



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

Staff Report: Site Plan 820110010, Wheaton Safeway

ITEM #: _____

MCPB HEARING DATE: October 28, 2010

REPORT DATE: October 14, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RK*
Development Review Division

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APPLICATION DESCRIPTION:

Proposal to build a 195-foot tall, 17-story building with 486 residential dwelling units (including 12.5% MPDUs) and 59,500 square foot of commercial uses; 1.92 acres; CBD-3 Zone; located on the northeast quadrant of the intersection of Georgia Avenue and Reddie Drive (11215 Georgia Avenue); 1990 Sector Plan for the Wheaton CBD.

APPLICANT: 11215 Georgia Ave LLC

FILING DATE: July 13, 2010

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY:

The Applicant proposes to redevelop the Wheaton Safeway site with a mixed use development including first floor grocery and retail space and a 17-story, 486-unit high-rise residential building with structured parking for all uses. Pedestrian access to the building will be located on Georgia Avenue and Reddie Drive; vehicular access will be located on Georgia Avenue and Fern Street. The proposal includes onsite public use space, streetscaping, public art, recreation amenities and a significant financial contribution to the development of a new civic green in the Wheaton CBD.

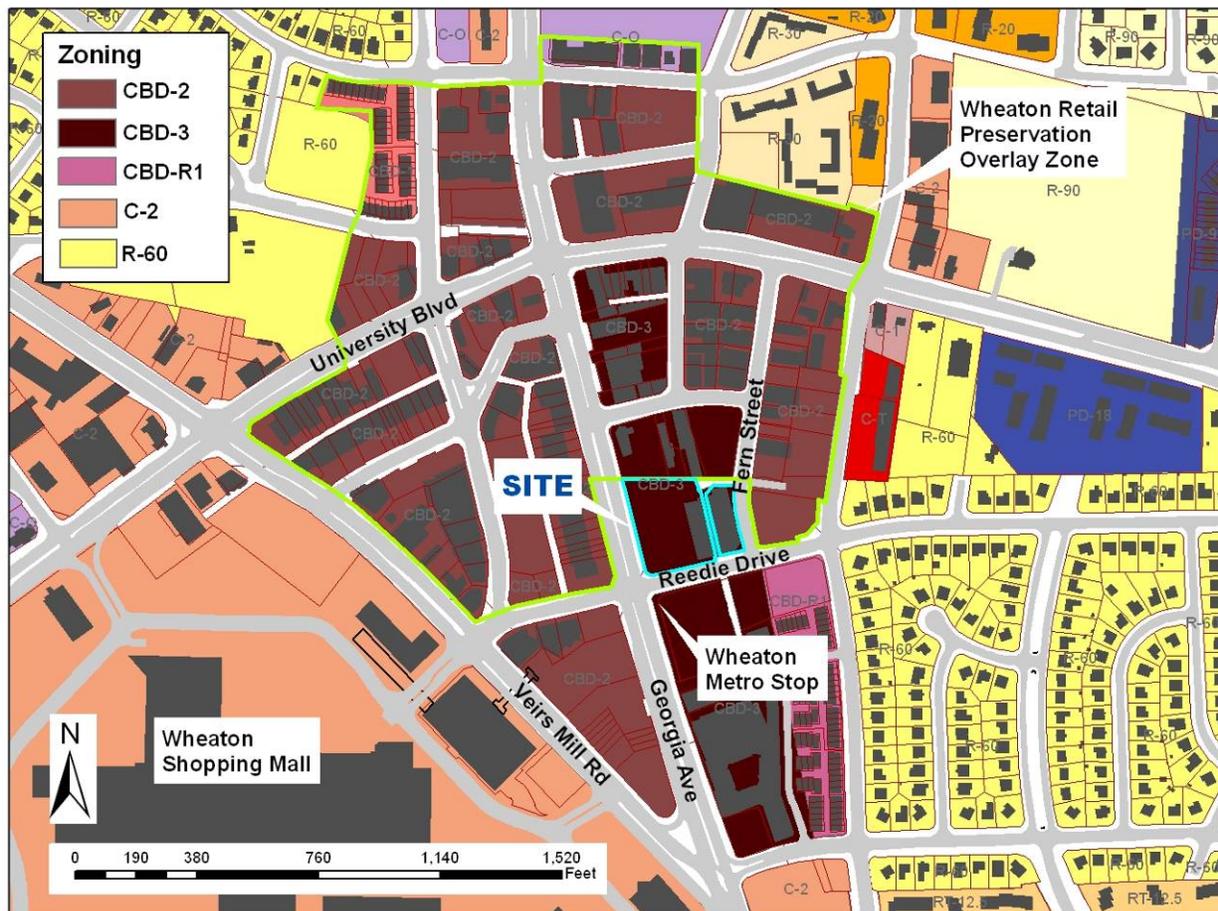
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SITE DESCRIPTION

Vicinity

The subject property is located in the northeast quadrant of the intersection of Georgia Avenue and Reddie Drive in the Wheaton Central Business District (CBD). The site is zoned CBD-3. Directly north of the property are commercial buildings, including a bank and a car wash, zoned CBD-3. The Wheaton Metro Station and a condominium building, also zoned CBD-3, are located south of the site across Reddie Drive. The Wheaton Veterans' Park and a county parking facility, zoned CBD-2, are located to the east along Fern Street. Commercial storefronts line Georgia Avenue west of the property and are in the CBD-2 zone.



Vicinity Map

Site Analysis

The subject property is currently improved with an existing Safeway Store (now closed) and associated parking lot and garage. The 1.92-acre site slopes approximately 19 feet from the front entrance on Georgia Avenue down to Fern Street at the rear of the store where the garage entrance is located. The use of a retaining wall along the south side of the existing building and parking lot keeps the front portion of the site flat.

There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features associated with the property. The site is located in the Sligo Creek watershed, which has a Use I designation.



Aerial Photo looking east

PROJECT DESCRIPTION

Previous Approvals

On April 15, 2010, the Planning Board approved with conditions **Project Plan No. 920100020** (Resolution dated May 19, 2010) for a 200-foot tall, 18-story building with 500 residential dwelling units and 59,500 square foot of commercial uses [Appendix A].

On April 15, 2010, the Planning Board approved with conditions **Preliminary Plan No. 120100120** (Resolution dated May 19, 2010) to create 1 lot for a maximum of 500 multi-family residential dwelling units and 59,500 square feet of commercial uses [Appendix A].

Proposal

The application proposes to demolish the existing Safeway store and associated parking structure and build a 17-story high-rise residential building with 486 dwelling units (including 12.5% MPDUs), and 59,500 square feet of street-level commercial uses, including a grocery store and a separate retail space of 908 square feet.



Illustrative Plan

The footprint of the proposed building takes up most of the site, except for an area of public use space along Georgia Avenue. The ‘building base’ at street level consists of a grocery store, a separate retail space and a lobby area for the residential units. Below the base is a level of retail parking with 140 spaces and loading areas for the residential and commercial uses. Above the base are 3 levels of residential parking with a combined total of 411 spaces. These levels of above ground structured parking will have a similar architectural treatment as the rest of the building. The 17-story high-rise building of 195-feet features 3 separate towers of residential units above the building base that break up its massing. The towers overlook a green roof and an amenity courtyard on Level 5.

The proposed development will improve pedestrian circulation primarily through street-activating ground-floor uses that include a grocery store and a separate retail space. The proposed public art, landscaping, hardscaping, and installation of the Wheaton CBD Streetscape standard (or as amended) will further enhance the pedestrian experience. Pedestrian activation of Reddie Drive will be accomplished through a secondary entrance to the grocery store and architectural treatment along the building façade.

The balance of the required on-site public use space (10.1% of the net lot area, or 7,750 sf.) will be met via a contribution to the Amenity Fund. Under Section 59-D-2.31, the “Planning Board may approve a payment instead of any required public use space, public facilities, or amenities off-site...” During the Project Plan review, the Applicant chose to use this allowance for 10.1% of the required minimum 20% public use space. The Site Plan maintains this same percentage for the in-lieu payment to the amenity fund.

The method Staff used to calculate the Amenity Fund payment is based on the proportion of the 20% public use space requirement to be satisfied off-site, in this instance 10.1%, and has two components:

- The first component is based on the assessed land value for the subject site. The Maryland Department of Assessments and Taxation records show an assessed land value for the site, as of January 1, 2010, of \$6,830,800 [Appendix D], 10.1% of which is \$689,911.
- The second component is calculated at a rate of \$35/sf. for each square foot of public use space to be provided off-site. The rate of \$35 is based on the estimated cost of providing one square foot of streetscape. For this plan, the Applicant proposes to provide 7,750 sf. off-site (10.1% of the net site area), yielding a subtotal of \$271,250.

The total amount of the Amenity Fund payment for this Project Plan is thus calculated, as demonstrated below, to be \$ 961,161.

Area	Rate	Fee
Assessed land value (\$6,830,800)	10.1%	\$689,911
7,750 sf. of public use space (10.1% of Net Lot Area) provided off-site	\$35/sf	\$271,250
On-site public use contribution		\$961,161

Under the terms of the Fund, the amenity targeted to receive the payment must be selected either from the relevant master or sector plan recommendations or from a list of improvements approved by the Planning Board. Furthermore, projects making payments into the Amenity Fund must identify the associated off-site improvement to be implemented. In consultation with Montgomery County Government, DOT, DHCA, and MNCPPC staff from the Vision, Design, and Park Development Divisions, and in accordance with the recommendation of the Wheaton CBD Master Plan, Staff is recommending the Amenity Fund contribution be used to enhance amenity space provided in connection with any redevelopment of Montgomery County Parking Lot 13 in the Wheaton CBD [Appendix E]. The contribution must be submitted to M-NCPPC prior to the release of the first building permit and deposited in a special escrow account specifically earmarked for Lot 13. Montgomery County or M-NCPPC will initiate a County Improvement Project (CIP) for the public use area for the redevelopment of Parking Lot 13, in the Wheaton CBD, which must be planned within 5 years of the accepted contribution and constructed within 10 years.

In coordination with other agencies, Staff is proposing minor modifications to the Wheaton CBD streetscape standards as applied to the Wheaton Safeway project. These modifications tailor the particulars of this project, its context to other sites within the CBD, and respond to maintenance issues associated with the current standards. The responsible agencies have indicated the need to update the current Wheaton CBD Streetscape standards and acknowledged that the following modifications should be incorporated into the future update.

- a) The module pattern on Reddie should be extended from curb to building face. The module should start at the curb with only one row of buff pavers. This creates a consistent treatment for the entire width of the streetscape.
- b) The module pattern should be extended on the sidewalks to the corners as a grid, subject to final adjustments by SHA. Especially at the corner of Georgia Ave and Reddie Drive where there is a large expanse of pavement, this will break-up the area, adding scale and creating interest.
- c) The tree species along Georgia Ave, Reddie Dr, and Fern St should be replaced with willow oaks. The red oak and the lindens referenced on the Streetscape Standards have not performed well elsewhere in the CBD. If an alternative to the willow oak is required for Reddie Dr, it should be either London Plane or Gingko.
- d) Enlarge the tree pits along Georgia and Reddie to 5'-6" x 13' which ensures better survivability of the street trees proposed and does not conflict with pedestrian circulation. Tree pits along Georgia and Reddie will be planted with groundcover (i.e. lirioppe) instead of having tree grates. The tree pit on Fern Street will not be enlarged and will keep the tree grate due to the narrowness of the sidewalk at this location.

PROJECT ANALYSIS

Master Plan

The subject property lies within the boundaries of the *Approved and Adopted 1990 Master Plan for the Wheaton Central Business District and Vicinity*. The site is located at 11215 Georgia Avenue in an area of the CBD designated as "Metro Center" which is envisioned to develop "with the highest intensity of new activities [...] an area of mixed uses, including high density residential and office activities, a range of services, and retail development scaled to serve the surrounding population" (p. 23). The proposed mixed-use development features a 17-story high-rise residential building with 486 dwelling units, and 59,500 square feet of street-level commercial uses, including a grocery store and a separate retail space.



Perspective Sketch looking Northeast

Land Use and Zoning

The proposal conforms to the land use and zoning recommended by the Master Plan. The Master Plan specifically recommends that this site include “a substantial residential component and street-level retail” and retain “a supermarket to serve nearby residents on this parcel or elsewhere in the CBD” (p.46). The proposal will replace the existing but now closed 22,979 square foot Safeway store with a larger, state-of-the-art grocery store, which will serve the proposed 486 residential dwelling units above, as well as the surrounding neighbors. In addition, the proposal includes a separate, small retail space (908 sf.) with direct pedestrian access to Georgia Avenue to better activate this streetscape. The subject property is zoned CBD-3, as is recommended by the Master Plan.

Master Plan Conformance

The *Approved and Adopted 1990 Master Plan for the Wheaton Central Business District and Vicinity* is organized around several goals and objectives that the Project satisfies:

- Creation of new residential and mixed-use development around the metro station and in areas of high transit accessibility;
- Creation of a range of housing opportunities to serve a broad spectrum of the metropolitan population;
- Development of attractive open spaces in convenient locations;
- Creation of boulevards that tie existing open space together using street trees, plazas, and pedestrian and bicycle pathways.



Streetscape along Georgia Avenue

Transportation and Circulation

A local area transportation review (LATR) and a policy area mobility review (PAMR) were completed as part of the preliminary plan review. The preliminary plan satisfied the LATR requirements of the APF test because the critical lane volume at the study intersections was below the applicable congestion standard for the Wheaton CBD Policy Area. To satisfy the PAMR trip mitigation requirements, the Applicant had two choices: 1) Installation of two real-time transit information signs at the Wheaton Metrobus Station; or 2) Implementation of improvements to Reddie Drive between Georgia Avenue and Fern Street within existing curbs to enhance operational efficiency and safety of vehicular and pedestrian movements along Reddie Drive.

In coordination with M-NCPPC Staff and DOT, the Applicant has agreed to implement option 2) above, which will include 14-foot wide through travel lanes in each direction, 11-foot wide left-turn lanes at Georgia Avenue and at Fern Street, and an 8-foot wide mounded, landscaped median throughout [Appendix C]. This cross-section with a wide through travel lane provides comfort and safety for on-road bicyclists. Additionally, with a goal to enhance pedestrian safety and discourage midblock pedestrian crossing and jay-walking, the median along Reddie Drive was designed to be non-traversable and as aesthetically pleasing as possible.

The median on Reddie Drive between Georgia Avenue and Fern Street is part of DOT's county wide effort to improve pedestrian road safety. In Wheaton, the Reddie Drive corridor extending from the Mall across Veirs Mill Road and Georgia Avenue has been identified as an important east-west connector with major pedestrian safety issues, and this corridor will only increase in

importance with the redevelopment of Parking Lot 13. The proposed treatment of the median on Reddie Drive as part of this application, including the plant material, will likely be continued by the County on Reddie Drive, west of Georgia Avenue.

Environment

Environmental Guidelines

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420100020 for the site was approved on July 13, 2009. There are no streams, wetlands or floodplains on-site, nor any forest or significant and specimen trees. As a result, the environmental guidelines are not applicable.

Forest Conservation

The Wheaton Safeway property is subject to Section 22A of the County code. A preliminary Forest Conservation Plan (PFCP) was approved by the Planning Board on April 15, 2010. A final Forest Conservation Plan was submitted with the Site Plan application. The forest conservation worksheet shows the gross tract area of 2.41 acres as the result of the incorporation of proposed off-site disturbance for improvements in the adjacent rights-of-way. There are no significant or specimen trees on-site or forest, nor are there any offsite trees which are affected by this development.

A revised FFCP was received by Staff on September 10, 2010. This site has an afforestation requirement of 0.36 acres. The requirement is proposed to be met with a combination of on-site tree planting credit, once the applicant documents adequate area and volume in the tree pits, and an in-lieu fee payment for the remainder. Revisions are required to the FFCP as stipulated in the conditions of approval.

Noise

Georgia Avenue is an urban major highway and, given its proximity to the site, motor vehicle traffic-generated noise impacts are anticipated. The mixed use development proposal includes residential units above the retail space.

Consistent with the conditions of approval for the preliminary plan, a noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units facing Georgia Avenue, as well as the noise impacts to open space areas along Georgia Avenue. Conditions relating to the noise analysis include that the noise analysis must provide further details for mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas proposed for common outdoor activity. Options for creating quieter areas within the exterior open space should be considered to enhance its value and usage, except for any type of structural noise mitigation that would visually screen the public-use areas. The conditions also require the Applicant to verify that interior noise levels will not exceed 45 dBA Ldn through a shell analysis and that they commit to construct the building to achieve this interior noise level.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on June 18, 2010 [Appendix B]. The concept consists of providing stormwater management control via Environmental Site Design to the Maximum Extent Practicable (ESD/MEP) with the use of a

green roof. This is supplemented with five MCDPS approved proprietary structural filters. Recharge is waived since the majority of the site is covered by sidewalks, a building, and a garage.

Development Standards

The subject site is zoned CBD-3, which allows the proposed residential and commercial uses. The purpose of the CBD-3 Zone is to foster and promote the orderly development of the CBDs of the county so that these areas will enhance the economic status of the county as well as provide an expanding source of employment and living opportunities for residents in a desirable urban environment. The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development’s compliance with the Zoning Ordinance and Project Plan approval.

Project Data Table for the CBD-3 Zone, Optional Method of Development

Development Standard	Permitted/ Required	Project Plan Approval 920100020	Proposed for Approval 820110010
Site Area (square feet)			
Gross Tract Area (including original prescriptive R/W for Georgia Ave)	18,000	108,557	108,557
Prior dedication	n/a	(-) 24,708	(-) 24,708
Existing lot area	n/a	83,849	83,849
New dedication	n/a	(-) 7,120	(-) 7,120
Net Tract Area	n/a	76,729	76,729
Max. Density			
Floor Area Ratio (FAR)			
- Total	8.0	5.78	5.29
- Non-residential FAR	5.0	0.55	0.55
Gross Floor Area (GFA)			
- Non-residential GFA	390,625 ^(a)	59,500	59,500
- Residential GFA	n/a	<u>567,500</u>	<u>515,000</u>
- Total GFA	868,456	<u>627,000</u>	<u>574,500</u>
Max. No. of Dwelling Units			
- Market rate	n/a	401	425
- MPDUs	12.5%	58 (12.5%)	61 (12.5%)
- Workforce Housing ^(b)	n/a	<u>+ 41</u> (10.0%)	<u>+ n/a</u>
- Total d.u.s	n/a	500	486
Min. Public Use Space (% of net lot)			
On-Site Public Use Space	20 (15,346 sq ft)	9.9 (7,615 sq ft)	9.9 (7,615 sq ft)
On-Site Public Use Space		10.1	10.1

provided via contribution to Amenity Fund		(7,750 sq ft)	(7,750 sq ft)
Contribution to Amenity Fund - 10.1% of assessed land value - 7,750 sf @ \$35/sf		\$961,161	\$961,161
Off-Site Amenity Space	n/a	18.0 (13,800 sq ft)	18.0 (13,800 sq ft)
Total Public Use & Amenity Space	20	38% (29,165 sq ft)	38% (29,165 sq ft)
Max. Building Height (feet)			
	200	200	195 ^(c)
Min. Setbacks (feet)			
Georgia Ave	n/a	20	19
Reedie Drive	n/a	2	2
Fern Street	n/a	0	0
Alley	n/a	0	0
North Property Line	n/a	0	0
Vehicular Parking			
Residential - Efficiency units (114) - MPDU efficiency (16) - One-bedroom units (166) - MPDU one-bedroom units (24) - Two-bedroom units (145) - MPDU two-bedroom units (21) Sub-total Less 15% metro/CBD credit Total residential spaces	114 (@ 1sp/du) 8 (@ 0.5 sp/du) 208 (@ 1.25 sp/du) 15 (@ 0.625 sp/du) 218 (@ 1.5 sp/du) + 15.8 (@ 0.75 sp/du) 578.8 (-) 86.8 492	411	Up to 411
Non-residential - Retail Less 15% metro/CBD credit Total non-residential spaces	297.5 (@ 5sp/1,000 GFA) (-) 44.6 253	140	Up to 140
Total Parking	763 ^(d)	551	Up to 551 ^(d)
Min. Parking Mix			
Residential - Accessible spaces - Motorcycle spaces - Bicycle spaces - Loading	9 9 (@ 2% of sp provided) 20 (@5% of sp provided) 2	15 10 20 1	9 11 20 2
Non-Residential - Accessible spaces - Motorcycle spaces - Bicycle spaces - Loading	5 3 (@ 2% of sp provided) 7 (@5% of sp provided) 2	5 10 7 3	6 3 22 2

^(a) Per Section 59-C-6.234(b)(iii), the maximum permitted non-residential FAR not to exceed 62.5 percent of the gross floor area.

- (b) Workforce housing is no longer a legal requirement.
- (c) As measured from a datum point of 446.18 on Georgia Avenue.
- (d) The site is within the Wheaton Parking District, and therefore, no onsite parking is required; however, the project is subject to the Parking District Tax.

The following tables indicate the proposed development's compliance with the *1992 M-NCPPC Recreation Guidelines*. Offsite credit is taken for facilities at the Wheaton Veteran's Park and Wheaton Forest Park.

Demand		D1	D2	D3	D4	D5
Housing Type	Number of Units	Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
Hi-Rise (5 or more)	486	19.44	19.44	19.44	374.22	223.56
		19.44	19.44	19.44	374.22	223.56

On-Site Supply		D1	D2	D3	D4	D5
Recreation Facility	Quantity Provided	Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
Tot Play Room	1	9.00	2.00	0.00	4.00	1.00
Picnic/Sitting	2	2.00	2.00	3.00	10.00	4.00
Pedestrian System	1	1.94	3.89	3.89	168.40	100.60
Swimming Pool	1	1.07	3.99	3.99	93.56	33.53
Indoor Community Space	1	1.94	2.92	5.83	112.27	89.42
Indoor Fitness Facility	1	0.00	1.94	1.94	74.84	33.53
	total:	15.96	16.73	18.65	463.06	262.09

Off-Site Supply		D1	D2	D3	D4	D5
Recreation Facility	Quantity Provided	Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
Tot Lot	1	3.15	0.70	0.00	1.40	0.35
Picnic/Sitting	1	0.35	0.35	0.53	1.75	0.70
Pedestrian System	1	0.68	1.36	1.36	58.94	35.21
	total:	4.18	2.41	1.89	62.09	36.26

Adequacy of Facilities		D1	D2	D3	D4	D5
a.	Gross Total Supply	20.14	19.14	20.54	525.15	298.35
b.	35% of Total Supply	7.04	6.7	7.18	183.8	104.42

	Max Off-Site					
c.	Supply	4.1804	2.4108	1.8858	62.08965	36.2607
d.	Total Supply	20.14	19.14	20.54	525.15	298.35
e.	90% Demand	17.5	17.5	17.5	336.8	201.21
f.	Adequate?	yes	yes	yes	yes	yes

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. The application information was properly posted on the Property. On June 7, 2010, a pre-submission meeting was held, as required, and on July 14, 2010, the Applicant properly notified adjacent and confronting property owners and civic associations of the site plan submission. An affidavit of posting dated July 9, 2010 was provided to Staff by the Applicant. To date, Staff has not received correspondence on this matter.

FINDINGS

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 the approved project plan no. 920100020 for this site. The number of multi-family residential dwelling units has changed from the approved 500 to the proposed 486; and the building height has changed from the approved 200 feet to the proposed 195 feet. These changes are consistent with the project plan approval since they are below the maximum standards approved with the project plan.

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 subject property is zoned CBD-3, which is governed by the development standards in Section 59-C-6.23 of the Montgomery County Zoning Ordinance. As the project data table on page 12 indicates, the site plan meets all of the development standards of the zone. The minimum lot size of 18,000 square feet for optional method projects is met. There is no maximum building coverage for optional method projects, but there is a requirement for the provision of a minimum of 20% of the net lot area as public use space, which this project plan also satisfies by providing plaza areas and an in-lieu payment to the amenity fund. Third, the maximum density for optional method projects in the CBD-3 Zone is 8.0; the proposed density is 5.29 FAR. The only other development standard for a CBD-3 optional method project is building height, which normally limits height to 143 feet but may be increased to 200 feet under Section 59-C-6.235(b) of the Montgomery County Zoning Ordinance “[if] approved by the Planning Board in the process of site plan ... as not adversely affecting surrounding properties.” The project plan approved a maximum height of 200 feet, and the site plan now proposes 195 feet. The new height is still appropriate for this most densely-zoned area of the Wheaton CBD and does not adversely affect the surrounding properties in any detrimental way given the urban context. Because this project is within the Wheaton Parking Lot District, parking spaces are not required to be provided on site, however, the project is subject to the Parking District Tax. The development expects to provide 28% fewer parking spaces than would be required by code; however, a more significant reduction of parking spaces would be appropriate given the project’s proximity to Metro.

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

Buildings and Structures

The location of the building and associated structures is adequate and efficient, while meeting the aesthetic concerns of the area, and does not pose any safety concerns on the site. The application proposes to demolish the existing Safeway store and associated

parking structure and build a 17-story high-rise residential building with 486 dwelling units (including 12.5% MPDUs) and 59,500 square feet of street-level commercial uses, including a grocery store and a separate retail space of 908 square feet.

The footprint of the proposed building takes up most of the site, except for an area of public use space along Georgia Avenue. The 'building base' at street level consists of a grocery store, a separate retail space and a lobby area for the residential units. Below the base is a level of retail parking with 140 spaces and loading areas for the residential and commercial uses. Above the grocery store are 3 levels of residential parking with a combined total of 411 spaces. These levels of above ground structured parking will have a similar architectural treatment in terms of fenestration and materials as the rest of the building. The 17-story high-rise building of 195-feet features 3 separate towers of residential units above the building base that break up its massing. The towers overlook a green roof on the Terrace facing Georgia Avenue, and an amenity courtyard on the Terrace facing Reddie Drive. The architecture is modern and in keeping with the style of the recently developed residential buildings to the south.



Georgia Ave Elevation

At street level especially along Georgia Avenue and Reedie Drive, the architecture and design of the building are articulated to emphasize the pedestrian scale and activation of the streetscape environment. The building elevations include large amounts of glass surfaces and see-through storefronts. On Reedie Drive, the architecture highlights a secondary entrance to the grocery store with an elevator lobby at street level. The building elevations along Reedie Drive and Fern Street will include art graphics screened onto portions of window glass to activate these facades and to counter-balance the visual impact of the loading and vehicular entrances along Fern Street.



Reedie Drive Elevation



Fern Street Elevation

Open Spaces

The open spaces 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 development proposes 7,615 square feet of on-site public use space (9.9% of the net lot area) and 13,800 square feet of off-site public *amenity* space (18% of the net lot area). The onsite public use space consists primarily of a terraced plaza area with seating and landscaped planters along the Georgia Avenue sidewalk. Public art was integrated into this area to provide increased visual interest for the pedestrian and to further activate the terraced plaza. The concept of the public art is to entice and engage the public by celebrating everyday life in Wheaton. The public art consists of a series of bronze stylized human figures engaged in common activities of urban life. The bronze figures vary in size from 14” to 28” tall and will be welded to a stainless steel pole, mounted slightly above the mature plant height in the planters. They will float, as it were, above the flowers, grasses, and shrubs in the planters.

The small public use space at the corner of Reddie Drive and Fern Street will have a commemorative plaque describing either a historical event occurring in Wheaton or the evolution of this particular site as a Safeway Store.



Illustrative image of art pieces – not to scale

The balance of the required on-site public use space (10.1% of the net lot area, or 7,750 sf.) will be met via a contribution to the Amenity Fund, which will be used to enhance amenity space provided for in connection with any redevelopment of Montgomery County Parking Lot 13 in the Wheaton CBD [Appendix E]. Staff believes that Parking Lot 13 is the appropriate location for the project's amenity fund contribution since Parking Lot 13 has been recommended as a major civic open space at numerous community discussions and visioning sessions conducted by the County as well as the Planning Department. Parking Lot 13 is also recommended as the possible location of a key civic open space for Wheaton in the Public Hearing draft of the Wheaton Sector Plan Update.

The off-site public *amenity* space includes the right-of-way areas abutting the site which will be upgraded to comply with the Wheaton CBD Streetscape standards, revised 2002, or as amended.

Landscape and Lighting

The landscaping is adequate, safe, and efficient for the urban context in which this site is located. Street trees on all street frontages add scale to the pedestrian realm and soften the urban environment. On Georgia Avenue, the double row of street trees will better articulate the space between the street and the building face and will better complement the massing of the building. The second row of trees along Georgia Avenue will be set in planters, which will provide a transition between the sidewalk and the public use space against the building. These planters with low-growing shrubs, perennials, groundcover and the bronze art pieces described above will add visual interest to the Georgia Avenue streetscape and public use space. Other landscaped areas highlight the residential entrance to the building and the corner of Reddie Drive and Fern Street. On the Reddie Drive Terrace located on Level 5, landscaped planters with ornamental trees, shrubs and grasses have been strategically placed to define spaces and amenity areas for the residents. The Georgia Avenue Terrace will be covered with a green roof with a variety of sedum species, which will make this area inaccessible except for maintenance needs. Additional green roofs will be placed on the top floor of the building and on the roof of

the residential parking ramp. According to the stormwater concept approval [Appendix B], green roofs will cover at least 70% of the roof area.



Plan view depicting green roofs

All lighting fixtures in the public right-of-way will be in full compliance with the Wheaton CBD Streetscape Standards, revised 2002, or as amended. This includes a vehicular (tall) light of approximately 33.5 feet in height along Georgia Avenue, and a pedestrian (short) light of approximately 11 feet in height along Reedie Drive and Fern Street. Additional ornamental light fixtures with a pole height of approximately 12 feet will be located on the private public use space on Georgia Avenue next to the planters and will provide pedestrian lighting for the sidewalk and public use space on Georgia Avenue. Landscape up-light fixtures will be placed after the art pieces are installed to maximize visibility and intent of the artwork. The terrace on Level 5 will include the same 12-foot tall ornamental light fixtures on the pool terrace and 42-inch tall bollard lights elsewhere. The proposed lighting provides safe, adequate and efficient illumination.

Recreation facilities

As shown on the table on page 14, the proposal satisfies the *1992 M-NCPPC Recreation Guidelines* by providing onsite amenities including a swimming pool, an indoor fitness facility, an indoor community space, an indoor tot play room, two picnic/seating areas and a pedestrian system, combined with offsite credit for proximity to the facilities at the Wheaton Forest Park and Wheaton Veteran's Park. The majority of the onsite amenities

are located on the 5th floor of the building both indoors and outdoors on the proposed Reddie Drive Terrace. The terrace has been designed to include a raised swimming pool and pool deck area, a hardscaped area with seating and a fireplace, and a small open lawn area. The indoor community space credit consists of a conference room and lounge on the 5th floor and a party room/multi-purpose room on the 17th floor. The facilities proposed adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation.



Reddie Drive Courtyard at Level 5

Vehicular and Pedestrian Circulation

The proposal improves vehicular circulation on Georgia Avenue by reducing the number of curb cuts. The development proposes one right-in/right-out vehicular entrance to the underground retail parking from Georgia Avenue. No vehicular access is proposed off Reddie Drive. The remaining access and loading will take place off Fern Street. This includes separate full-movement access points for the residential and retail parking garages, and separate residential and retail loading areas. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

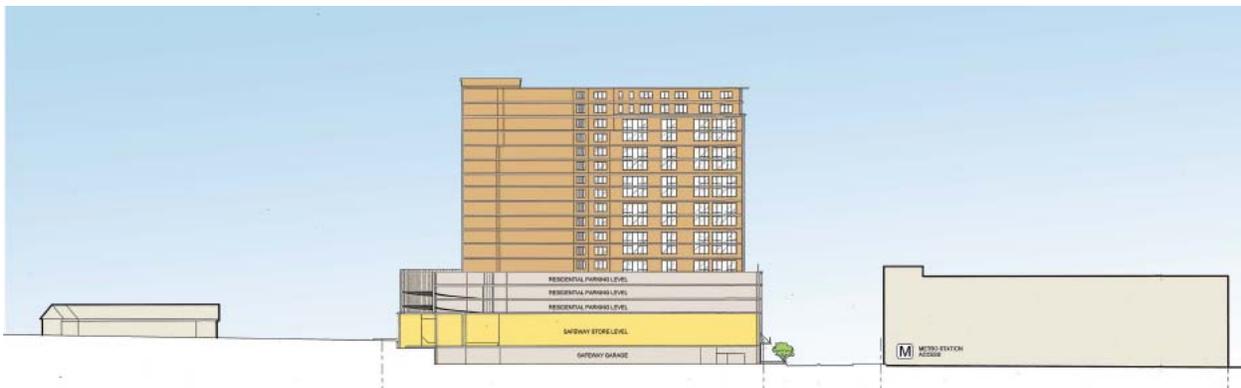
Pedestrian circulation is directed around the perimeter of the building where the building fronts onto public streets, through the use of the proposed public art, landscaping,

hardscaping, and installation of the Wheaton CBD Streetscape standards (or as amended). Pedestrian access to the building along Georgia Avenue includes entrances to the residential building, grocery store and separate retail space. Along Reedie Drive, there will be a secondary entrance to the grocery store and residential egress. All access points to the ground-floor retail uses are crucial to activating the streetscape.

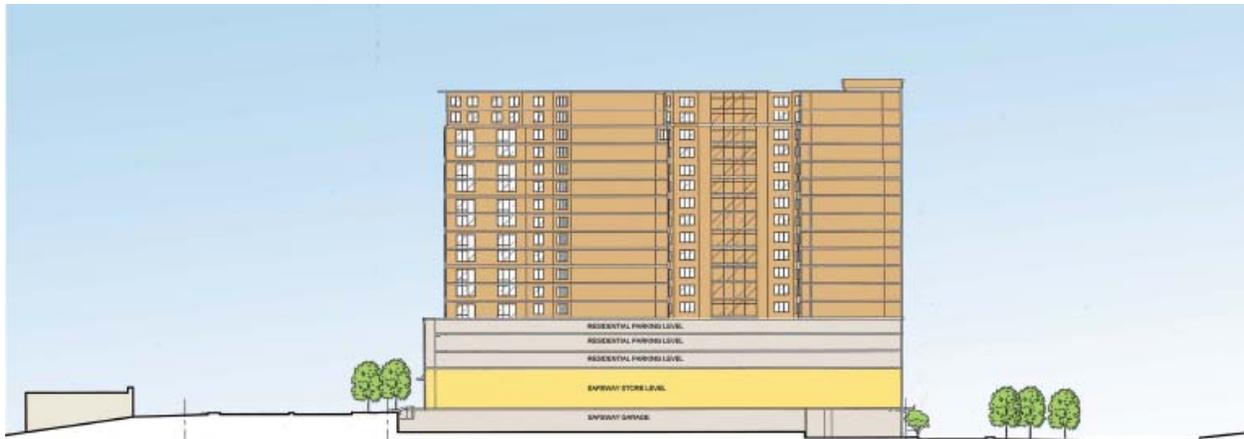
Pedestrian safety on Reedie Drive is enhanced by the provision of a non-traversable median, which will discourage if not prevent mid-block pedestrian crossings and jay-walking. M-NCPPC Staff has collaborated with MC-DOT and the Applicant on the design and treatment of this median in order to meet the non-traversable criteria while achieving environmental and retail visibility goals. The vehicular and pedestrian circulation systems are safe, adequate and efficient.

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

The proposed mixed-use building is compatible with both existing and potential development in the general neighborhood and does not adversely affect the surrounding properties. The site is located in an area of highest intensity in the CBD (CBD-3) with allowable densities of up to 8.0 FAR, and maximum building heights of 200 feet, for optional method of development projects. The proposed 17-story high rise of 195 feet is higher than the 4-5 story residential development to the south, and considerably higher than the primarily 1-story development to the north and west. However, because this development will be the first optional method project in Wheaton, it will in part set the stage for the future redevelopment of Wheaton where potential densities and building heights as envisioned by the Master Plan are much higher than the existing fabric. In terms of urban design, the proposal maintains a similar building line as the existing residential buildings to the south, but adds pedestrian activation of the sidewalk along the property. The architecture will minimize the impacts of a fairly large building upon the surrounding community by breaking-up the massing into 3 towers above the residential parking level. The architecture continues the contemporary character of other recent renovations in this area of the CBD.



North South site section with the existing Chevy Chase Bank building to the left and the existing residential building with Metro entrance to the right



West-East site section with existing retail buildings and Georgia Ave to the left and the existing Veterans Park and Fern Street to the right

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.*

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420100020 for the site was approved on July 13, 2009. A preliminary Forest Conservation Plan (PFCP) was approved by the Planning Board on April 15, 2010. This site has an afforestation requirement of 0.36 acres. The requirement is proposed to be met with a combination of on-site tree planting credit, and an in-lieu fee payment for the remainder.

As a condition of preliminary plan, noise mitigation techniques will be provided to attenuate current noise levels to no more than 65 dBA Ldn for areas proposed for common outdoor activity, and no more than 45 dBA Ldn for interior spaces as determined through a shell analysis.

The stormwater management concept consists of providing stormwater management control via Environmental Site Design to the Maximum Extent Practicable (ESD/MEP) with the use of a green roof. This is supplemented with five MCDPS approved proprietary structural filters. Recharge is waived since the majority of the site is covered by sidewalks, a building, and a garage.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820110010, Wheaton Safeway, for a 195-foot tall, 17-story building with 486 residential dwelling units and 59,500 square foot of commercial uses; on 1.92 gross acres. All site development elements shown on the site and landscape plans stamped “Received” by the M-NCPPC on September 10, 2010 and September 27, 2010 for the Level 5 landscape and lighting plans are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan 920100020 as listed in the Planning Board resolution dated May 19, 2010 [Appendix A].

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 120100120 as listed in the Planning Board Resolution dated May 19, 2010 unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions [Appendix A].

Environment

3. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the Final Forest Conservation Plan recommended by the Environmental Planning Division in their letter dated October 7, 2010 [Appendix C]. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

- a) Approval of a revised Final Forest Conservation Plan (FFCP) consistent with all final FCP regulatory requirements of Section 109B – Forest Conservation Regulations (COMCOR 22A.00.0109B) prior to any clearing, grading or demolition on the site. The revised FFCP shall adequately address Environmental Planning staff’s September 23, 2010 comments.
- b) Revise the FFCP to eliminate forest conservation credit for non-native tree species (Ginkgo). Only native tree species may receive credits toward the forest conservation planting requirement.
- c) Revise the FFCP to eliminate forest conservation credit for two of the honeylocust trees where the surface area and soil volume is inadequate to allow the trees to thrive and achieve canopy spread for which credit is proposed. Forest conservation credit is based on the expected 20-year canopy spread of individual trees and planting conditions must be sufficient for this to occur.
- d) Inspections must occur consistent with Section 110 of the Forest Conservation Regulations.
- e) Submission of financial security for portion of forest planting requirement to be satisfied by fee-in-lieu.

4. Noise Attenuation

- a) Prior to release of the first building permit, the 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 must be approved by Staff.
- b) Prior to release of the first building permit, the Applicant must provide certification from an acoustical engineer that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to building permit. The builder commits to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
- c) Prior to issuance of the final use and occupancy permit, the Applicant must certify that interior noise levels do not exceed 45 dBA Ldn.

5. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 18, 2010 unless amended and approved by the Montgomery County Department of Permitting Services [Appendix B].

6. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) 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 M-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 from the Applicant's LEED consultant that analyzes the feasibility of achieving a LEED-Silver rating, and that includes an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements and associated costs required to achieve the LEED Silver rating. Submission of this report, which is for public-record purposes only, constitutes compliance with this condition.

Open Space & Recreation

7. Recreation Facilities

- a) The Applicant shall 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 recreation facilities onsite: a swimming pool, an indoor fitness facility, an indoor community space, an indoor tot play room, two picnic/seating areas and a pedestrian system.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, a swimming pool, an indoor fitness facility, an indoor community space, an indoor tot play room, two picnic/seating areas and a pedestrian system, artwork, commemorative plaque, terraced plaza, and site furniture.

Transportation & Circulation

9. Transportation

The Applicant must comply with the conditions of the M-NCPPC Transportation Division in the memorandum dated October 8, 2010 [Appendix C].

10. Reedie Median

The Applicant must include the final design for the Reedie Drive median on the certified site plan, including adequate soil depth, plant materials, fencing, as applicable and curb treatment, subject to final approval by MCDOT and MCDPS.

Housing

11. Moderately Priced Dwelling Units (MPDUs)

- a) The Applicant must comply with the conditions of the Department of Housing and Community Affairs in the letter dated September 29, 2010 [Appendix B].
- b) The proposed development must provide a minimum of 12.5% of the overall density as MPDUs onsite, consistent with the requirements of Chapter 25A.
- c) The MPDU agreement to build shall be executed prior to the release of any building permits.
- d) All of the required MPDUs shall be provided on-site.

Site Plan

12. Site Design

- a) Revise paving pattern and materials for the upper plaza area along Georgia Avenue (all outside the R.O.W.), to add variety and interest and to highlight different zones of pedestrian activity, such as stairs and building entries.
- b) Minimize linear feet of fencing on the terraces of Level 5 while conforming to the swimming pool (health) code and regulations.
- c) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A4.0 of the architectural drawings submitted to M-NCPPC on September 10, 2010, as determined by M-NCPPC Development Review and Urban Design Staff.
- d) Provide transparent material on the left wall of the grocery store main entrance.

13. Landscaping

- a) Provide a second row of trees on Georgia Avenue that will match the species on the Georgia Avenue right-of-way.
- b) Enlarge open lawn area on the terrace of Level 5 by eliminating the scored concrete walk between the planter and the open lawn.

14. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All onsite down-light fixtures must be full cut-off fixtures.

- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) Illumination levels for on-site fixtures shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or residential units.
- e) The height of the light poles for the ornamental light fixtures shall not exceed 12 feet including the mounting base.

15. Public Use Space and Amenities

- a) The Applicant must provide a minimum of 7,615 square feet for on-site public use space (9.9% of the net lot area).
- b) In-lieu-of providing as on-site public use space the remaining 7,750 square feet (10.1%) of the required 20% of the net lot area, the Applicant must contribute \$961,161 to M-NCPPC Public Use Space and Amenity Fund for enhancement of future amenity space in connection with any redevelopment of Montgomery County Parking Lot 13, in the Wheaton CBD. The contribution must be submitted to M-NCPPC prior to the release of the first building permit and deposited in a special escrow account specifically earmarked for Lot 13.
- c) Montgomery County or M-NCPPC will initiate a County Improvement Project (CIP) for the public use area for the redevelopment of Parking Lot 13, in the Wheaton CBD, which must be planned within 5 years of the accepted contribution and constructed within 10 years.
- d) If the redevelopment of Parking Lot 13 does not occur within the proposed phasing timeline, the Planning Board may extend the timeline or approve an alternate amenity site, as recommended by M-NCPPC Staff, to satisfy the Applicant's public use space requirement. The alternate site must be in the public interest and consistent with the Amenity Fund Guidelines and Sector Plan recommendations. Planning Board approval of this alternative site would not require an amendment to the Project Plan or Site Plan.
- e) As a public amenity, the Applicant must provide streetscape improvements per the Wheaton CBD Streetscape standards, or as amended, including the undergrounding of public utilities, along the property's frontage on Georgia Avenue, Reddie Drive, and Fern Street as illustrated in the Certified Site Plan, a total of approximately 13,800 square feet, or 18% of the net lot area.

16. Public Art

- a) Provide for and install the public art concept designed by artist Judy Moore as presented to the Planning Department's Art Review Panel on September 21, 2010, and as illustrated in the Certified Site Plan.
- b) The Applicant must provide public art on-site, along the Georgia Avenue and Reddie Drive frontages, which is integrated into the overall site design. The artist Judy Moore must oversee design, fabrication, and installation of the art pieces.
- c) The Applicant must address the following comments from the Art Review Panel [Appendix C] prior to certification of the Site Plan:

- i. Avoid depicting art as a commercial expression of Safeway life. Consider activities that are more universally accessible and that engage to some extent in the steep nature of their mounting on poles.
- ii. Provide an additional “teaser” piece along Reddie Drive which will draw people to find the other pieces.
- iii. Relate the art pieces to one another as if telling a narrative and consider varying their placement within the landscape to create interest and add to sense of discovery.
- d) The public art design, including the material, location and details, must be provided on the Certified Site Plan. Location of art pieces may be adjusted at the time of installation to ensure maximum visibility.

17. Wheaton CBD Streetscape Standards

DHCA, the Wheaton Urban District, and Wheaton Redevelopment Program are in support of the following minor modifications to the current Wheaton CBD Streetscape standards as applied to Wheaton Safeway project, but these will require formal approval from DPS, SHA and DOT:

- a) Module Pattern on Reddie: extend the square paving pattern (8’x8’ modules) from curb to building face. The module will start at the curb with only one row of buff pavers.
- b) Corners: extend the module pattern on the sidewalks to the corners as a grid, subject to final adjustments by SHA.
- c) Tree species: replace tree species along Georgia Ave, Reddie Dr, and Fern St with willow oaks. If an alternative to the willow oak is required for Reddie Dr, it should be either London Plane or Gingko.
- d) Tree pits: enlarge the tree pits along Georgia and Reddie to 5’-6” x 13’ which ensures better survivability of the street trees proposed and does not conflict with pedestrian circulation. Tree pits along Georgia and Reddie will be planted with groundcover (i.e. liriope) instead of having tree grates. The tree pit on Fern Street will not be enlarged and will keep the tree grate due to the narrowness of the sidewalk at this location.
- e) Maintenance Agreement: the Applicant will coordinate with the Wheaton Urban District to enter into a Maintenance Agreement for the maintenance of public rights-of-way and public use space associated with this project.

18. Landscape Surety

The Applicant shall provide a 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 material, on-site lighting, recreational facilities, site furniture, and artwork for the development. Surety to be posted prior to issuance of first building permit for the development and shall be tied to the development program.
- b) Provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial bond amount.
- c) Completion of plantings for the development, 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 agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

19. 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) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- c) Streetscape improvements in the right-of-way to conform with the Wheaton CBD streetscape standards (or as amended) and must be completed prior to the release of any building occupancy permit for the residential units. Street tree planting may wait until the next growing season.
- d) The development program must provide phasing for installation of on-site landscaping and lighting.
- e) On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit for the residential units.
- f) Recreation facilities, including a swimming pool, an indoor fitness facility, an indoor community space, an indoor tot play room, two picnic/seating areas and a pedestrian system, must be completed prior to release of any building occupancy permit for the residential units.
- g) Artwork and associated upright fixtures must be installed concurrently with the landscaping in the planters.
- h) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

20. 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 final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b) Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c) Modify data table to reflect development standards enumerated in the staff report.
- d) Label the plant species and provide details of all materials on the terrace of Level 5.

- e) Provide the revised streetscape standards and median treatment in Reddie Drive on the certified site plan, subject to approval by DOT and DPS.
- f) Coordinate changes to trees species on both the FFCP and the landscape plan.
- g) Label the square footage of all applicable recreation facilities on the plans.

APPENDICES

- A. Project Plan & Preliminary Plan Resolutions
- B. Agency Letters
- C. Staff Memoranda
- D. Property Valuation
- E. Montgomery County Parking Lot 13 Location Map

Appendix A

MAY 19 2010



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

MCPB No. 10-55
Project Plan No. 920100020
Project Name: Wheaton Safeway
Date of Hearing: April 15, 2010

MONTGOMERY COUNTY PLANNING BOARD

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 October 28, 2009, 11215 Georgia Ave LLC ("Applicant"), filed an application for approval of a project plan for a 200-foot high building with 500 residential dwelling units and 59,500 square feet of commercial uses, on 1.92 acres of CBD-3-zoned land, northeast quadrant of the intersection of Georgia Avenue and Reddie Drive (11215 Georgia Avenue) ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920100020, Wheaton Safeway ("Application" or "Project Plan"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated April 1, 2010, 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 staff of other governmental agencies, on April 15, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to
Legal Sufficiency:

Christina Sonnet 5/7/10
M-NCPPC Legal Department

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 15, 2010, the Planning Board approved the Application subject to conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Hanson, and Wells-Harley voting in favor and Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 920100020 for a 200-foot high building with 500 residential dwelling units and 59,500 square feet of commercial uses, on 1.92 gross acres in the CBD-3 zone, subject to the following conditions:

1. Development Ceiling

- a. The development is limited to 627,000 square feet of gross floor area divided into 59,500 square feet commercial and 567,500 square feet residential uses.
- b. The final breakdown of the square footage for the commercial uses (the grocery store and the separate retail space) will be determined at site plan.

2. Building Height and Mass

The development is limited to the building footprint as delineated in the Project Plan drawings submitted to M-NCPPC dated February 23, 2010, unless modified at site plan review and to 200 feet in height as measured from a datum point of 446.18 on Georgia Avenue.

3. Architecture

The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations shown on Sheets A2.5-A2.9 of the architectural drawings submitted to M-NCPPC dated February 23, 2010, and March 19, 2010, as determined by M-NCPPC Development Review and Urban Design Staff, unless modified during Site Plan review.

4. Housing

- a. The development must provide a minimum of 12.5% of the base density as MPDUs onsite, consistent with the requirements of Chapter 25A, Section 25A-5.
- b. The development must provide a minimum of 10% of the final number of market rate dwelling units as Workforce Housing onsite in addition to the number of market rate units and MPDUs provided, consistent with the requirements of Chapter 25B, Article V. If at the time of certified site plan,

workforce housing is no longer a legal requirement for this project, the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval.

5. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) 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 M-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 from the Applicant's LEED consultant that analyzes the feasibility of achieving a LEED-Silver rating, and that includes an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements and associated costs required to achieve the LEED Silver rating. Submission of this report, which is for public-record purposes only, constitutes compliance with this condition.

6. Transportation

The Applicant must comply with the conditions of the M-NCPPC Transportation Division in the memorandum dated March 24, 2010.

7. Public Use Space & Amenities

- a. The Applicant must provide a minimum of 7,615 square feet for on-site public use space (9.9% of net lot area).
- b. In lieu of providing as on-site public use space the remaining 7,750 square feet (10.1%) of the required 20% of the net lot area, the Applicant must contribute to M-NCPPC Public Use Space Amenity Fund no less than \$961,161 to be used to enhance amenity space provided in connection with any redevelopment of the Montgomery County Parking Lot 13, in the Wheaton CBD.
- c. At the time of Site Plan, the Planning Board may approve an alternative amenity site, as recommended by M-NCPPC Staff, to satisfy the Applicant's public use space requirement. The alternative site must be in the public interest and consistent with the Amenity Fund guidelines and Sector Plan recommendations. Planning Board approval of this alternative would not require an amendment to the Project Plan.
- d. If, by the time of Site Plan review, there are approved Amenity Fund implementation guidelines that yield a different public use space and amenity payment amount, the Planning Board may elect to replace the payment amount in Condition 7(b) above, with the new amount.

- e. Final details regarding the Amenity Fund contribution shall be determined at Site Plan.
 - f. As a public amenity, the Applicant must provide streetscape improvements in accordance with the Wheaton Streetscape Standards, and any amendments thereto, including the undergrounding of public utilities along the property's frontage on Georgia Avenue, Reddie Drive, and Fern Street as illustrated in the Certified Site Plan, a total of approximately 13,800 square feet, or 18% of the net lot area.
8. Public Art
- a. The Applicant must provide public art on-site, especially along the Georgia Avenue and Reddie Drive frontages, which is integrated into the overall site design.
 - b. The Applicant must present preliminary and final public art concepts to the Art Review Panel for review and comment that will be available to the Planning Board prior to scheduling the Planning Board hearing for the site plan application.
 - c. Final design of the public art must be determined by Certified Site Plan.
9. Street Activation
- a. The separate retail space on Georgia Avenue must have direct pedestrian ingress/egress on Georgia Avenue separate from the access for the grocery store and the residential building.
 - b. The grocery store must have a secondary pedestrian ingress/egress point on Reddie Drive.

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-2.42 as set forth below, which inherently address the relevant provisions 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-3 zone.**

Intents and Purposes of the CBD Zones

The Montgomery County Zoning Ordinance, Section 59-C-6.212, states the purposes that the CBD zones are designed to accomplish. The following statements analyze how the Project Plan conforms to these purposes:

- (1) *"To encourage development in accordance with an adopted and approved master, 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 Subject Property lies within the boundaries of the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity. The Sector Plan supports mixed use development, including housing near Metro. The Project Plan proposes a mixed-use development with 59,500 square feet of commercial uses including a grocery store and a separate retail space, and an 18-story high-rise residential building with 500 dwelling units. While the maximum density allowed under the CBD-3 Zone is 8 FAR, the approved density is 5.78 FAR. The project maximizes the building height of up to 200 feet, which is allowed by the zone. The zone typically permits up to 143 feet; however, the Planning Board may approve an increased height up to 200 feet if the proposal does not adversely affect surrounding properties. The Planning Board finds that the height and massing does not adversely affect the surrounding properties and is supported by the building location in close proximity to metro and transit, along with providing additional residential units in the CBD core and retaining the Safeway store. Therefore, the Planning Board approves a height of 200 feet for this Project Plan.

- (2) *"To 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 existing uses in the vicinity of the Subject Property include small scale retail to the north of the site and residential to the south and east of the site. The new residential uses will augment the existing high-density residential uses in the CBD and will increase the housing stock, including affordable housing, in the CBD. The new commercial uses consisting of a grocery store and a small retail space will complement the existing retail in the vicinity of the Subject Property. The stand-alone retail space fronting Georgia Avenue needs to be an activating use to further the objectives of enhancing and enlivening the streetscape and adjacent public use space. Further, the Applicant's contribution to the development of public space in the larger Wheaton CBD, through the "Amenity Fund," will help provide a most desirable amenity for workers, visitors, and residents. The ground-floor uses and off-site public space will serve not only the weekday office workers, but also the evening and weekend residents of the CBD, bringing pedestrian activity and vitality to what is currently an underutilized space.

- (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 building will maintain a building line similar to that of the existing adjacent buildings along Georgia Avenue and will minimize the impacts on available sunlight and existing views by breaking up its massing into 3 towers above the residential parking level. The architecture continues the contemporary character of other recent renovations in this area of the CBD. The location and layout of the building entrances, the open space, and public art will direct pedestrians in and around the site to access this and adjacent buildings and streets. The location and layout of the garage entrances and loading areas will direct vehicular traffic in and around the site efficiently. The building will help to create along this section of Georgia Avenue an attractive destination for workers and residents.

- (4) *"To promote the effective use of transit facilities in the central business district and pedestrian access thereto."*

The proximity to transit facilities combined with a reduction in the parking provided will encourage residents and customers alike to take advantage of the pedestrian network and ample transit options. The development is immediately north of a Metro entrance, and a block away from the Wheaton Metro transit facility including Metrobus and Ride-On buses. There is one bus stop within the site's right-of-way. The development will provide 28% fewer parking spaces than is required by code; however, a more significant reduction of parking spaces would be appropriate and should be considered at site plan given the project's proximity to Metro.

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

The development will improve pedestrian circulation primarily through street-activating ground-floor uses that include a grocery store and a separate retail space. The proposed public art, landscaping, hardscaping, and installation of the Wheaton Streetscape standard (or as amended) will further enhance the pedestrian experience. Pedestrian activation of Reddie Drive will be accomplished through a secondary entrance to the grocery store and architectural treatment along the building façade. Details of this building façade will be evaluated during the site plan process.

The Project Plan improves vehicular circulation on Georgia Avenue by reducing the number of curb cuts. The development provides one right-in/right-out vehicular entrance to the underground retail parking from Georgia Avenue. No

vehicular access is provided off Reddie Drive. The remaining access and loading will take place off Fern Street. This includes separate full-movement access points for the residential and retail parking garages, and separate residential and retail loading areas.

(6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

The development will provide 12.5% of the base density as MPDUs onsite, consistent with the requirements of Chapter 25A, and 10% of the final number of market rate dwelling units as Workforce Housing onsite, consistent with the requirements of Chapter 25B, unless the law changed to not require workforce housing. At the time of this Resolution, workforce housing is no longer a legal requirement for this project, and therefore the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval.

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

As part of preliminary Plan No. 120100120, the project consolidated Part of Parcel A, Part of Parcel B, lots 1-13 and a previously abandoned alley into 1 recorded lot with a net lot area of 76,729 square feet after right-of-way dedication for Georgia Avenue and Reddie Drive. Although under common ownership, the consolidation of all these lots and parcels will allow for the unified redevelopment of the underutilized site with a mix of residential (including affordable housing) and non-residential uses, public art, and investment in public use space within the larger CBD, which are all consistent with the most desirable land use for the affected site and consistent with the goals of the Sector Plan.

Further Intents of the CBD-3 Zone

Section 59-C-6.213(b) of the Zoning Ordinance states:

To foster and promote the orderly development of the CBD of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.

The 18-story high rise building with 500 dwelling units will provide a range of housing choices conveniently located across from Metro and within walking distance of numerous restaurant and commercial establishments in the Wheaton CBD. The street-level retail including a large grocery store and a separate retail

space will expand the employment base in Wheaton and contribute to the economic development of the County.

Requirements of the CBD-3 zone

The Staff Report contains a data table that 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 uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the optional method of development in the CBD-3 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 Planning Board & Binding on the Applicant
Site Area (square feet)	
Gross Tract Area (including original prescriptive R/W for Georgia Ave)	108,557
Prior dedication	- 24,708
Existing lot area	83,849
New dedication	- 7,120
Net Tract Area	76,729
Max. Density	
Floor Area Ratio (FAR)	
- Total	5.78
- Non-residential FAR	0.55
Gross Floor Area (GFA)	
- Non-residential GFA	59,500 ^(a)
- Residential GFA	<u>567,500</u>
- Total GFA	627,000
Max. No. of Dwelling Units	
- Market rate	401
- MPDUs	58 ^(b) (12.5%)
- Workforce Housing ^(b)	<u>+ 41</u> (10.0%)
- Total d.u.s	500
Min. Public Use Space (% of net lot)	
On-Site Public Use Space	9.9

	(7,615 sq ft)
On-Site Public Use Space provided via contribution to Amenity Fund	10.1 (7,750 sq ft)
Contribution to Amenity Fund - 10.1% of assessed land value - 7,750 sf @ \$35/sf	\$961,161
Off-Site Amenity Space	18.0 (13,800 sq ft)
Total Public Use & Amenity Space	38% (29,165 sq ft)
Max. Building Height (feet)	
	200 ^(c)
Setbacks (feet)	
Georgia Ave	20
Reedie Drive	2
Fern Street	0
Alley	0
North Property Line	0
Vehicular Parking	
Residential ^(d)	
- Efficiency units ^(e) (96)	
- MPDU efficiency (12)	
- One-bedroom units ^(e) (173)	
- MPDU one-bedroom units (23)	
- Two-bedroom units ^(e) (173)	
- MPDU two-bedroom units (23)	
Less 15% metro/CBD credit	
Total residential spaces	411
Non-residential	
- Retail	
Less 15% metro/CBD credit	
Total non-residential spaces	140
Total Parking	551 ^(f)
Parking (Miscellaneous)	
Residential	
- Accessible spaces	15
- Motorcycle spaces	10
- Bicycle spaces	20

- Loading	1
Non-Residential	
- Accessible spaces	5
- Motorcycle spaces	10
- Bicycle spaces	7
- Loading	3

- (a) Per Section 59-C-6.234(b)(iii), the maximum permitted non-residential FAR not to exceed 62.5 percent of the gross floor area.
- (b) If at the time of certified site plan, workforce housing is no longer a legal requirement for this project, the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval. If the total number of units remains the same, the number of MPDUs will increase to 63.
- (c) As measured from a datum point of 446.18 on Georgia Avenue.
- (d) The number of private parking spaces will be set at site plan, subject to final bedroom mix and unit count and will comply with the Montgomery County Parking requirements.
- (e) Includes market rate and workforce housing units.
- (f) The site is within the Wheaton Parking District, and therefore, no onsite parking is required; however, the project is subject to the Parking District Tax. The final number of required parking spaces will be determined at Site Plan based on the unit mix.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

To this end, the development is proffering the following package of amenities and public facilities:

- Significant financial contribution towards the development of public space in the larger Wheaton CBD;
- Streetscape improvements;
- Onsite plaza with seating
- Architectural treatment on the Reddie Drive building façade; and
- Onsite public art.

(b) The proposed development conforms to the 1990 Sector Plan for the Wheaton Central Business District and Vicinity approved under Chapter 56.

The Subject Property lies within the boundaries of the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity. The site

is located at 11215 Georgia Avenue in an area of the CBD designated as "Metro Center" which is envisioned to develop "with the highest intensity of new activities [...] an area of mixed uses, including high density residential and office activities, a range of services, and retail development scaled to serve the surrounding population." The approved mixed-use development features an 18-story high-rise residential building with 500 dwelling units, and 59,500 square feet of street-level commercial uses, including a grocery store and a separate retail space.

Land Use and Zoning

The Project Plan conforms to the land use and zoning recommended by the Sector Plan. The Sector Plan specifically recommends that this site include "a substantial residential component and street-level retail" and retain "a supermarket to serve nearby residents on this parcel or elsewhere in the CBD" (p.46). The project will replace the existing 22,979 square feet Safeway store with a larger, state-of-the-art grocery store, which will serve the 500 residential dwelling units above as well as the surrounding neighbors. In addition, the project includes a separate retail space with direct pedestrian access to Georgia Avenue to better activate this streetscape. The Subject Property is zoned CBD-3, which is recommended by the Sector Plan.

Sector Plan Conformance

The Project Plan is in conformance with the Sector Plan. In addition to the specific Sector Plan recommendations for the site, which the Project Plan conforms with the Sector Plan also has several goals and objectives that the Project Plan satisfies. These include:

- Creation of new residential and mixed-use development around the metro station and in areas of high transit accessibility;
- Creation of a range of housing opportunities to serve a broad spectrum of the metropolitan population;
- Development of attractive open spaces in convenient locations; and
- Creation of boulevards that tie existing open space together using street trees, plazas, and pedestrian and bicycle pathways.

(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 Project Plan is compatible with both existing and potential development in the general neighborhood and does not adversely affect the surrounding properties. The Subject Property is located in an area of highest intensity in the CBD (CBD-3) with allowable densities of up to 8.0 FAR, and maximum building

heights of 200 feet, for optional method of development projects. The proposed 18-story high rise of 200 feet is higher than the 4-5 story residential development to the south, and considerably higher than the primarily 1-story development to the north and west. However, because this development will be the first optional method project in Wheaton, it will in part set the stage for the future redevelopment of Wheaton where potential densities and building heights as envisioned by the Sector Plan are much higher than the existing fabric. In terms of urban design, the Project Plan maintains a similar building line as the existing residential buildings to the south, but adds pedestrian activation of the sidewalk along the Subject Property. The architecture will minimize the impacts of a fairly large building upon the surrounding community by breaking up the massing into 3 towers above the residential parking level.

- (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 concurrent Preliminary Plan No. 120100120 has reviewed this proposal for Adequate Public Facilities (APF), which includes LATR and PAMR requirements. The development satisfies the LATR requirements. To satisfy the PAMR requirements, the development will have to mitigate 29 morning peak-hour trips and 45 evening peak-hour trips. The proposed mitigation measures include either the installation of two (2) real-time transit information signs at the Wheaton Metrobus Station, or implementation of improvements to Reddie Drive between Georgia Avenue and Fern Street within existing curbs to enhance operational efficiency and safety of vehicular and pedestrian movements along Reddie Drive.

Public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and public sewer. The Montgomery County Department of Fire and Rescue has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Subject Property. The Application is not within a school moratorium area, and a school facilities payment is not required. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

- (e) The proposed development is more efficient and desirable than could be accomplished by the use of the standard method of development.**

A standard method project would only allow a density of 4.0 FAR with a building height of 72 feet. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density at transit hubs is a core value of smart growth and given the number and quality of public amenities being proffered, the optional method of development is much more desirable and more efficient for this particular site.

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

The development will provide 12.5% of the base density as MPDUs onsite, consistent with the requirements of Chapter 25A, and 10% of the final number of market rate dwelling units as Workforce Housing onsite, consistent with the requirements of Chapter 25B, unless the law changed to not require workforce housing. At the time of this Resolution, workforce housing is no longer a legal requirement for this project, and therefore, the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review. If the total number of units remains the same, the number of MPDUs will increase to 63.

(g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, the Project Plan may be approved by the Planning Board based on the following findings:*

The concurrent Preliminary Plan No. 120100120 consolidated Part of Parcel A, Part of Parcel B, lots 1-13 and a previously abandoned alley into 1 recorded lot. The development does not propose any public open space or density transfers.

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

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420100020 for this site was approved on July 13, 2009. There are no significant and specimen trees on-site, nor any forest, nor any offsite trees which are affected by this development. This site has a reforestation requirement of 0.35 acres to be met with a combination of on-site tree planting credit (0.25 acres), and an in-lieu fee payment for the remainder.

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

The development is subject to the water quality resources protection requirements. The MCDPS Stormwater Management Section approved the stormwater management concept on January 28, 2010. The concept includes on-site channel protection using structural sandfilters and on-site water quality control via a green roof, a volume-based filter and proprietary flow thru filters. On-site recharge is not required based on the type of soils present and since most of the lot contains a "below level" parking garage.

(j) Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.

The financial contribution will enhance amenity space provided for in connection with any redevelopment of the Montgomery County Parking Lot 13, in the Wheaton CBD, and is consistent with the Wheaton CBD Sector Plan.

Given the constraints of the Subject Property, providing the full complement of public use space required by the zone would necessitate pushing the building away from the street and would create an undesirable condition at the street level, with unclear delineation between public and private space. Typically, such places have the residual character of the un-owned space and are uninviting and under-utilized.

In contrast, Parking Lot 13 was recommended as the key civic open space for Wheaton in the preliminary Wheaton Sector Plan Update, presented to the Planning Board on December 3, 2009. When realized, this park will provide a valuable community amenity that is scarce in the CBD that will serve the public interest far better than providing the space on the Subject Property.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920100020, Wheaton Safeway stamped received by M-NCPPC on February 23, 2010, and March 19, 2010 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



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

MCPB No. 10-45
Preliminary Plan No. 120100120
Wheaton Safeway
Date of Hearing: April 15, 2010

MAY 19 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 28, 2009, 11215 Georgia Avenue LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 76,729 square feet of land in the CBD-3 zone, located in the northeast quadrant of the intersection of Georgia Avenue and Reddie Drive in the Wheaton Central Business District ("Property" or "Subject Property"), in the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity master plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120100120, Wheaton Safeway ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 1, 2010, 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 staff of other governmental agencies, on April 15, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

Christina Sorrento 5/6/10
M-NCPPC Legal Department

WHEREAS, on April 15, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Hanson, and Wells-Harley voting in favor, Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 120100120 to create 1 lot on 76,729 square feet of land in the CBD-3 zone, located in the northeast quadrant of the intersection of Georgia Avenue and Reedie Drive in the Wheaton Central Business District ("Property" or "Subject Property"), in the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity master plan area ("Sector Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 1 lot for a maximum of 59,500 square-feet of commercial uses and a maximum of 500 multi-family residential units. A minimum of 10.0% of the residential apartment units, exclusive of MPDUs, must be workforce housing units, in accordance with Chapter 25B, Article V, of the County Code. If at the time of certified site plan, workforce housing is no longer a legal requirement for this project, the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval.
- 2) The proposed development must comply with the conditions of the preliminary Forest Conservation Plan. The Applicant must satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
- 3) At site plan submittal, the Applicant must provide a noise mitigation analysis prepared by a professional engineer to address requirements for mitigation of projected exterior traffic noise levels to an interior level no greater than 45 dBA Ldn.
- 4) The Applicant must dedicate, and the record plat must show, the following rights-of-way along the property frontage (consistent with the 1990 Approved and Adopted Wheaton CBD and Vicinity Sector Plan):
 - a. Georgia Avenue - minimum of 60 feet from the road right-of-way centerline,
 - b. Reedie Drive - minimum of 42 feet from the road right-of-way centerline,
 - c. Fern Street - minimum of 30 feet from the road right-of-way centerline, and
 - d. Fern Street Alley - minimum required to satisfy Montgomery County Department of Transportation's (DOT) requirements.
- 5) The Applicant must finalize the Policy Area Mobility Review (PAMR) trip mitigation proposal to mitigate twenty-nine (29) "new" peak-hour trips 60 days prior to the site plan approval for the subject development. The site plan must include a phasing schedule indicating when the Applicant must provide the required PAMR mitigation. The PAMR mitigation measures must be one of the following, to be determined in coordination with the Commission's Transportation Planning Division and the Montgomery County DOT staff:

- a. Installation of two (2) real-time transit information signs at the Wheaton Metrobus Station by the southwest corner of the Georgia Avenue/Reedie Drive intersection, at locations to be determined by the Washington Metropolitan Area Transit Authority (WMATA) in coordination with the Montgomery County DOT; or
 - b. Implementation of improvements to Reedie Drive between Georgia Avenue and Fern Street within existing curbs to enhance operational efficiency and safety of vehicular and pedestrian movements along Reedie Drive, with the reconfiguration/improvement design to be reviewed and approved by Planning Department and Montgomery County DOT staff.
- 6) PAMR requirements included in Condition No. 5 of this Preliminary Plan must be addressed as part of the site plan review process as follows:
- a. If the installation of two (2) real-time transit information signs at the Wheaton Metrobus Station is selected, the implementation date for the transit signs must be determined at the time of site plan.
 - b. If implementation of improvements to Reedie Drive between Georgia Avenue and Fern Street is selected, the Applicant must construct these improvements prior to issuance of the first use and occupancy permit for the building.
- 7) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated January 28, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of this Preliminary Plan approval.
- 8) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated March 12, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of this Preliminary Plan approval. The required roadway improvements must be open to traffic prior to the issuance of any building occupancy permit for the development.
- 9) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated March 18, 2010. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 10) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of the plat, and by MDSHA prior to issuance of access permits.
- 11) No clearing, grading or recording of plat prior to certified site plan approval.
- 12) Final approval of the number and location of dwelling units, including MPDUs and workforce housing units, on-site parking, site circulation, sidewalks, and bikeways will be determined at site plan.
- 13) The record plat must show all necessary easements.
- 14) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

15) The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the site plan process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Sector Plan.

The proposed mixed-use development features an 18-story high-rise residential building with 500 dwelling units and 59,500 square feet of street-level commercial uses, including a grocery store and a separate retail space. These uses contribute to the Sector Plan vision to develop the Subject Property with a high intensity of new activities, mixed uses and a range of services. The Preliminary Plan also conforms to the land use and zoning recommended by the Sector Plan. In accordance with the Sector Plan's recommendations, a substantial residential component is offered by the project as well as a state-of-the-art supermarket that will provide street-level retail with access to the store from Georgia Avenue and Reddie Drive. The Planning Board finds the proposed lot and associated uses are in substantial conformance with the recommendations of the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

The Planning Board finds vehicular and pedestrian access will be safe and adequate with the proposed improvements. Vehicular improvements include ramps that will provide access to the residential garage located above the grocery store from Fern Street, access to parking for commercial uses from Georgia Avenue and Fern Street, and retail/residential loading areas with access from Fern Street. Walk-in/walk-out access to the Safeway store and the residential apartment units is provided along Georgia Avenue. Additionally, a walk-in/walk-out access to the Safeway store and walk-out access to the residential units is provided along Reddie Drive. Sidewalks will be reconstructed along Georgia Avenue, Reddie Drive, and

Fern Street to meet the Wheaton streetscape standards and facilitate pedestrian mobility.

Public facilities and services are available and will be adequate to serve the proposed development. The Application satisfies the Local Area Transportation Review and Policy Area Mobility Review requirements. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Subject Property. The Application is not within a school moratorium area, and a school facilities payment is not required. Electrical, telecommunications, and natural gas services are also available to serve the site.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The Applicant proposes to consolidate Part of Parcel A, Part of Parcel B, Lots 1-13 and a previously abandoned alley into 1 recorded lot with a net lot area of 76,729 square feet after right-of-way dedication for Georgia Avenue and Reddie Drive. The lot size, width, shape and orientation are appropriate. The proposed lot size is appropriate because it accommodates a single building with a mix of uses. The width of the lot is suitable given the multiple points of access that are necessary to accommodate the commercial and residential parking garages. The consolidation creates a rectangular lot which is an appropriate shape for the corner orientation of the Subject Property.

4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

Environmental Guidelines

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420100020 for the site was approved on July 13, 2009. There are no streams, wetlands or floodplains on-site, nor any forest or significant and specimen trees. As a result, the environmental guidelines are not applicable.

Forest Conservation

A preliminary forest conservation plan has been submitted, and the preliminary forest conservation plan worksheet shows the gross tract area of 2.32 acres to incorporate proposed off-site disturbance for improvements in the adjacent rights-of-way. Offsite trees will not be affected by this development. The project site has a reforestation requirement of 0.35 acres. The Applicant proposes to satisfy the

requirement with a combination of on-site tree planting credit (0.25 acres), and a fee-in-lieu payment for the remainder. The final forest conservation plan must include revisions to give credit only for overall landscape canopy, rather than full 20 year canopy credit for each individual tree where canopies overlap with other trees (there are four areas on the forest conservation plan with this situation). Street trees planted within the State's right-of-way on Georgia Avenue or in County rights-of-way cannot be credited towards forest conservation, as preservation is outside M-NCPPC control. The analysis of soil volume to determine if there will be adequate amounts to sustain new trees that are counted for credit must be addressed in the final forest conservation plan. The Planning Board finds the Preliminary Plan satisfies the requirements of the Forest Conservation Law, Section 22A of the Montgomery County Code.

Noise

Georgia Avenue is a major highway and, given its proximity to the site, motor-vehicle, traffic-generated noise impacts are anticipated. A noise analysis is necessary to determine the projected exterior noise levels requiring mitigation for residential units facing Georgia Avenue. A noise analysis must include an acoustical analysis of noise impacts to open space areas along Georgia Avenue. Options for creating quieter areas within the exterior open space should be considered to enhance its value and usage, except for any type of structural noise mitigation that would visually screen the public-use areas.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The concept consisting of on-site channel protection using structural sandfilters and on-site water quality control via a green roof, a volume-based filter and proprietary flow thru filters was deemed acceptable by the MCDPS Stormwater Management Section on January 28, 2010 because the concept meets MCDPS' standards.

- 6. The Planning Board finds that a lesser cut-off than is otherwise required for truncation at the corners of Reddie Drive and Georgia Avenue and Reddie Drive and Fern Street is appropriate, pursuant to Section 50-26(c)(3) of the Subdivision Regulations.*

The Preliminary Plan does not show the required dedication for truncation at the corners of Reddie Drive and Georgia Avenue and Reddie Drive and Fern Street. Pursuant to Section 50-26(c)(3) of the Subdivision Regulations, the corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the

theoretical property line intersection in each quadrant. The Planning Board, however, may specify a greater or lesser cut-off than otherwise required.

The Applicant proposed a modification of this requirement and requests permission for a corner lot where right-of-way dedication lines arc at the corners of Reddie Drive and Georgia Avenue and Reddie Drive and Fern Street. The Planning Board finds the sight distance will be adequate with the proposed modification, safety and compatibility of the area will not be compromised, and a standard truncation would require the building to be pulled back from the intersections and detract from the pedestrian environment and architectural presence of the building.

MCDOT has approved the site distance for the two intersections and the traffic channelization of the area will not be affected by the modification. By providing less than 25 feet of truncation at these intersections, the building will be pulled closer to the street and such placement of the building will contribute to meeting Sector Plan objectives of street activation via street level retail and accessible pedestrian pathways.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; 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 MAY 19 2010 (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).

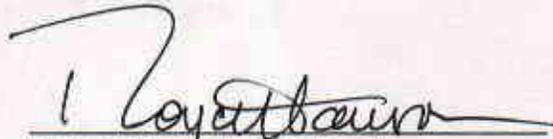
* * * * *

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 Presley, seconded by Commissioner

MCPB No. 10-45
Preliminary Plan No. 120100120
Wheaton Safeway
Page 8 of 8

Wells-Harley, with Commissioners Hanson, Wells-Harley, Alfandre, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 13, 2010, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board

Appendix B



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

June 18, 2010

Jason Evans
Vika, Inc.
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Wheaton Safeway
Preliminary Plan #: 120100120
SM File #: 236718
Tract Size/Zone: 1.92 Ac./CBD-3
Total Concept Area: 1.92 Ac.
Lots/Block: 1-13/C
Parcel(s): A & B
Watershed: Sligo Creek

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of providing stormwater management control via ESD to the MEP with the use of a green roof. This is supplemented with five MCDPS approved proprietary structural filters. Recharge is waived since the majority of the site is covered by sidewalks, a building, and a garage.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Two of the proprietary filters will be volume-based and three will be flow-based.
6. The percentage of green roof is to be a minimum of 70%. At the design stage, try to provide as much green roof as possible.
7. All covered parking and loading docks are to drain to the WSSC sewer system.
8. Provide mechanical drawings that show the roof drains and any surface drains directing runoff to stormwater structures. Also demonstrate that all garage drains going to the WSSC system.
9. The green roof must be designed by a qualified professional.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN236718 Wheaton Safeway REVISED.DWK

cc: C. Conlon
M. Pfefferle
SM File # 236718

QN -Onsite; Acres: 1.92
QL - Onsite; Acres: 1.92
Recharge is not provided



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

September 29, 2010

Ms. Sandra Pereira
Development Review Division
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910

RE: Wheaton Safeway Site Plan Application No. 820110010

Dear Ms. Pereira:

The Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revisions to the above-referenced site plan application. Please note the following comments:

- The number and bedroom proportions of the MPDUs are correct.
- The maximum percentage of MPDUs on any given floor is twenty-two percent (22%), which is an acceptable distribution.
- With the exception of the 758 net square foot two-bedroom MPDUs (Unit 2A-4), the applicant's submitted architectural plans show that all unit types that include MPDUs also include market rate units. The applicant has agreed to provide three (3) more 793 net square foot two-bedroom (Unit 2A-3) MPDUs, and to convert three of the 758 net square foot two-bedroom MPDUs (Unit 2A-4) to market rate units. Although the MPDU unit sizes are technically smaller than the MPDU minimum specifications, these unit sizes are acceptable to DHCA because the building includes market rate units that are the same size.

Please note that DHCA will need to review any amendment to this site plan that changes the number, size, and/or bedroom distribution of the market rate units and MPDUs. DHCA will also expect that any such amendment will include market rate units that are the same size and unit type as the MPDUs.

Division of Housing and Code Enforcement

Code Enforcement
FAX 240-777-3701

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
and Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Ms. Sandra Pereira
September 29, 2010
Page 2 of 2

If you have any questions, please call Lisa Schwartz at 240-777-3786.

Sincerely,



Christopher J. Anderson
Manager, Single Family Housing Programs

CJA:lss

cc: Steven A. Robins, Lerch, Early & Brewer
M. Terry Green, Patriot Realty
Jerry T. Ricciardi, Patriot Realty
Joseph T. Giloley, DHCA
Lawrence C. Cager, DHCA

S:\Files\FY2011\Housing\MPDU\Lisa Schwartz\Wheaton Safeway Letter 9-29-10.doc



FIRE MARSHAL COMMENTS

DATE: 01-Oct-10
TO: Bill Landfair - landfair@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: Wheaton Safeway #4964
920100020 120100120 820110010

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **01-Oct-10**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway
Administration

Beverley K. Swaim-Staley, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

August 16, 2010

Ms. Catherine Conlon
Supervisor, Development Review Division
Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
Wheaton Safeway
DRC File No. 820110010
MD 97 (Georgia Avenue)

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the plans for the Shops at Seneca Meadows development. We offer the following comments:

- The proposed lighting along MD 97 will need to be reviewed and approved by SHA's Office of Traffic and Safety (OOTS). Due to the time that design approvals can take for traffic related designs, the project engineer should immediately contact the District 3 Traffic Office to initiate the Design Request (DR). Please contact Ms. Anyesha Mookherjee, ADE-Traffic at 301-513-7358. The design must be approved through OOTS and will be permitted by the access permit.
- Proposed landscaping with SHA right of way along MD 97 must be approved by SHA's Landscape Operations Division. This review will be coordinated during the access permits review process. Maintenance for all landscaping must be accepted by the property owner.
- Per our April 2010 TIS review letter, "SHA recommends that the MNCPPC require the applicant to submit a revised report addressing the issues identified above. Following the submission of the updated report, SHA will provide final comments." We have not received a revised report. If MNCPPC is requiring a revised report, this office requests five (5) copies of the TIS be sent for SHA review.

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com



- If MNCPPC is *not* requiring a revised TIS, there are no additional comments at this phase and the site plan has SHA's approval. The reviews mentioned above will be further coordinated during the active access permits review process.

If you have any questions or require additional information, please contact Ms. Corren V. Giles at (410) 545-5595; toll free at (800) 876-4742, or via email at cgiles@sha.state.md.us.

Sincerely,



 Steven D. Foster, Chief
Engineering Access Permits Division

SDF/cvg

Cc: Mr. Shahriar Etemadi / M-NCPPC
Montgomery County DOT
Montgomery County DPS
Developer Engineer
Ms. Anyesha Mookherjee
Ms. Kate Mazzara
Mr. Victor Grafton
Mr. Mark Loeffler

sent via e-mail
sent via e-mail
sent via e-mail
sent via e-mail

Appendix C



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

TO: Sandra Pereira, Senior Planner, Development Review
VIA: Mark Pfefferle, Acting Chief, Environmental Planning
FROM: Mary Jo Kishter, Senior Planner, Environmental Planning
SUBJECT: Site Plan and Final Forest Conservation Plan #820110010
Wheaton Safeway at 11215 Georgia Avenue
DATE: October 7, 2010

Environmental Planning staff has reviewed the above referenced Site Plan and Final Forest Conservation Plan #820110010, and recommends **approval** subject to the following conditions:

1. The proposed development shall comply with the conditions of the Final Forest Conservation Plan (FFCP) recommended by Environmental Planning (attached).
2. Prior to signature set, the 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 must be approved by staff.
3. Certification from an acoustical engineer that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to building permit. The builder commits to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
4. The builder certifies that interior noise levels, after construction is complete, and before home occupancy that the interior noise levels do not exceed 45 dBA Ldn.

BACKGROUND

The site is located at the northeast quadrant of the Georgia Avenue/Reedie Drive intersection in Wheaton. The site also has frontage on the west side of Fern Street. The property totals 1.92 acres and is zoned CBD-3. The proposal is for redevelopment of the Safeway site for a mixed use development including first floor retail space and an 17-story high-rise, 486-unit residential building with structured parking. The site has frontage on Georgia Avenue and traffic-generated noise impacts are anticipated.

Environmental Guidelines

There are no streams, wetlands, floodplains, or sensitive features on-site, nor any forest or significant and specimen trees. The site is located in the Sligo Creek watershed, a Use I designation. The site is predominantly flat and drains to the Georgia Avenue/Reedie Drive and Reedie Drive/Fern Street intersections. A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420100020 is associated with the site and was approved on July 13, 2009.

Forest Conservation

The site is subject to Section 22A of the County code. A preliminary Forest Conservation Plan (FFCP) was approved by the Planning Board on April 15, 2010. A final Forest Conservation Plan was submitted along with the Site Plan application. The forest conservation worksheet shows the gross tract area of 2.41 acres as the result of the incorporation of proposed off-site disturbance for improvements in the adjacent rights-of-way. There is no forest, significant and specimen trees on-site, nor any offsite trees which are affected by this development.

A revised FFCP was received by staff on September 10, 2010. This site has an afforestation requirement of 0.36 acres. The requirement is proposed to be met with a combination of on-site tree planting credit, and an in-lieu fee payment for the remainder. Revisions are required to the FFCP as stipulated in the attached letter to the Applicant, with a recommendation of approval of the plan. The applicant still has not fully complied with the preliminary forest conservation conditions that requires documentation that the tree pits have adequate soil area and volume to allow the individual trees to achieve their full and sustainable potential in this urban setting. If the applicant is unable to document this information the onsite credit will be reduced.

Noise

Georgia Avenue is an urban major highway and given its proximity to the site, motor vehicle traffic-generated noise impacts are anticipated. The mixed use development proposal includes residential units above retail space.

Per condition of approval of the preliminary plan, a noise analysis was submitted to M-NCPPC staff on September 10, 2010. A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units facing Georgia Avenue, as well as the noise impacts to open space areas along Georgia Avenue. Conditions relating to the noise analysis are part of this recommended approval including that the noise analysis must provide further details for and location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas proposed for common outdoor activity. Options for creating quieter areas within the exterior open space should be considered to enhance its value and usage, except for any type of structural noise mitigation that would visually screen the public-use areas. The conditions also require the applicant to verify that interior noise levels will not exceed 45 dBA Ldn through a shell analysis and that they commit to construct the building to achieve this interior noise level.

Stormwater Management

The site has a Stormwater Management Concept Plan found to be acceptable with conditions by DPS on June 18, 2010. This concept includes on-site water quality control via a green roof, volume-based filters, and proprietary flow thru filters. The percentage of green roof will be a minimum of 70%. On-site recharge is not required since the majority of the site is covered by sidewalks, a building and a garage.

RECOMMENDATION

Environmental Planning staff recommends approval of Site Plan #820110010 for the Wheaton Safeway site subject to conditions.

Attachment:

1. Staff memo to applicant recommending Planning Board approval of the final forest conservation plan with conditions.



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

October 7, 2010

Leith Wain
11215 Georgia Avenue LLC
11300 Rockville Pike, Suite 615
Rockville, Maryland 20852

Re: Final Forest Conservation Plan
Property Name: Wheaton Safeway
Plan Number: 820110010
Tract size/Net Tract Size: 1.92 acres/2.41 acres
Zone/Land use Category: CBD-3/CIA

Dear Mr. Wain:

Based on the review by Environmental Planning staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan submitted to M-NCPPC on September 10, 2010 for the plan identified above, is *conditionally approved* pending Planning Board actions with the following conditions:

1. Approval of a revised Final Forest Conservation Plan (FFCP) consistent with all final FCP regulatory requirements of Section 109B – Forest Conservation Regulations (COMCOR 22A.00.0109B) prior to any clearing, grading or demolition on the site. The revised FFCP shall adequately address Environmental Planning staff's September 23, 2010 comments.
2. Revise the FFCP to eliminate forest conservation credit for non-native tree species (Ginkgo). Only native tree species may receive credits toward the forest conservation planting requirement.
3. Revise the FFCP to eliminate forest conservation credit for two of the honeylocust trees where the surface area and soil volume is inadequate to allow the trees to thrive and achieve canopy spread for which credit is proposed. Forest conservation credit is based on the expected 20-year canopy spread of individual trees and planting conditions must be sufficient for this to occur.
4. Inspections must occur consistent with Section 110 of the Forest Conservation Regulations.
5. Submission of financial security for portion of forest planting requirement to be satisfied by fee-in-lieu.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4701.

Sincerely,

Mary Jo Kishter
Senior Planner
Environmental Planning Division

Cc: FCP File 820110010
Renee Montgomery, Safeway Eastern Division
Meredith Byer, VIKA



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

MEMORANDUM

DATE: October 8, 2010

TO: Sandra Pereira, Planner/Coordinator
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Move/Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator
Move/Transportation Planning Division 301-495-4525

SUBJECT: Site Plan No.820010010
Project Plan No. 920100020
Preliminary Plan No. 1120100120
Proposed Wheaton Safeway Development
11215 Georgia Avenue, Wheaton
Northeast corner of Georgia Avenue and Reddie Drive
Wheaton Forest Subdivision:
Part of Parcel A and Lots 1-13, Block C
Part of previously abandoned Alley
Part of Parcel B
11215 Georgia Avenue LLC ("Applicant") and Safeway, Inc.
Wheaton CBD and Vicinity Sector Plan
Wheaton CBD Policy Area

OCT 8 2010

This memorandum summarizes Transportation Planning staff's review of the site plan for the proposed Wheaton Safeway development in Wheaton and the preliminary plan requirement on the Applicant to finalize the Policy Area Mobility Review (PAMR) trip mitigation proposal for the subject development 60 days prior to any Planning Board site plan hearing for the development.

The preliminary plan approval condition required the Applicant to satisfy the PAMR requirement of the APF test by mitigating twenty-nine (29) "new" site-generated peak-hour trips. It also required identification of a PAMR measure from the mitigation measures listed below for implementation by the Applicant:

- a. Installation of two (2) real-time transit information signs at the Wheaton Metrobus Station, or
- b. Improvements to Reddie Drive between Georgia Avenue and Fern Street within existing curbs to enhance operational efficiency and safety of vehicular and pedestrian movements along Reddie Drive.

Based on the above requirement, the Applicant is proposing to implement improvements to Reddie Drive between Georgia Avenue and Fern Street (i.e., Option b. above) and has worked with Planning Department and DOT staff to finalize the design for Reddie Drive. As a result, this section of Reddie Drive will include 14-foot wide through travel lanes in each direction, 11-foot wide left-turn lanes at Georgia Avenue and at Fern Street, and an 8-foot wide mounded, landscaped median throughout. The cross-section as above, with a wide through travel lane, provides comfort for on-road bicyclists. Additionally, with a goal to enhance pedestrian safety and discourage mid-block pedestrian crossing and jay-walking, the median along Reddie Drive was designed to be as non-traversable and aesthetically pleasing as possible.

The Applicant thus satisfies the PAMR requirement conditioned as part of the APF approval for the preliminary plan.

The DOT letter confirming proposed improvements along Reddie Drive to satisfy the PAMR improvements is attached to this memo.

SE:CE:tc
Attachment

- cc: Justin Clarke
- Greg Leck
- Sarah Navid
- Will Haynes
- Gary Erenrich
- Corren Giles
- Wes Guckert



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

September 3, 2010

Mr. Shahriar Etemadi, Planning Supervisor
Transportation Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120100120
Wheaton Safeway
Policy Area Mobility Review (PAMR)

Shahriar
Dear Mr. Etemadi:

There have been multiple discussions and meetings with the representatives for the applicant and the M-NCPPC regarding the Policy Area Mobility Review (PAMR) mitigation requirement for the site. This letter is to formally advise you that MCDOT accepts the proposed improvements along Reddie Drive to satisfy the PAMR requirement; specifically those improvements will include construction of an eight (8) foot wide, non-traversable median on Reddie Drive between Georgia Avenue (MD 97) and Fern Street. The median must be designed to function as a pedestrian buffer and provide left turn storage lanes at the intersections with Georgia Avenue (MD 97) and Fern Street. Geometric details and landscaping treatment for the median must be conceptually approved by the MSHA (at the Georgia Avenue intersection), MCDOT, and MCDPS during the site plan stage.

If you have any questions or comments regarding this letter, please contact Ms. Dewa Salihi, our Development Review Area Engineer for this vicinity, at (240) 777-2197 or dewa.salihi@montgomerycountymd.gov.

Sincerely,

Gregory M. Leck, P.E., Manager
Development Review Team

M:\subdivision\SAI\HDDOT\TIS\Wheaton Safeway\Wheaton Safeway PAMR.gml revs.doc

cc: Glenn Cook, The Traffic Group
Jagdish Mandavia, VIKA
Steve Robins, Lerch Early & Brewer

cc-e: Cherian Eapen, MNCPPC-TPD
Corren Giles, MSHA EAPD
Sarah Navid, MCDPS RWPPR
Gary Erenrich, MCDOT DO
Brett Linkletter, MCDOT DHS
Fred Lees, MCDOT DTEO
Bruce Mangum, MCDOT DTEO
William Haynes, MCDOT DTEO
Dewa Salihi, MCDOT DTEO

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

MEMORANDUM

TO: Sandra Pereira, Senior Planner, Build (Development Review) Division

Via: Khalid Afzal, Eastern Transit Corridor Team Leader, Vision Division

FROM: Sandy Tallant, Planner Coordinator, Vision Division

CC: Robert Kronenberg, Supervisor, Build Division

DATE: October 6, 2010

RE: Site Plan No. 820110010 Safeway Project located at 11215 Georgia Avenue, Wheaton, Maryland

Recommendation

The proposed Safeway Project (Site Plan No. 820110010) is a mixed-use project with a Safeway store at the ground level, approximately 550 residential units, and a parking garage aboveground. The proposed project is located within the Approved and Adopted 1990 Master Plan for the Wheaton Central Business District and Vicinity (Master Plan). After reviewing the proposed project and considering the recommendations of the Master Plan, staff believes that the proposed project is consistent with the goals and objectives of the Master Plan for the following reasons:

- It provides additional housing that takes advantage of improved public transportation accessibility;
- It provides a wide choice of housing types and prices in Wheaton; and
- Increases population living in Wheaton which will support retail and other local establishments.

Staff has also reviewed the project's proposal to satisfy the Public Use Space requirements by contributing money to the Amenity Fund since the proposed project is unable to provide the full 20 percent minimum public use space on site. Staff believes that Parking Lot 13 on Reddie Drive in the vicinity of the proposed project is the appropriate location for the project's amenity fund contribution money. Parking Lot 13 has been recommended as a major civic open space through numerous community discussions and visioning sessions conducted by the County as well the Planning Department. It is also recommended as the possible location of a key civic open space in the June 2010 Public Hearing Draft of the Wheaton Sector Plan Amendment.

The following section of this memo includes the relevant text of the Master Plan.

Master Plan Text

On page 2, one of the goals of the Sector Plan is to *“provide additional housing to take advantage of improved public transportation accessibility brought about by Metro.”*

Page 2, Under the **Land Use and Zoning** chapter, the Plan recommends “*the development of new housing adjacent to the Metro station and at other locations in the Sector Plan area*”.

Page 26: “*Provide additional new housing and a range of housing opportunities to serve a broad spectrum of the metropolitan population. A variety of housing types would help to satisfy a demand for housing that may not be available in other parts of the County. A combination of apartments, townhomes, and single-family homes can expand the age and family size mix in Wheaton. An increase in the local population base can generate greater support for retail establishments, entertainment and recreation facilities, restaurants, and the like. New residential development should be encouraged to ensure the viability of the business areas.*”

Page 27, the Plan encourages “*new mixed use development to concentrate around the Metro station and in other areas of greater transit accessibility...Encourage the development of new housing in a range of types, prices, and rents, especially within walking distance of the Metrorail and Metrobus stations...; and Encourage new housing to help reinforce Wheaton as a lively area, especially during evenings.*”

Page 32, **Mixed-Land Use** chapter:

“*The Plan recommends a mixed-use development – residential/office/retail – on and around the Metro station, between Reddie Drive and Prichard Drive.*”

“*Residential and office development would benefit from the excellent transportation network and the convenience of the adjacent shopping and services. The Market place and Wheaton Plaza would benefit from the purchasing power of the residences and office workers. In addition, the integrated planning and development of the Metro transit facility and multi-use development provide the opportunity to improve mobility, increase Metro ridership, diminish negative environmental impacts, reduce traffic congestion, and increase the diversity of employment opportunities and services in the Wheaton area.*”

“*An area adjacent to the Metro station, west of Amherst Avenue, is recommended for new residential development. Metro will increase the ease of access from Wheaton to employment centers throughout the Washington region. The proposed transportation improvements and the convenient shopping and services already in place make the Wheaton area particularly suitable for a variety of housing types.*”

Under the **Housing** section the Plan states: “*This sector Plan attempts to build upon the existing retail advantages and the potential of the Metro transit station in Wheaton. In attempting to capitalize on these assets, the Plan recommends the development of a strong supporting population base. A variety of housing types in close proximity to the Central Business District and the Metro station would meet the needs of the residential housing market, would provide built-in purchasing power for the local retail Marketplace, would provide for an increase in the potential ridership on the Glenmont Transit Route, and should not contribute to the demand for commuter parking in the station area since it would be within walking or short bus-ride distance.*”



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

PUBLIC ART REVIEW

TO: SANDRA PEREIRA
FROM: JOSHUA SLOAN
SUBJECT: SITE PLAN 820110010: WHEATON SAFEWAY
DATE: 10/05/2010
CC: STEVE ROBINS, LERCH EARLY BREWER

BACKGROUND

Located on the northeast corner of Reddie Drive and Georgia Avenues, the Wheaton Safeway is a mixed-use development with a ground floor grocery store and retail and residential uses above. Parking is structured within the building. Project and preliminary plans have been approved for this development contingent upon the provision of certain public amenities, including public art.

LANDSCAPE AND SPATIAL MASSING

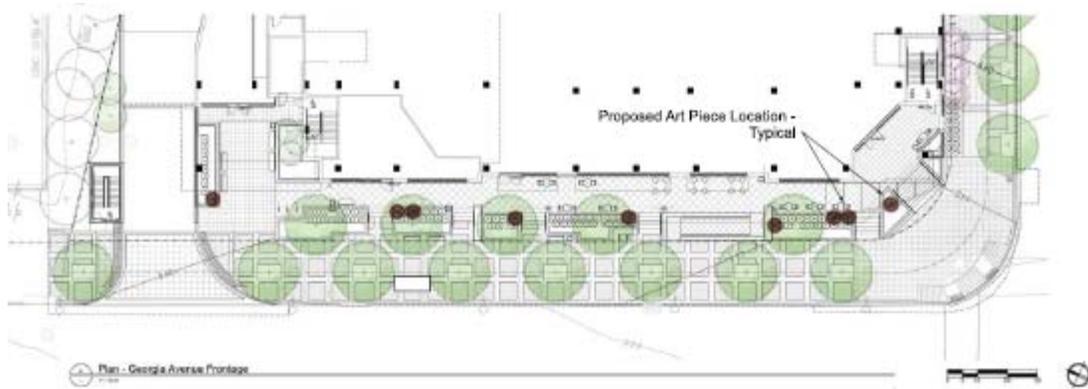
The open space on this project is provided as expanded sidewalks along Reddie Drive and Georgia Avenue. In addition to public art, seating, planters, special paving, and lighting are proposed. Entrances to the residential lobby, retail store, and grocery store area located along the façade facing Georgia Avenue, the latter angled at 45 degrees between the perpendicular formed by the intersection. A second entrance to the grocery store is set midway along the Reed Drive façade.

The residential tower sits on a podium created by the grocery store and parking structure such that the tower façade along Georgia Avenue is not continuous, but mitigated by a recessed area providing amenities for tenants. Along Georgia Avenue, the street level floor of this podium is predominantly transparent and lies in a horizontal plane with buildings to the north and south creating a consistent street wall.

The artwork is to be placed within the planters along Georgia Avenue between the primary sidewalk along the curb and a secondary sidewalk along the building façade. These planters are interspersed with steps leading between the two sidewalks, both of which serve to take up the grade as the site slopes downward toward the south.



Illustrative Elevation



Illustrative Plan

ARTWORK AND PANEL DISCUSSION

After a brief overview of the project’s concept, building massing and treatments, the vehicular and pedestrian circulation patterns, land use relationships, and the site features, the Applicant presented the proposed art works.

The Applicant presented the project as a collaboration between the architect, landscape architect, and the artist, Judy Moore. The theme that the design team proposed is a series of representative figures engaged in common activities of urban life. These stylized bronze figures would stand 14-18 inches tall on stainless steel mounting poles and rendered with a green patina. They will float, as it were, above the flowers, grasses, and shrubs in the planters.

The Art Review Panel’s only criticism of the theme was how specifically commercial some of the activities were, such as a person with a shopping cart or engaged in conversation with a store clerk. It was pointed out in response, that the activities become less “shopping-specific” as one moves north along the promenade where activities such as working on a laptop or playing games were depicted. Part of the presentation of the artwork, however, was a review of a similar series of figures done by the artist and displayed as gallery pieces. These pieces were more universally accessible (as they were depicted in less specific activities) and, in some greater sense, engaged in the precipitous nature of their mounting on poles. In some, the poles themselves were more than simple cylinders, but sculptural in nature. Although it is difficult to find the proper balance, the Panel suggested that the artist push the theme of the proposed artwork to reflect some of the nuances represented in the “gallery” pieces, while still engaging in the urban-life activities proposed.

Noting the suggestions on the theme of the artworks, the general scope and program of the amenities were felt to be appropriate in scale and to the place. Because all of the pieces are set in a series along Georgia, the Panel suggested a couple changes to further the goals of the Applicant. First, it was suggested that a “teaser” piece along Reddie Drive may help draw people along to find the other pieces. Second, it was suggested that the pieces relate to each other in some way and vary in their placement within the landscape. This could include changes in height or location along seat walls or behind plantings to establish a sense of mystery and discovery.

With respect to the landscaping and lighting, the Panel noted that the planting treatment needed to serve two purposes: first, to interact with the pieces regarding their placement on the mounting poles – whether to have the plantings act as a ground plane or to situate the pieces more fully within the landscape; second, to act as a counterpoint to the smooth bronze textures and patina. Last, the Panel suggested that lighting could serve an important role in highlighting the volumes of the figures and their general appreciation during the night. Because of the extensive transparency and light from

within, specific lighting design may have to be developed in place and the artist and landscape architect should have flexibility to manipulate the fixtures to the best effect.

The Panel recommends approval of the artwork to satisfy the conditions of the proposal. Further, the modifications suggested should be allowed to be taken into account by the design team up and until final installation, so minor changes in location, increase in number, scale, mounting, lighting, and depicted activities should be permitted with Staff review. Last, the quality and craftsmanship of the pieces is important to their realization and the Panel felt the artist was more than qualified to produce great works that will contribute to the life of Wheaton; thus, it should be ensured that Judy Moore oversee design, fabrication, and installation of the pieces.

Appendix D



Maryland Department of Assessments and Taxation
MONTGOMERY COUNTY
 Real Property Data Search (2007 vw3.1d)

[Go Back](#)
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Account Identifier: District - 13 Account Number - 01268751

Owner Information

Owner Name: SAFEWAY INC Use: COMMERCIAL
 Mailing Address: C/O CPTS #4964 Principal Residence: NO
 1371 OAKLAND BLVD STE 200 Deed Reference: 1) /17927/ 434
 WALNUT CREEK CA 94596-4357 2)

Location & Structure Information

Premises Address: 11215 GEORGIA AVE Legal Description: PT PAR A & LT 1 THRU
 SILVER SPRING 20902 13 WHEATON FOREST

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JQ11				80		C		1	Plat Ref:

Special Tax Areas	Town	Ad Valorem	Tax Class
			82

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1968	22,979 SF	65,056.00 SF	541

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	5,855,000	6,830,800		
Improvements:	1,252,400	1,002,700		
Total:	7,107,400	7,833,500	7,107,400	7,349,433
Preferential Land:	0	0	0	0

Transfer Information

Seller: METROPOLITAN LIFE INS CO	Date: 03/08/2000	Price: \$5,000,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /17927/ 434	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
 Exempt Class:

Special Tax Recapture:
 * NONE *

Appendix E

Montgomery County Parking Lot 13, Location Map

