Avenue, West of Wisconsin Avenue ("Subject Property"), in the Bethesda CBD Policy Area, Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820140120, 7340 Wisconsin Avenue ("Site 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 September 5, 2014, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 18, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

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Approved as to  
Legal Sufficiency:

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140120 for a maximum of 204,381 square feet of multi-family residential use consisting of 225 multi-family dwelling units, including 15% Moderately Priced Dwelling Units (MPDUs), and 5,500 square feet of non-residential uses, the Subject Property, subject to the following conditions:<sup>1</sup>

### **Compliance with Previous Approvals**

1. The Applicant must comply with the conditions of approval for Project Plan 920140010, as amended.
2. The Applicant must comply with the conditions of approval for Preliminary Plan 11994080A, as amended.

### **Environment**

#### 3. Stormwater Management

The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated November 13, 2013, and hereby incorporates them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

### **Parks, Open Space, and Recreation**

#### 4. Recreation Facilities

At a minimum, the Applicant must provide the following on-site recreation facilities:

- a. Four picnic/seating areas
- b. Pedestrian walkway system
- c. Swimming pool
- d. Indoor community space
- e. Indoor exercise room

#### 5. Public Art

- a. The Applicant must provide and install the public artwork by artist J. Meejin Yoon, as presented to the Planning Department's Art Review Panel on March 19, 2014, and illustrated on the Certified Site Plan.

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<sup>1</sup> 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.

- b. Prior to approval of the Certified Site Plan, any significant changes to the public artwork concept presented on March 19, 2014, must be presented to the Art Review Panel and approved by Staff.
  - c. Significant changes to the public artwork concept, as determined by Staff, proposed after approval of the Certified Site Plan will require a Site Plan Amendment.
6. Public Use and Amenities
  - a. The Applicant must provide a minimum of 3,750 square feet of on-site public use space, as illustrated on the Certified Site Plan.
  - b. The Applicant must provide the Bethesda streetscape standard improvements, as revised to accommodate oval tree planters, including undergrounding of utilities, along the Subject Property's frontage, as illustrated on the Certified Site Plan.
7. Maintenance of Publicly Accessible Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscaping, walkways, lighting, benches, and artworks.

### **Transportation and Circulation**

8. Transportation
  - a. Prior to the release of any building permit for development on the Subject Property, exclusive of any sheeting and shoring permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and the Montgomery County Department of Transportation ("MCDOT") to participate in the Bethesda Transportation Management District. The TMAg must include trip mitigation measures recommended by MCDOT.
  - b. The Applicant must provide a minimum of nine public bicycle parking spaces ("inverted U" or similar), as shown on the certified Site Plan.

### **Density and Housing**

9. Moderately Priced Dwelling Units (MPDUs)
  - a. The Applicant must provide a minimum of 15% MPDUs in accordance with the letter from MCDHCA dated July 3, 2014.
  - b. Prior to the release of any building permit, exclusive of the sheeting and shoring permit, the Applicant must execute the MPDU agreement to build.
  - c. The Planning Board has accepted the recommendations of MCDHCA in its letter dated July 3, 2014, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

## **Site Plan**

### **10. Site Design**

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Staff.

### **11. Private Lighting**

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to the Illuminating Engineering Standards of North America ("IESNA") standards for residential development.
- b. All onsite down-light fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. The height of the light poles must not exceed the height specified on the Certified Site Plan.

### **12. Surety**

Prior to issuance of a building permit within each relevant phase of development, the Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material, on-site lighting, recreational facilities, and site furniture within the relevant phase of development.
- c. Prior to issuance of the above-grade building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

### **13. Development Program**

The Applicant must construct the 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. On-site amenities including, but not limited to, sidewalks, benches, artwork, and trash receptacles must be installed prior to release of any building occupancy permit.

- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with the building must be completed as construction of each facility is completed.
- e. The development program must provide phasing of stormwater management and sediment and erosion control.
- f. The indoor community space and fitness facility must be completed prior to issuance of the final occupancy permit.

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. Ensure consistency off all details and layout between Site Plan and landscape plan.
- c. Provide final details for proposed artwork.
- d. Provide the height of all on-site light poles including the mounting base.
- e. Label areas of green roof on the Site Plan and landscape plan.

15. Clearing and Grading

The Applicant may obtain a demolition permit, access permit, sheeting and shoring permit, and utility permits prior to the approval of the Record Plat, subject to approval by MCDOT and MCDPS.

BE IT FURTHER RESOLVED, that all site development elements as shown on 7340 Wisconsin Avenue drawings filed by the Applicant in M-NCPPC's electronic filing system on June 4, 2014, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the 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 conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is consistent with project plan amendment 92014001A, as conditioned. A development plan, diagrammatic plan, and schematic development plan were not required for the proposed development.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The uses are allowed in the CBD-2 Zone, and the Site Plan fulfills the specific purposes of the zone by providing mixed-use development in a desirable urban environment, a transitional density from the core to the periphery of the CBD, and an effective use of transit facilities for residents and visitors to the Subject Property.

#### **Requirements of the CBD-2 Zone**

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CBD-2 Zone.

**Data Table**

Development Standard	Permitted/ Required	Approved in Project Plan No. 92014001A	Approved
Gross Tract Area (sf.)	18,000	34,605	34,605
Previous Dedications (sf.)		15,926	15,926
Dedications (sf.)		0	0
Net Lot Area (sf.)		18,679	18,679
Maximum Density (FAR) (base)	5	5	5
Maximum Floor Area, Total (sf.) (base)	173,025	173,025	173,025
Maximum Density, Non-residential (FAR)	3	0.2	0.2
Maximum Floor Area, Non-residential (sf.)	103,815	5,500	5,500
Maximum Density, Residential (FAR) (base)	N/a	4.8	4.8
Maximum Floor Area, Residential (sf.) (base)	N/a	167,525	167,525
Maximum Density, Residential (FAR) (including 22% density bonus)	N/a	5.9	5.9
Maximum Floor Area, Residential (sf.) (including 22% density bonus)	N/a	204,381	204,381
Maximum Density, Total (FAR) (including 22% density bonus)	N/a	6.1	6.1
Maximum Floor Area, Total (sf.) (including 22% density bonus)	N/a	209,881	209,881
Maximum Dwelling Units, total	N/a	225	225
Minimum MPDU (%)	12.5	15	15
Building Height, Maximum (ft.)	143	143	143
Building Setback, Minimum	N/A	0	0
Parking Spaces, Maximum			
Residential	288		
Non-residential	75		
Less 15% Metro Credit	-54		
Total Required	309	200 <sup>1</sup>	200 <sup>1</sup>
On-Site Public Use Space, Minimum (% of net lot area)	20	20	20
On-Site Public Use Space (sf.)	3,736	3,750	3,750
Off-Site Public Amenity Space (% of net lot area)	N/a	27	27
Off-Site Public Amenity Space (sf.)	N/a	4,991	4,991

<sup>1</sup> The site is located in the Bethesda parking lot district, and as such is not required to provide the full complement of parking spaces. The total number of spaces will be determined at certified Site Plan. Parking that is not provided on the site, consistent with Section 59-E, will be subject to an ad valorem tax.

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

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

The public use space on Hampden Lane will be integrated into the adjacent sidewalk network. The landscaping planters in the sidewalk have been modified from the standard rectangular shape to an oval to facilitate pedestrian movement into the public use space. The existing site currently has three curb cuts, one each on Wisconsin Avenue, Montgomery Lane, and Hampden Lane. The Site Plan improves vehicular circulation on and around the Subject Property by eliminating the Wisconsin Avenue and Hampden Lane curb cuts. All vehicles will instead be directed to the entrances to the parking garage and loading area on Montgomery Lane. The Site Plan will improve pedestrian circulation in the area by providing Bethesda Streetscape improvements along all three adjacent street frontages. Recreational facilities will be placed on a rooftop terrace and within the building, and they will be easily accessible to building residents.

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

The design, scale, façade, and uses in the Site Plan will provide a complimentary relationship to adjacent buildings in the Metro Core District and the Bethesda CBD as a whole. The 143 feet in building height represents a step-down from the 200-foot building heights permitted in the Bethesda Metro Station block to the north, and the design of the building appropriately transitions from the more vehicle-oriented Montgomery Lane frontage to the more pedestrian-oriented Hampden Lane frontage. At the same time, the building is designed to take advantage of its prominent location by presenting a strong and distinctive architectural presence at this important intersection.

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 Application was granted an exemption from submitting a forest conservation plan per section 22A-5(s)(1) on June 12, 2013. The development meets the conditions as the Subject Property is smaller than 1.5 acres with no existing forest, specimen trees, or champion trees, and the afforestation requirements would not exceed 10,000 square feet. The previously granted exemption remains in effect.

The MCDPS Stormwater Management Section approved the stormwater management concept on November 13, 2013. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent possible through the use of a green roof and micro-bioretenion planter box. The remaining volume will be treated in a structural proprietary filter.

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

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 7 2014 (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).

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**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 Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor at its regular meeting held on Thursday, September 18, 2014, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board