



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

OCT 7 2014

MCPB No. 14-74  
Project Plan No. 92014001A  
7340 Wisconsin Avenue  
Date of Hearing: September 18, 2014

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review project plan applications; and

WHEREAS, on December 12, 2013, the Planning Board approved Project Plan No. 920140010 7340 Wisconsin Avenue (MCPB No. 13-167), for approval of a project plan for a 14-story, mixed use building containing a maximum of 192,791 square feet of multi-family residential uses, consisting of no more than 225 multi-family dwelling units (including a minimum of 15% moderately priced dwelling units ("MPDUs")), and a maximum of 15,000 square feet of non-residential use, which may include retail, restaurant, or service uses on 0.79 acres of land in the CBD-2 zone, located on the south side of Montgomery Lane, west of Wisconsin Avenue (MD 355) ("Subject Property"), in the Bethesda CBD Policy Area, Bethesda CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on April 28, 2014, Bainbridge Wisconsin Avenue Apartments LLC ("Applicant") filed an application for approval of an amendment to the previously approved project plan to reallocate 9,500 square feet of nonresidential floor area to residential floor area, reducing the previously approved nonresidential floor area from 15,000 square feet to 5,500 square feet and increasing the residential floor area from 192,791 square feet to 204,381 square feet on the Subject Property; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 92014001A, 7340 Wisconsin Avenue ("Application", "Project Plan", or "Amendment"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

Approved as to  
Legal Sufficiency:

Planning Board, dated September 5, 2014, setting forth its analysis 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 as certified below;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Project Plan No. 92014001A to reallocate 9,500 square feet of nonresidential floor area to residential floor area, reducing the previously approved nonresidential floor area from 15,000 square feet to 5,500 square feet and increasing the residential floor area from 192,791 square feet to 204,381 square feet by adding the following condition:<sup>1</sup>

1. The Project Plan is limited to a maximum of 204,381 square feet of multi-family residential uses, consisting of no more than 225 multi-family dwelling units (including a minimum of 15% MPDUs), and a maximum of 5,500 square feet of non-residential use. This condition supersedes condition no. 1 of Planning Board Resolution No. 13-167 for Project Plan 920140010, dated December 24, 2013.

BE IT FURTHER RESOLVED, that all other previous project plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 92014001A, 7340 Wisconsin Avenue stamped received by M-NCPPC on June 4, 2014, are 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 Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

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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.



- (a) Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved project plan, and all findings not specifically addressed remain in effect.*
- (b) The development complies with all of the intents and requirements of the CBD-2 zone.*

The Planning Board found the original project plan (920140010) to be in compliance with the intents and requirements of the CBD-2 zone. The Amendment does not affect the Application's compliance with the intents and requirements of the zone, and the Planning Board's prior findings remain valid.

#### CBD-2 Zone Development Standards

Section 59-C-6.23 of the Zoning Ordinance contains the development standards for optional method projects in the CBD-2 Zone. As shown in Table 1 below, the project meets all of the standards and requirements.

Table 1: Project Data Table for the CBD-2 Zone

Development Standard	Permitted/ Required	Approved in 920140010	Approved in 92014001A
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	0.4	0.2
Maximum Floor Area, Non-residential (sf.)	103,815	15,000	5,500
Maximum Density, Residential (FAR) (base)	N/a	4.6	4.8
Maximum Floor Area, Residential (sf.) (base)	N/a	158,025	167,525
Maximum Density, Residential (FAR) (including 22% density bonus)	N/a	5.6	5.9
Maximum Floor Area, Residential (sf.) (including 22% density bonus)	N/a	192,791	204,381
Maximum Density, Total (FAR) (including 22% density bonus)	N/a	6	6.1
Maximum Floor Area, Total (sf.) (including 22% density bonus)	N/a	207,791	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	5,063	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.

*(c) As conditioned, the 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 Planning Board found that the original application, Project Plan 920140010, would not overburden existing or programmed public services, as memorialized in Resolution No. 13-167, dated December 24, 2013. The Amendment will reallocate 9,500 square feet of non-residential use to residential use, but the number of dwelling units will not increase. Since vehicular traffic impact for residential use is measured per dwelling unit and not per floor area, the number of vehicle trips and the traffic burden on surrounding streets will be reduced in comparison to the original application. The Subject Property is within the Bethesda Chevy Chase High School cluster area, which is currently operating between 105-120% of capacity at the high school level, and a school facilities payment has been required as a condition of the previous preliminary plan approval. The reallocation of floor area from non-residential to residential uses will not increase the number of dwelling units, and the burden on school facilities and the required payment will not change as a result. Other public services will not be affected by the reallocation of floor area, and the Planning Board's previous finding remains valid.

*(d) The development satisfies any applicable requirements for water quality resources protection under Chapter 19 of the Montgomery County Code.*

The Montgomery County Department of Permitting Services 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 Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is OCT 17 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 Commissioner Presley, 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