



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

JUL 25 2018

MCPB No. 18-066  
Sketch Plan No. 320180150  
8280 Wisconsin Avenue  
Date of Hearing: July 12, 2018

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on April 19, 2018, Donohoe Development Company and Stonebridge Carras ("Applicant") filed an application for approval of a sketch plan for construction of up to 185,000 square feet of non-residential development, including an allocation of 93,388 square feet of Bethesda Overlay Zone (BOZ) density to go toward the Park Impact Payment (PIP) on 0.75 acres of CR 3.0: C 3.0 R 2.75 H 145 zoned-land, located in the southwest corner of the intersection of Wisconsin Avenue and Battery Lane, Lot 63, Northwest Park ("Subject Property") in the Bethesda Policy Area and the Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180150, 8280 Wisconsin Avenue ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 9, 2018, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 12, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below.

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Approved as to  
Legal Sufficiency: \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180150, 8280 Wisconsin Avenue for construction of up to 185,000 square feet of non-residential development, including an allocation of 93,388 square feet of Bethesda Overlay Zone (BOZ) density to go toward the Park Impact Payment (PIP) on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

### **Density and Height**

1. Density

The development is limited to a maximum total density of 185,000 square feet of non-residential uses. This total reflects an allocation of 93,388 square feet of density from the Bethesda Overlay Zone (BOZ). The final square footage will be determined at Site Plan.

2. Height

The development is limited to the maximum height of 145 feet, as measured from the building height measuring point.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.2.a. The requirements of Division 59-4.7 and the *CR Zone Incentive Density Implementation Guidelines and as modified by the Bethesda Overlay Zone* must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. Major Public Facilities, achieved through providing an off-site bike share facility;
  - b. Connectivity between Uses, Activities, and Mobility Options, achieved through minimum parking and trip mitigation;
  - c. Diversity of Uses and Activity, achieved through adaptive buildings;
  - d. Quality of Building and Site Design, achieved through exceptional design, public open space, and structured parking; and
  - e. Protection and Enhancement of the Natural Environment, achieved through BLTs, cool roof, and energy conservation.
4. Building Lot Terminations (BLTs)  
Prior to building permit, the Applicant must provide Staff with acceptable verification that 0.4018 BLTs have been acquired for the proposed development.

#### **Open Space, Public Use Space and Amenities**

5. Public Space/Park Impact Payment  
The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to release of the first above-grade building permit. The final amount of the PIP will be determined at Site Plan.
6. Streetscape  
The Applicant must install the Bethesda Streetscape Standard along the Site Frontage.

#### **Transportation and Circulation**

7. Transportation Monitoring  
The Applicant must participate in the Bethesda Transportation Management District (TMD).
8. Bicycle Facilities  
The Applicant must coordinate with the Montgomery County Department of Transportation to participate in the implementation of master-planned separated bicycle lanes along the project's Battery Lane frontage.
9. Right-of-Way Dedication  
At time of Preliminary Plan, the Applicant must dedicate sufficient area to accommodate the master planned right-of-way along Wisconsin Avenue of 61 feet from existing centerline, and along Battery Lane 35 feet from existing centerline.

10. DOT Letter

The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 14, 2018, and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

**Future Coordination**

11. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan, as appropriate:

- a. Design Guidelines conformance, as discussed by the Design Advisory Panel, and included in the Sketch Plan Findings;
- b. Obtain written approval from MC-DPS for the proposed building area located within the Wisconsin Avenue Right of Way;
- c. Fire and Rescue access and facility details;
- d. Streetscape details;
- e. Transportation Impact Study;
- f. Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District and achieve the Sector Plan 55% NADMS goal;
- g. Amend the Final Forest Conservation Plan to reflect the approved site design and associated Limits of Disturbance;
- h. The Applicant must provide a minimum of four street trees along the Wisconsin Avenue frontage and two street trees on the Battery Lane frontage per the Bethesda Streetscape Standards and Design Guidelines;
- i. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- j. SWM concept approval (and subsequent plan) which also address the Bethesda Downtown Plan recommendations regarding SWM;
- k. Provide a minimum of 35% of net lot area as Green Cover per the Sector Plan; and
- l. Address Bird-Safe Design per the Bethesda Downtown Plan Design Guidelines.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the

necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

i. Use Standards

The non-residential uses are permitted in the Commercial Residential zone.

ii. Development Standards

The Subject Property includes approximately 0.75 acres zoned CR 3.0 C 3.0 R 2.75 H 145 and the Bethesda Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

| <b>Data Table</b>         |  |                                |                 |
|---------------------------|--|--------------------------------|-----------------|
| <b>Section<br/>59 - 4</b> | <b>Development Standard</b>                | <b>Permitted/<br/>Required</b> | <b>Approved</b> |
|                           | <b>Tract Area (sf)</b>                     |                                | <b>32,507</b>   |
|                           | Previous Dedications                       | n/a                            | 13,385          |
|                           | Proposed Dedications                       |                                | 1,320           |
|                           | <b>Site Area (sf)</b>                      |                                | <b>17,802</b>   |
| <b>4.5.4.B.2.b</b>        | <b>Base Density</b>                        |                                |                 |
|                           | CR 3.0, C 3.0, R 2.75, H 145               |                                |                 |
|                           | Commercial FAR/GFA                         | 3.0/97,521                     | 3.0/97,521      |
|                           | Density previously transferred             | n/a                            | (5,909)         |
|                           | <b>BOZ Density</b>                         |                                |                 |
|                           | GFA Requested                              |                                | 93,388          |
|                           | <b>Total Base + BOZ Density</b>            |                                |                 |
|                           | Commercial FAR/GFA                         |                                | 5.69/185,000    |
| <b>4.5.4.B.2.b</b>        | <b>Building Height (feet)</b>              | 145                            | 145             |
| <b>4.5.4.B.3</b>          | <b>Minimum Setback (feet)</b>              |                                |                 |
|                           | From R.O.W.                                | 0                              | 0               |
| <b>4.5.4.B.1</b>          | <b>Open Space (minimum)</b>                |                                |                 |
|                           | Public Open Space (% of Site Area/sq. ft.) | 0                              | 0               |
| <b>6.2</b>                | <b>Parking (spaces) <sup>2</sup></b>       |                                |                 |
|                           | Office (min/max)                           | 370/555                        | 110             |
|                           | <b>BOZ Adjustment (80% min.)</b>           | 296/555                        |                 |

The intent of the CR Zone is to:

a) *Implement the recommendations of applicable master plans;*

The Project substantially conforms to the recommendations in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

1. **Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
2. **Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. **Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. **Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Property is designated as site 55 on page 98 and 99 of the Plan. The Property is in the "Wisconsin Avenue Corridor District," the main artery through the center of Downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. The area's retail potential is compromised by its location on either side of Wisconsin Avenue. As a major commuter arterial, this street has heavy traffic volumes that

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<sup>2</sup> Final parking for vehicles and bicycles to be determined at Site Plan

eliminate the potential for “cross shopping” and a lack of visibility for retail establishments. However, Wisconsin North anticipates increased development activity with five planned projects, including the Harris Teeter site at 8300 Wisconsin Avenue. These projects will increase the employee, visitor and residential customer base within the district. Specifically, the Project addresses the following goals as outlined in the Wisconsin Avenue Corridor section of the Plan:

- *Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.*

The Project provides an opportunity for infill development of an underutilized commercial site along the Wisconsin avenue corridor as recommended by the Sector Plan, by converting a single-story gas station to a non-residential project of up to 185,000 square feet.

- *Economic competitiveness based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.*

The addition of up to 185,000 square feet of commercial uses will substantially contribute to the County’s commercial tax base along the prominent thoroughfare of Wisconsin Avenue and the Sector Plan goal of continued economic competitiveness through the development of a critical mass of nonresidential uses with proximity to public amenities and transit to revitalize the northern portion of the Wisconsin Avenue Corridor by creating additional opportunities for nearby multi-family residential projects and retail uses.

- *Expand the existing Non-Auto Driver Mode Share (NADMS) to include residents and increase the averaged combined NADMS goal to 55 percent.*

The Project is designed to meet the Sector Plan’s goal of a constrained parking policy and will provide facilities that encourage alternatives to the single-occupancy vehicle. The minimum parking ratio under the BOZ is approximately 1.6 parking spaces per 1,000 square feet of office uses; however, the Sketch Plan proposes a parking ratio of approximately 0.6 parking spaces per 1,000 square feet. In addition to providing less parking than the minimum required under the BOZ, the Applicant will

enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) that establishes a blended NADMS goal of 55% to substantially conform to the Sector Plan.

- *Environmental innovation, including more energy efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other eco-friendly measures to enhance community health and quality of life.*

The Project is located within the High Performance Area and proposes to utilize energy efficient building and mechanical systems in order to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the BOZ. In addition, intensive green roof systems and tree canopy are proposed to cover a minimum of 35% of the site area to increase the overall tree canopy cover and expand the urban green within the corridor. The Project also proposes construction of a cool roof, wide sidewalks and streetscape improvements to promote a pedestrian friendly experience along Wisconsin Avenue and Battery Lane.

- *Create green, active and walkable sidewalks that are designed to balance pedestrian and retail activity with vehicular and BRT traffic along this major corridor.*

The Project is designed to accommodate a minimum build-to-line of 25 feet on Wisconsin Avenue and 15 feet on Battery Lane. The redevelopment of the Property will enhance the pedestrian experience at the ground-level at the intersection of Wisconsin Avenue and Battery Lane by incorporating approximately 750 square feet of public open space along Wisconsin Avenue. The Project will accommodate a high-quality pedestrian network through improved streetscapes along Wisconsin Avenue and Battery Lane.

- *Design tall buildings along Wisconsin Avenue to have a human-scaled presence on the street, reduced uniformity and compatibility with edge neighborhoods.*

The Project's proposed massing does not fully conform to the building form goals and recommendations for the Wisconsin Avenue Corridor District in the Sector Plan, page 104. The Project's mass and bulk is imposing, not having a human-scaled presence on



the street by proposing a building projection into/over the pedestrian realm (sidewalk) above the building base of more than 8 feet in depth along the Wisconsin Avenue facade. At the time of Site Plan the Project must address the Sector Plan, Section 3.1.1.B.2.a Building Form.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The development will redevelop a single-use site, a gas station, with a mix of non-residential uses potentially to include office and research and development, with structured below-grade parking.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The development will integrate research and development, a unique use within Central Business Districts, and office uses on the site. While the development is not required to provide public open space, the Applicant will be providing sidewalks improved along the frontage per the Bethesda Streetscape standard and the Sector Plan Design Guidelines. The development will provide parking within and below the building.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The mix of uses, density, and building height in the development design are compatible with the adjacent and nearby existing and planned commercial and residential development, while taking advantage of the Wisconsin Avenue frontage to provide an architecturally pleasing building.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

The project provides 185,000 square feet of premium office and research and development space in Downtown Bethesda to attract existing area businesses seeking to upgrade their facilities, as well as new businesses seeking to take advantage of the combination of nearby housing, parks, transit, and amenities. This new space will complement the ample residential uses surrounding the site.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project will provide the required public benefits from ten categories and more than the required 100 points to achieve the desired incentive density above the standard method limit. In addition to these public benefits, the Applicant is also paying a Park Impact Payment to the PIP for the acquisition of parkland in Downtown Bethesda.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$10/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 93,388 square feet from the BOZ initiating a Park Impact Payment of \$933,880 to be paid at the time of building permit. The amount of density allocated from the BOZ for Application is deducted from the 32.4 SF million cap.

#### General Requirements of Section 59-6

- i. *Site Access, Parking, Queuing, and Loading*  
The Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area. Pedestrian access will be via existing sidewalks improved to the Bethesda Streetscape standard. The Project will be served by an on-site garage internal to the Project, containing approximately 110 parking spaces. Vehicular access for garage, service, and loading are proposed as full-movement driveways directly from Battery Lane. This access configuration eliminates driveways on Wisconsin Avenue and minimizes potential conflicts with pedestrians, cyclists and local vehicular traffic.
- ii. *Open Space and Recreation*  
The size of the site and the number of frontages do not require public open space. Also, as a non-residential development, there is no recreation requirement.

- 2. The Sketch Plan substantially conforms to the recommendations of the Bethesda Downtown Sector Plan.*

As discussed in Finding 1.a) above, the Project substantially conforms to the 2017 Bethesda Downtown Sector Plan.

- 3. The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The site is not subject to a development plan or schematic development plan.

- 4. The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The general land uses, development intensity, and overall massing of the site as a whole are compatible with the existing and pending nearby developments. However, as discussed in the Sector Plan conformance condition above, the current massing design does not fully conform to the Plan and Design Guidelines recommendations for building form on Wisconsin Avenue. Of particular negative impact to the desired human scale of the building on Wisconsin Avenue is the significant projection over the public sidewalk, and into the public right-of-way. This and other design issues must be addressed at the time of Site Plan review in order to achieve the compatible design envisioned by the Design Guidelines for the Avenue.

- 5. The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The site provides satisfactory circulation options. Vehicular access for parking, service, and loading is provided from Battery Lane in a manner that is efficient enough to allow planting of much-desired street trees along that frontage, while maximizing pedestrian safety. The development will participate in the realization of the Sector-Planned bike facility along the Battery Lane frontage. Pedestrian access on both frontages will be enhanced with generally wider sidewalks and streetscape improvements.

- 6. The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant’s request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

For the development, the Zoning Ordinance requires 100 points in four categories. At the time of Sketch Plan review only the categories need to be approved. The Table below shows the both the categories and points for public benefits recommended at Sketch Plan to demonstrate the Project’s ability to meet the requirement to sufficient benefit points. The public benefit categories and associated points below were modified with the Bethesda Overlay Zone (59.4.9.2) and supersede the general CR public benefits.

| <b>Public Benefits Table</b>   |                                 |                            |
|--|---------------------------------|----------------------------|
| <b>Public Benefit</b>  | <b>Incentive Density Points</b> |                            |
|  | <b>Max. Allowed</b>             | <b>Approved in Concept</b> |
| <b>59-4.7.3.A: Major Public Facility</b>                                 |                                 |                            |
| Bike Share   | 70                              | 7.01                       |
| <b>59-4.7.3.C: Connectivity and Mobility</b>                             |                                 |                            |
| Minimum Parking (59-4.9.2.C.4.g)*  | 20                              | 17.18                      |
| Trip Mitigation  | 20                              | 10                         |
| <b>59-4.7.3.D: Diversity of Uses and Activities</b>                      |                                 |                            |
| Adaptive Buildings   | 15                              | 15                         |
| <b>59-4.7.3.E: Quality of Building and Site Design</b>                   |                                 |                            |
| Structured Parking   | 20                              | 20                         |
| Public Open Space  | 30                              | 3.65                       |
| Exceptional Design (59-4.9.2.C.4.g)*                                     | 30                              | 25                         |
| <b>59-4.7.3.F: Protection and Enhancement of the Natural Environment</b> |                                 |                            |
| Building Lot Termination (BLT)   | 30                              | 3.62                       |
| Cool Roof  | 15                              | 15                         |
| Energy Conservation and Generation (59-4.9.2.C.4.g)*                     | 25                              | 15                         |
| <b>TOTAL</b>   |                                 | <b>131.46</b>              |

\*Denotes Sector Plan priority

Major Public Facility

Section 59-4.7.3.A.1 of the Zoning Ordinance permits up to 70 public benefit points for provision of Major Public Facilities. The Sketch Plan provides the capital costs for one off-site bikeshare station that contains 19 docks, for which the Applicant is requesting 7.01 public benefit points. The Planning Board supports the category at this time.

#### Connectivity and Mobility

*Minimum Parking:* Section 59-4.7.3.C.2 of the Zoning Ordinance permits up to 10 public benefit points for less than the maximum number of allowed parking spaces, if a maximum is applicable under Section 59-C-15.631. The Bethesda Overlay Zone increased the number of points one could achieve under this category to 20 points as this was a priority in the Sector Plan. This Project provides fewer than the minimum number of parking spaces required by the Zoning Ordinance in one on-site below-grade structured parking garage. The minimum number of parking spaces required for the uses proposed is approximately 370 parking spaces, however the BOZ permits the minimum number of parking spaces required at 80% of the minimum number of spaces required under Section 59-6.2.4.

The incentive density is calculated on a sliding scale  $[(A/P)/(A/R)]*10$ . The BOZ allows up to 20 points, however the multiplier for minimum parking remains at 10. The Applicant is requesting 17.18 points. Based on the initial calculation, the Planning Board supports the category at this time.

*Trip Mitigation:* Section 59-4.7.3.C.8 permits up to 20 points for entering into a binding Traffic Mitigation Agreement (TMAg) to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site. Because the Sector Plan recommends a 55% trip reduction for projects in Downtown Bethesda, to achieve public benefit points in this category the Applicant must enter into a TMAg for a trip reduction greater than 55%. The Planning Board supports the category at this time.

#### Diversity of Uses and Activities

*Adaptive Buildings:* Section 59-4.7.3.D.1 of the Zoning Ordinance permits up to 15 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications. The *CR Implementation Guidelines* clarify that meeting just these criteria will grant only 7.5 points, and that additional points may be appropriate if additional criteria are met such as, for this project, an internal layout that allows

changes between residential, retail, and offices uses by minor modifications. At the time of Site Plan, the Applicant must demonstrate that the project merits the requested 15 points. The Planning Board supports the category at this time.

Quality of Building and Site Design

*Exceptional Design:* Pursuant to Section 59-4.7.3.E.2 the Applicant can achieve 10 points; however the BOZ makes this a minimum requirement and permits up to 30 points for this category to emphasize the importance of exceptional design in downtown Bethesda. The criteria allow for building or site design whose visual and functional impacts enhance the character of a setting. Based on the following, the Applicant requests 25 points for this category. The Planning Board supports the category at this time.

The design of the Project is very innovative in its response to the context, in three specific ways: 1) it responds to the low-rise buildings in the area, by having a recessed area that is 3 stories high at the entrance and 2 stories high to the south of the entrance, and by having a step-back and material change at 72' in height, along Wisconsin Avenue, 2) it has a prominent façade on Wisconsin Avenue, which is in scale with this regional artery, 3) in the context of a small site, the design demonstrates that the functional requirements of a commercial building can be used to create a northern gateway to the Bethesda CBD as well as the Woodmont Triangle. The Sketch Plan design contributes to a sense of place by helping to define the intersection of Battery Lane and Wisconsin Avenue, through its relationship to the buildings on the other three corners. In doing so, it realizes the opportunity, through its height and commercial uses, to create an architectural beacon from the main entrances to the National Institutes of Health and Walter Reed National Medical Center. The Project will meet the ground in a way that is new for Bethesda, and will create architectural interest and a welcome ground-level experience for all modes of transportation, including pedestrians, bikes and vehicles. The Project uses shapes and form at the base, the middle, and the top that are original, with a "tech" orientation in its design elements to connect with its two leading technology leaders to the north, the National Institutes of Health and Walter Reed. Materials will include tech-style metal panels which are new to the Bethesda palette. The Application addresses the challenges of a very small site for commercial development: by implementing a side core to create as efficient as possible (and necessary) floor sizes, steps back at the ground floor and eliminates the two existing Wisconsin Avenue curb cuts to greatly enhance the pedestrian experience. Finally, the Project includes low impact development approaches, such as a compact, efficient footprint, which will have less surface area than the average commercial building, and will use

less energy. Although the Project's proposed massing does not fully conform to the building form goals and recommendations for the Wisconsin Avenue Corridor District in the Sector Plan, as discussed in Finding 4 above, this and other design issues will be addressed at the time of Site Plan review in order to achieve the compatible design envisioned by the Design Guidelines for the Avenue.

A major initiative of the Bethesda Downtown Plan was the creation of the Design Advisory Panel (DAP) and their role to bring design awareness to the County and specifically to downtown Bethesda. The Panel met with the Applicant on May 23, 2018, to review their design proposal and offered comments on the building cap, but otherwise endorsed the overall architecture and design. Part of the Panel's responsibility is to evaluate the Applicant's request for Exceptional Design points based upon the criteria and goals outlined in the CR public benefit guidelines. The Panel endorsed the project with the following comments:

1. Provide a landscaping plan showing the design of the public realm and the enhanced tree canopy along Battery Lane, a canopy corridor.
2. Provide a diagram that illustrates what a strict interpretation of the Guidelines would bring and why the applicant is proposing departure, particularly from the step-back guidelines.

*Public Open Space:* Section 59-4.7.3.E.4. of the Zoning Ordinance provides up to 20 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone. Given the size of the site, there is no public open space requirement. In order to provide the wide sidewalks on Wisconsin Avenue recommended by the Design Guidelines, the Sketch Plan includes approximately 650 square feet of sidewalk area on site, for which the Applicant is requesting 3.6 public benefit points. The Planning Board supports the category at this time.

*Structured Parking:* Section 59-4.7.3.E.6. of the Zoning Ordinance provides up to 20 points for placing parking in an above or below grade parking structure. The Applicant requests 20 points for providing all of the required parking in below-grade structured parking. The BOZ requires 10 points as the minimum for this benefit. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade. By providing all parking below grade, the project will be able to earn 20 points in this category. The Planning Board supports the category at this time.

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Project will implement up to 168,746.5 square feet of incentive density, which is gross floor area above 0.5 FAR. Section 59-4.7.3.F.1.a permits up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund. The Applicant will purchase easements in an amount equal to 7.5 percent of the incentive density floor area through the following parameters: 9 points for every 31,500 square feet of gfa, comprising 7.5 percent incentive density floor area (Optional method density of 185,000 sf – standard method density of 16,253.5 sf = incentive density of 168,756.5 sf;  $7.5\% \text{ of incentive density} / 31,500 = 0.4018 \text{ BLTs} \times 9 \text{ points/BLT} = 3.62 \text{ points}$ ). The Planning Board supports this request.

*Cool Roof:* Section 59-4.7.3.F.2 permits up to 10 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12. At the time of Site Plan, the Applicant must demonstrate the extent to which they meet this criterion and will earn points accordingly. The Planning Board supports the category at this time.

*Energy Conservation and Generation:* The Sector Plan requires that all projects in the High-Performance area must exceed the current ASHRAE 90.1 requirement by at least 15 percent. The CR Zone Incentive Density Implementation Guidelines state that up to 15 points are available for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5 percent, however the BOZ permits up to 25 points for this benefit. Exceeding the energy efficiency standards by 17.5 percent in the BOZ proportionally allows the Project to receive 15 public benefit points. The Planning Board supports the category at this time.

- 7. establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development is proposed to be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Bethesda Downtown Sector Plan, or other requirements; and



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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is 'JUL 25 2018 (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

**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 Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, July 12, 2018, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

Al R. Roshdiah  
*Director*

September 26, 2018

Elza Hisel-McCoy, Regulatory Supervisor  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120180280  
8280 Wisconsin Avenue

Dear Mr. Hisel-McCoy:

We have completed our review of the preliminary plan uploaded to eplans on September 19, 2018. A previous plan was reviewed by the Development Review Committee at its meeting on July 31, 2018. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Significant Plan Review Comments

1. On the certified Preliminary Plan, remove the plan view of the separated bike lanes and concrete island.
2. Waiver from the Montgomery County Planning Board to reduce the truncation at the Battery Lane and Wisconsin Avenue intersection.
3. The applicant must participate in a pro-rata basis towards the construction of a master planned separated bike lanes along the Battery Lane street frontage. The applicant must provide an engineer's estimate for the separated bike lanes along their Battery Lane street frontage that will include contingencies and be approved by MCDOT prior to the issuance of the right-of-way permit. The cost shall include, but not be limited to, repaving, restriping, buffer, signing and other related improvements for the separated bike lanes. The payment must be made prior to the issuance of the first Use and Occupancy permit. If the County has already completed the project, or decides not to implement the project, the applicant will continue to make the payment prior to issuance of the first use and occupancy permit. This payment will be used to fund other bicycle infrastructure improvements in the Bethesda CBD area.

Standard Plan Review Comments

4. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

5. Construct Bethesda Central Business District streetscaping along the Battery Lane and Wisconsin Avenue (MD 355) site frontages.
6. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
7. In all underground utility installations, install identification tape or other "toning" device approximately 2' above the utility.
8. Access and improvements along Wisconsin Avenue (MD 355) as required by the Maryland State Highway Administration.
9. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
10. Parking
  - a. Minimized Parking: Commuter Services supports the Project's proposed reduction of on-site parking spaces to less than the minimum number required by Zoning Ordinance. Should demand for parking be a concern to potential tenants, a County parking facility (Garage 11) is located to the west of this project at 7730 Woodmont Avenue.
  - b. Carpool/Vanpool Parking. Provide adequate numbers of carpool and vanpool parking spaces in highly visible, preferentially-located spots. A carpool or vanpool space that is unoccupied after 9:30 am may be made available to all vehicles if a sign is posted on the property notifying the public. The garage should be designed with adequate height to ensure that full-size vans can utilize vanpool parking spaces.
  - c. Car Sharing Parking. Provide adequate number of car sharing vehicle parking spaces in highly visible, preferentially-located spots.
  - d. Electric Car Charging. Provide two electric car charging stations, or the number required by law, whichever is greater, on site.
  - e. Bicycle Facilities. Provide a secure weatherproof area in a conveniently located, well-lit area of the parking facility to house bicycles. Bicycle storage must be provided for the number of bicycle parking facilities specified in Planning Board approvals or sufficient to meet demand in the event demand exceeds the number specified. Include a bicycle repair station for employee use.
  - f. Displays. Incorporate static display space into lobbies and other high pedestrian activity areas and opportunity for information on each level of parking facility. Provide opportunity and connections for monitors with Real Time Transit Information and other TDM-related information (e.g., on-site info events, Bike to Work Day promotions) in lobbies, elevators, and parking facility. This will enable outreach to building tenants, employees, visitors, etc. to help promote achievement of the NADMS goals for Bethesda.
11. Bikeshare. The Applicant has committed to paying the capital costs for a 19-dock bikeshare station to be located at an off-site location to enable this form of transportation to be used by employees and visitors at the Project. Applicant will take other actions in concert with the County to promote use of bike sharing among employees and visitors at the Project, in order to accomplish the objectives of the TMD. Payment to the County will be required within 30 days of receiving an invoice from MCDOT. The Applicant should coordinate with MCDOT (Commuter Services; Sande Brecher (240) 777-8383) regarding payment arrangements.

12. Traffic Mitigation Agreement: The Applicant must submit a draft TMAg for review with the Preliminary Plan application. Trip reduction measures in this Agreement should include all of the items listed above relevant to ongoing operations of the project, along with other measures designed to achieve the NADMS goals for Bethesda. Measures should also include:  
Employee Parking: Make pay parking available to employees at price points at or above market rates to discourage the use of single-occupancy vehicles for commuting to the Project. Engage in parking reduction programs by: (a) encouraging employers not to pay for parking for employees who drive to work alone; (b) providing lower-cost parking for carpools and vanpools; (c) encouraging office employers to subsidize parking for vanpools and carpools; and (d) "unbundling" parking, by not requiring that tenant leases commit to a minimum number of parking spaces as a requirement for leasing space in the office building.
13. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. At or before the permit stage, please coordinate with Ms. NikKia Carver of our Transit Services Division, regarding improvements to the RideOn bus facilities near this project. Ms. Carver may be reached at 240 777-5800.
16. We recommend that the applicant coordinate with Matt Johnson of our Transportation Engineering Section regarding the separated bike lanes along Battery Lane. He can be reached at 240-777-7237 or at [matt.johnson@montgomerycountymd.gov](mailto:matt.johnson@montgomerycountymd.gov).
17. At or before the permit stage, please coordinate with Mr. Benjamin Morgan of our Parking Management Division, regarding any impacts to public parking facilities near this project. Mr. Morgan may be reached at 240 777-8704.
18. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - a. Curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Battery Lane and Wisconsin Avenue.
  - b. Bethesda Streetscaping standards along Battery Lane and Wisconsin Avenue.
  - c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
  - d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - e. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- f. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- g. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact myself for this project at (240) 777-2118 or at [rebecca.torma@montgomerycountymd.gov](mailto:rebecca.torma@montgomerycountymd.gov).

Sincerely,



Rebecca Torma, Manager  
Development Review Team  
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/Bethesda/120180280 8280 Wisconsin DOT.docx

Enclosure

cc: Donald Fogel, Icabod LLC  
Michael Goodman, VIKA Maryland LLC  
Robert Dalrymple, Linowes and Blocher  
Letters Binder

cc-e: Matt Folden, M-NCPPC Area 1  
Atiq Panjshiri, MCDPS RWPR  
Dan Sanayi, MCDOT DTEO  
Kamal Hamud, MCDOT DTEO  
NikKia Carver, MCDOT DTS  
Matt Johnson, MCDOT DTE  
Benjamin Morgan, MCDOT DPS



**MONTGOMERY COUNTY, MARYLAND**  
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
 DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: 8280 Wisconsin Avenue Preliminary Plan Number: 1-

Street Name: Battery Lane Master Plan Road Classification: \_\_\_\_\_

Posted Speed Limit: 30 mph

Street/Driveway #1 ( Loading Dock ) Street/Driveway #2 ( Garage Entrance )

Sight Distance (feet) OK?  
 Right 223'   
 Left 653'

Sight Distance (feet) OK?  
 Right 200'   
 Left 675'

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**GUIDELINES**

| Classification or Posted Speed<br>(use higher value) | Required<br>Sight Distance<br>in Each Direction* |
|--|--|
| Tertiary - 25 mph                                    | 150'   |
| Secondary - 30                                       | 200'   |
| <b>Business - 30</b>                                 | <b>200'</b>                                      |
| Primary - 35   | 250'   |
| Arterial - 40  | 325'   |
| (45)   | 400'   |
| Major - 50   | 475'   |
| (55)   | 550'   |

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

\*Source: AASHTO

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

  
 Signature \_\_\_\_\_ Date 8-10-18  
25786  
 PLS/P.E. MD Reg. No. 25796  


**Montgomery County Review:**

Approved  
 Disapproved:

By: Rebecca Loman  
 Date: 9/26/18



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

September 4, 2018

Ms. Shannon Flickinger  
VIKA Maryland, LLC  
20251 Century Blvd. Suite 400  
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
8280 Wisconsin Avenue  
PP#: 120180280  
SP #: 820180230  
SM File #: 283988  
Tract Size/Zone: 19,122 sq.ft./CR3.0, C-3.0,  
R-2.75, H-145  
Total Concept Area: 26,100 sq.ft. LOD  
Lots/Block: Lot 63/Woodmont  
Watershed: Lower Rock Creek

Dear Ms. Flickinger:

Based on a review by the Department of Permitting Services Review Staff, the combined stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via green roof and a full Quality and Quantity waiver.

The following items need to be addressed during the detailed Sediment Control/SWM plan stage:

- 1) A detailed review of the SWM computations will occur at the time of detailed plan review.
- 2) An engineered sediment control plan must be submitted for this development.
- 3) All filtration media for manufactured best management practices must consist of MDE approved material.
- 4) All measures must be designed in accordance with the latest MCDPS guidance documents.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

Ms. Shannon Flickinger  
September 4, 2018  
Page 2 of 2

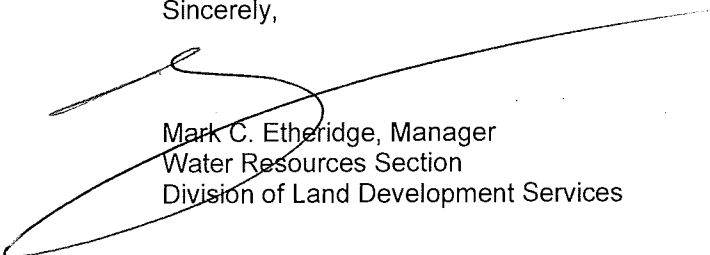
- 5) Landscaping shown on the approved Landscape Plan as part of the approved concept plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Department of Permitting Services, Water Resources Section.
- 6) Design must utilize most recent DPS guidance and details.
- 7) Based on preliminary architecture, the concept proposed green roof over 35% of the roof. At the time of final engineering the applicant must demonstrate that the green roof coverage has been maximized.
- 8) This approval is dependent on adequate capacity in the downstream public storm drain system. If at the time of final engineering adequacy cannot be demonstrated, the applicant may be required to revise the concept to demonstrate on-site 10-year control.

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.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202 or at [mary.fertig@montgomerycountymd.gov](mailto:mary.fertig@montgomerycountymd.gov).

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: mmf

cc: N. Braunstein  
SM File # 283988

ESD: Required/Provided: 4,138 cf / 938 cf  
PE: Target/Achieved: 2.0"/0.49"  
STRUCTURAL Required/Provided: n/a  
WAIVED: QN and QL



*To be approved by the panel on Oct. 24*

## **Bethesda Downtown Design Advisory Panel**

**FROM:** Laura Shipman  
Design Advisory Panel Liaison

**PROJECT:** 8280 Wisconsin Avenue  
Site Plan No. 820180230

**DATE:** September 26, 2018

---

*The **8280 Wisconsin Avenue** project was reviewed by the Bethesda Downtown Design Advisory Panel on **September 26, 2018**. The following meeting notes summarize the Panel's discussion, and recommendations regarding design excellence and the exceptional design public benefits points. The Panel's recommendations should be incorporated into the Staff Report and strongly considered by Staff prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

---

### **Attendance:**

Karl Du Puy (Panelist)  
George Dove (Panelist)  
Damon Orobona (Panelist)  
Rod Henderer (Panelist)  
Qiaojue Yu (Panelist)  
Paul Mortensen (Panelist, Senior Urban Designer in the Director's Office)

Laura Shipman (Design Advisory Panel Liaison)  
Robert Kronenberg (Acting Deputy Director)  
Michael Brown (Area 1 Master Plan Supervisor)  
Grace Bogdan (Area 1 Planner Coordinator)  
Stephanie Dickel (Area 1 Planner Coordinator)  
Matt Folden (Area 1 Planner Coordinator)

Gary Unterberg (Applicant Team)  
Jef Fuller (Applicant Team)  
Evan Weisman (Applicant Team)  
Steve McDaniel (Applicant Team)  
David Cermiglia (Applicant Team)

Naomi Spinrad (Member of the Public)



## Discussion Points:

- What is the gross area of the left vs right? [strict conformance v. proposed design]
  - *Applicant response:* A little smaller on left than right because of step-back.
- Floor plate area of left v right?
  - *Applicant response:* 15,000 sqft on floors on right which is already small, step back takes off about 2,300 sqft.
- We need proof that the floorplate doesn't work. Show us how the labs work at the larger floor plate v smaller.
  - *Applicant response:* We have very small floors and we are trying to maintain the largest floors possible. We thought this was a better design not just maximizing the floor plate. We are trying to address the BRT ROW at the base, and we are trying to balance all of these things. SHA has allowed us to go into the ROW above.
- How did you address concerns about the cantilever?
  - *Applicant response:* We did two things to refine that: retreating the end as a wing almost so you see lightness of façade to make softer. Angled back façade to make softer. Brought the stair back as well.
- Why don't you have abutting properties articulated on the plans? That would help some of your placement and arguments.
- Is it going to be one tenant?
  - *Applicant response:* It will likely be multiple tenants, small and large. The column grid will work well for lab users.
- From what floor to what floor is the cantilever?
  - *Applicant response:* 3,4,5 at that plane and then comes back
- Need to test out street level vegetation to see the impact at street level. Can you bring back the façade to the column grid?
  - *Applicant response:* This will create a shear face if we do not step back and would have a large impact on the design.
- How many feet is the small building from the build to line of your building?
  - *Applicant response:* We are about the same and then 6ft where we pull back
- Does the adjacent building abut your building? There is a concern about the lengths of the loading docks and congestion.



- *Applicant response:* Yes, right on the property line. We answered all the technical questions about turning radii. It is a policing issue, where trucks will stop on the street. In the Site Plan application, we put in a loading dock management plan to enforce ourselves.
- What are the materials?
  - *Applicant response:* Stone along the base and then a screen at the top with a filigree feeling to it. Glass at lower levels as clear as possible and glass above will have tinting for solar.
- I like what you are doing in terms of use.
- This does not meet guidelines, specifically step back guidelines. The building is quite busy and could be simpler if you pushed back the cantilever. Would be a more elegant if it was simpler and more cohesive.
- The podium is more defined, this is an important line. I'm not disagreeing about set back especially since you are like the 4<sup>th</sup> in row to do this. If you were the first you might have gotten away with it.
- It needs simplicity to be cohesive. It is trying too hard.
- I wonder why you decided to introduce the glass panel instead of continuing rhythm.
- As far as setback is concerned, the substantial canopy and the two-level cantilever makes more of an emphasis on the entrance, along with the canopy installation is better than many we have seen up to this point. This is not a skyscraper tower, it is a modest building, allows this building to project. Personally, looking at the guidelines setback I find this to be a much more interesting building. The cantilever is mitigated vertically.
- The canopy helps because it is masking the cantilever above it. I agree that you have lost something from the first presentation. The other one held together more, this is very episodic, the other submission held together holistically. (No, after looking at the old submission I change my mind).
- The west façade has discipline.
- I think they worked well with staff on refinements since the first.
  - *Applicant response:* The big change is on the west side. The real change here is there is subtlety.
- The horizontal white lines are more pronounced.



- The north façade may not need to be as busy and episodic.
- I think the north bay window works well, but what is on the left is too busy, would prefer to see more glass. The old scheme the façade was more cohesive. Need more simplification, elegance and less fragmentation.
- There might be a time when folks will look back on the irregular window patterns and want to return to a more regular grid
  - *Applicant response:* We can tone this down and create a strong language and the rest becomes a backdrop.
- We need to get to the cantilever issue. We need to have a definitive answer.
- I appreciate the diagram for strict coherence. I'm ok with the variation from the guidelines, I think 13,000 sf would be much to small a floor plate. I think this is a well-designed project and alternative treatment is ok.
- I can't accept a cantilever this large. Pulling back the façade I think I like the gesture, but I think its token.
- I think the varying height of cantilever is positive.
- We need to respect design guidelines, we do not want to set precedent for other applicants coming in.
- It's a shame that this building followed other buildings were not nearly as successful, and that's why the term cantilevers r-us. I like this building. I am conflicted.
- Shouldn't we look at each project on its own merits.
- We want the guidelines to be followed in a way that is positive, I do believe this project should stand on its own, politics aside.
- If this was one of the first projects to come to the committee it would have gone through. I think the project does a good job of breaking down the heights along Wisconsin.
- *Vote Discussion:* During the vote the panel was initially split on whether to support the project as presented because of the large cantilever. A panel member proposed that the applicant reduce the cantilever from 8 feet to 4 feet, and the applicant offered to accept this compromise to garner the full support of the panel.



### **Panel Recommendations:**

The following recommendations should be incorporated into the Staff Report.

1. Create more simplification, elegance and less fragmentation on the facades, particularly the north façade.
2. Public Benefit Points: Four of the panel members support the requested 25 exceptional design points. One notes they could get to 25 points but are currently at 15 or 20 points.
3. Vote:
  - **1** in support
  - **4** in support but with conditions to incorporate the panel recommendation above. Two of these panel members have an additional condition to reduce the cantilever from 8 feet to 4 feet to make the cantilever less imposing.





# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

|  |                               |                           |
|--|-------------------------------|---------------------------|
| Subject: 8280 Wisconsin Avenue, Bethesda, MD           | Executive Order No.<br>125-18 | Subject Suffix            |
| Department: Office of the Chief Administrative Officer | Department No.                | Effective Date<br>5/30/18 |

WHEREAS, the Project will strengthen the County's tax base and is estimated to result in approximately \$700,000 in annual real property taxes to Montgomery County, an annual net increase in real estate tax revenue of more than \$600,000 over current taxes assessed on the Wisconsin Avenue property; and

WHEREAS, during construction, the Project will generate approximately 300 full time jobs and, following completion, is expected to accommodate approximately 600 full-time workers in the Project; and

WHEREAS, Montgomery County Executive Order 173-11 provides that by designating the Project as a Strategic Economic Development Project, the County Executive directs all Executive Branch Agencies to treat the Project as a priority and to give it immediate attention as it moves through the required planning, development review and permitting processes.

### ACTION

NOW, THEREFORE, BE IT ORDERED, the Project, to be located at 8280 Wisconsin Avenue, Bethesda, Maryland, is hereby determined to be a Strategic Economic Development Project as defined in Executive Order 173-11.

Approved as to form and Legality  
Office of the County Attorney

By: \_\_\_\_\_

Date: 5/24/18

Approved:

Isiah Leggett  
County Executive



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

|  |                               |                           |
|--|-------------------------------|---------------------------|
| Subject: 8280 Wisconsin Avenue, Bethesda, MD           | Executive Order No.<br>125-18 | Subject Suffix            |
| Department: Office of the Chief Administrative Officer | Department No.                | Effective Date<br>5/30/18 |

## BACKGROUND

WHEREAS, under Executive Order 173-11, a development project may be designated as a Strategic Economic Development Project based on the project's ability to create or retain jobs in the County, leverage substantial private capital investment, help the County achieve strategic redevelopment objectives, or otherwise advance the economic goals of the County; and

WHEREAS, 8280 Wisconsin Avenue, a former automotive repair, gasoline station and car wash site in downtown Bethesda is well positioned due to its visibility and prominent location to become a transformative real estate development project; and

WHEREAS, a development partnership between StonebridgeCarras and The Donohoe Company has committed to re-develop the site; and

WHEREAS, StonebridgeCarras/Donohoe have committed to construct a new, 180,000 square foot research and development/laboratory building ("the Project") on the property; and

WHEREAS the Project will create for the first time a large supply of modern laboratory space in Bethesda; an urban, transit accessible setting; positioning Montgomery County to compete with other major urban areas that offer similar urban lab space environments such as Cambridge, Massachusetts, New York City and Oakland, California; and

WHEREAS, the Project addresses a critical need to add to the supply of lab space in the County; and

WHEREAS, the Project will have an anticipated investment of approximately \$100,000,000 million; and

WHEREAS, the Project exemplifies many of the key objectives of the new Bethesda Sector Plan in terms of realizing dense commercial development near the Bethesda Metro Station and its juncture with the proposed gateway to the western entrance of the Purple Line, and will bring even more vibrancy to downtown Bethesda; and

**East Bethesda Citizens Association**  
P.O. Box 41020  
Bethesda, Maryland 20824

October 4, 2018

Matthew Folden  
Elsa Hisel-McCoy  
Stephanie Dickel  
Robert Kronenberg  
Montgomery County Park and Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

**RE: 8280 Wisconsin Project**

Dear Planning Staff,

The East Bethesda Citizens Association (EBCA) has been following the proposed development at 8280 Wisconsin Ave closely throughout the planning process. The block of Battery Lane between Woodmont and Wisconsin provides an important vehicle, pedestrian, and bike connection to our neighborhood. During Design Review and Sketch Plan approval, our association indicated concerns with potential vehicle circulation related to delivery trucks and service vehicles for the 8280 Wisconsin project.

EBCA, one of the oldest citizens association in Montgomery County, represents 1200 households north of East West Highway, south of Jones Bridge Road, east of Wisconsin Avenue and west of Columbia Country Club.

We understand that a Draft Loading Management Plan for 8280 Wisconsin has been prepared. The loading dock location and configuration will require large trucks to block one westbound lane of Battery Lane, stop traffic, and back across the other lanes and separated bike lane into the loading bay. We request that the loading management plan, as part of the enforceable site plan, require large delivery vehicles utilizing the delivery bay be scheduled between 10am-2pm, and between 7pm-7am. We also request that no parking and no stopping be allowed along the block of Battery Lane between Woodmont and Wisconsin.

We have seen with 8300 Flats/Harris Teeter across the street, and other nearby projects, what can happen when delivery and service vehicles are not well planned for or accommodated on site. Delivery and service vehicles regularly stop and park along that block of Battery Lane blocking a traffic lane and creating limited and unsafe sight lines for drivers and pedestrians.

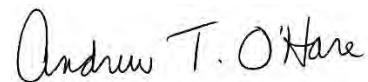


Moreover, with the planned bikeway on Battery and planned BRT lane on Wisconsin it is essential that these issues regarding loading and unloading be addressed before site plan approval. We are concerned that these types of restrictions are a challenge to enforce and we therefore look forward to ensuring that enforcement responsibilities are clearly articulated in the site plan.

Finally, and on a related note, we respectfully request that the northern leg crosswalk at Wisconsin and Rosedale/Battery be completed as soon as possible, but before construction begins at 8280 Wisconsin. This was originally part of the 8300 Flats project. We also request that you study the alignment of the crosswalk on the southern leg of this intersection for better pedestrian visibility and signal timing.

Please don't hesitate to reach out with any question regarding the perspectives of EBCA on this matter. I may be reached at (202) 270-0094 or [andy.ohare@yahoo.com](mailto:andy.ohare@yahoo.com). Alternatively, you may reach out to Amanda Farber ([amandafarber@hotmail.com](mailto:amandafarber@hotmail.com)).

Sincerely,

A handwritten signature in black ink that reads "Andrew T. O'Hare". The signature is written in a cursive, slightly slanted style.

Andrew T. (Andy) O'Hare  
President, EBCA

## Folden, Matthew

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**From:** Malarkey, Michael <mmalarkey@alvarezandmarsal.com>  
**Sent:** Thursday, September 27, 2018 8:56 AM  
**To:** Folden, Matthew; Hisel-McCoy, Elza  
**Subject:** 8280 Wisconsin

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

I'm writing to respectfully ask/mandate that you require the 8280 Wisconsin developer team to install car drop off/loading zones that do not block the street. Also I would encourage you to review the idea that would allow a truck to perform a 3 point turn on Battery Lane to enter the now proposed loading dock in the design. That will never happen and, as proof, would encourage you to spend a few minutes next to Harris Teeter and see how trucks block both Battery and Wisconsin at all hours of day/night. Trucks will not both to park in the dock as designed given that there is no room to perform a 3 point turn on Battery given the traffic volume.

We live on Maple and are consistent victim of not being able to use Rosedale to exit our neighborhood given the poor design allowed at that intersection that does not allow for adequate traffic flow.

Regards,

Mike

Michael C. Malarkey | Managing Director  
**Alvarez & Marsal Disputes and Investigations, LLC**  
Washington Center | 1001 G Street NW | Washington, DC 20001  
One Finsbury Circus | London | EC2M 7EB  
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## Hisel-McCoy, Elza

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**From:** Nancy Regelin <NRegelin@shulmanrogers.com>  
**Sent:** Wednesday, August 29, 2018 4:44 PM  
**To:** Hisel-McCoy, Elza  
**Cc:** Kronenberg, Robert; Anthony Falcone; Gary Unterberg (GUnterberg@RODGERS.com)  
**Subject:** 8280 Wisconsin Avenue - #820180230

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

On behalf of Aldon Management regarding the Bethesda Medical Building at 8218 Wisconsin adjacent to the proposed 8280 Building under consideration of the above caption Site Plan, we are providing the following update and comments on the site plan.

Following our recent meeting with staff, Aldon has been discussing massing alternatives with the Donohoe representative of 8280 to mitigate the impacts on 8218 and are anticipating certain plan revisions.

To that end, Aldon requests the following massing, setback, and architectural elements be included in the approved plan:

1. At the below grade and street/first floor levels only (and only where there are no existing windows at that level on 8218), the 8280 building can be built to the common property line in order to create a seamless street façade along Wisconsin.
2. Where there are first floor level windows on 8218, the 8280 building should be set back a minimum 3 ft- 1 in. from the common property line.
3. At the second floor and all levels above, the 8280 building should be setback a minimum of 5 ft- 1 in. from the common property line.
4. On all floor levels where the 8280 building confronts the existing 8218 building with its existing windows, the exterior façade of 8280 shall be a "finished" façade of a light color.
5. No exhaust from 8280 shall be directed into the building gap between 8218 and 8280. Building exhaust from 8280 shall be directed above and away from the air intakes for 8218.

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**NANCY P. REGELIN**  
ATTORNEY AT LAW  
VICE-CHAIR, REAL ESTATE DEPARTMENT

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