



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

MCPB No. 18-106
Preliminary Plan No. 120180280
8280 Wisconsin Avenue/Woodmont Central
Date of Hearing: October 25, 2018

NOV 20 2018

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on July 2, 2018, Stonebridge Carras/Donohoe Development Company ("Applicant") filed an application for approval of a preliminary plan of subdivision for two lots, Lot 63 and Lot 663, Northwest Park, with a combined total density of 581,704 square feet, including on Lot 63 up to 175,000 square feet of new research and development and office uses, with 81,633 square feet of density from the Bethesda Overlay Zone (BOZ) with an associated Park Impact Payment, and including on Lot 663 two existing multi-family buildings with up to 453 multi-family dwelling units including 68 MPDUs (15 percent), and 17,532 square feet of ground-floor non-residential uses, on 2.59 acres of CR 5.0: C 5.0 R 5.0 H 175, CR 3.0: C 3.0 R 2.75 H 145, and Bethesda Overlay zoned-land, located at the southwest corner of the intersection of Wisconsin Avenue and Battery Lane, Lot 63, Northwest Park, and at 4850 Rugby Avenue and 4800 Auburn Avenue, Lot 663, Northwest Park ("Subject Property"), in the Bethesda Policy Area and the Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120180280, 8280 Wisconsin Avenue/Woodmont Central ("Preliminary 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 October 15, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 25, 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

Approved as to
Legal Sufficiency:

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WHEREAS, on October 25, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss, seconded by Commissioner Patterson, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180280 for two lots on the Subject Property, subject to the following conditions:¹

1. This Preliminary Plan of Subdivision supersedes the previously-approved Preliminary Plan 120090140, as amended. Except for Condition 2.b., all other conditions relate to Lot 63.
2. This Preliminary Plan is limited to two lots, Lots 63 and Lot 663, for a combined total density of 581,704 square feet, including 453 multi-family dwelling units.
 - a. Lot 63 is limited to up to 175,000 square feet of new research and development and office uses.
 - b. Lot 663 is limited to the two-existing on-site multi-family buildings, with 453 multi-family dwelling units including 68 MPDUs (15 percent), and 17,532 square feet of ground-floor non-residential uses. This existing development includes 85,618 square feet of bonus residential density for providing 15 percent MPDUs. This MPDU bonus density is permitted under Section 59.4.5.2.C.2.a. of the 2014 Zoning Ordinance and therefore not included in the combined total density listed above.
3. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 26, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval for the development included on Lot 63. 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 Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT for Lot 63.

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

6. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“MDSHA”) in its email dated October 15, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval for the development included on Lot 63. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. Prior to issuance of access permits for Lot 63, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
8. The Applicant must dedicate and show on the record plat(s) for Lot 63 the following dedications:
 - a. On Wisconsin Avenue, sixty-one (61) feet from the existing pavement centerline along the Subject Property frontage;
 - b. On Battery Lane, thirty-five (35) feet from the existing pavement centerline along the Subject Property frontage;
9. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, “To Be Constructed By _____” are excluded from this condition.
10. The record plat must show necessary easements.
11. The Adequate Public Facility (“APF”) review for Lot 63 of the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
12. 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, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval.

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

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision*

given its location and the type of development or use contemplated, and the applicable requirements of Chapter 59.

The proposed lots' size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lots were reviewed under and found to be in compliance with the dimensional requirements for the CR zone, as specified in the Zoning Ordinance, and compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, including the technical review standards in Section 50.4.3. The Application meets all applicable sections. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. Transportation access is adequate to serve the development proposed by this Preliminary Plan. Water and sewer and other utilities are available to and currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

Section 50.4.3.E.2.F.iii of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections to ensure adequate sight distance is available and creates space for traffic control devices. The regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and traffic operation needs at the intersections adjacent to the Subject Property. The non-standard truncation at the intersection of Battery Lane and Wisconsin Avenue is appropriate because adequate sight distance exists at this location. Furthermore, the intersection is already signalized, providing safe operations and removing the concern that there is not sufficient room within the right-of-way to place signal equipment in the future. Providing truncation at this location would negatively impact the design of the proposed project.

The lots were reviewed for compliance with the dimensional requirements for the CR zones as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

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:

a. Land Use

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 Lots are 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 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 175,000 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 175,000 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 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 are proposed to cover a minimum of 35% of the site area to expand the urban green goals 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 building design substantially conforms to the design recommendation of the *Bethesda Downtown Plan Design Guidelines*, as determined by the Director's Design Advisory Panel at its meeting of September 26, 2018.

b. Environment

As conditioned, the application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. The Forest Conservation Plan with the conditions cited in this staff report. The Subject Property contains no streams, wetlands, floodplain, forest or other environmentally sensitive areas, and the current amendment has no significant effects on the forest conservation plan. However, the project is subject to the requirements of the Forest Conservation Law. As established in previous amendments, the project must fulfill a 0.43-acre afforestation requirement, which has been addressed offsite by fee-in-lieu payment as part of previous Forest Conservation Plan for this Site.

The MCDPS Stormwater Management Section approved the Stormwater Management Concept on September 4, 2018. According to the approval letter, the Stormwater Management Concept proposes to meet stormwater management requirements via environmental site design to the maximum extent practicable through the use of a green roof and a full Quality and Quantity waiver.

The Sector Plan includes a number of recommendations to achieve the urban green goals, including the recommendation for minimum onsite 35% green coverage, which may include singularly or in combination intensive green roof

(6 inches or deeper) or tree canopy. The Applicant is providing approximately 7,000 square feet of Green Area, equivalent to 39% of the 8280 Wisconsin Avenue site.

The Downtown Plan Design Guidelines Section 2.4.11 Bird-Safe Design (pages 80 and 81) recommends a number of architectural treatments to protect local and migratory birds from deadly strikes. The Applicant proposes to meet these recommendations by selecting glass types that mitigate danger to birds. As conditioned, Staff is recommending that the Applicant include bird-friendly architectural features in the building and incorporate those general measures as part of Certified Site Plan.

c. Transportation

The Application is consistent with the above recommendations and will provide the necessary right-of-way dedications and streetscape improvements. The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. Wisconsin Avenue, along the eastern site frontage, as a major highway (M-6) with a minimum right-of-way width of 122 feet.
2. Battery Lane, along the northern site frontage, as a business district street with a minimum right-of-way width of 70 feet and two-way separated bicycle lanes on the south side of the street.

d. Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single-occupancy vehicles. As a non-residential project with more than 25 employees within the Bethesda TMD, the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Transportation access is adequate to serve the proposed development by this Preliminary Plan. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Site frontages, consistent with the Bethesda Streetscape Standards. Vehicular access to the Property is proposed directly from Battery Lane through a consolidated garage access point and loading bay (two separate, but adjacent entrances) at the northwest corner of the site. This configuration eliminates

vehicular access from Wisconsin Avenue (MD 355) and minimizes interruptions to the pedestrian realm. A transportation study, dated June 21, 2018, was submitted to analyze the Project. As a result of the transportation analysis submitted in support of the Subject Application, staff concludes that sufficient transportation capacity exists to serve the proposed development and site access will be safe, adequate, and efficient.

e. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. Electrical and telecommunications services are also available to serve the subject property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy. As the residential component of the subdivision is existing and new development is limited to non-residential uses, no school impacts are associated with the project.

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

The Subject Property contains no streams, wetlands, floodplain, forest or other environmentally-sensitive areas and the current amendment has no significant effects on the forest conservation plan. However, the project is subject to the requirements of the Forest Conservation Law. As established in previous amendments, the project must fulfill a 0.43-acre afforestation requirement, which has been addressed offsite by fee-in-lieu payment as part of a previous Forest Conservation Plan for this Site.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The Applicant received a stormwater concept approval from MCDPS Water Resources Division on September 4, 2018. The Application will meet stormwater management goals through a variety of techniques, including green roof and a full quality and quantity waiver.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, 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 in the Montgomery County Land Records, 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 NOV 20 2018 (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 Vice Chair Dreyfuss, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, November 15, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board