



7900 Wisconsin Avenue, Project Plan Amendment 92012003A & Site Plan Amendment 82013017A

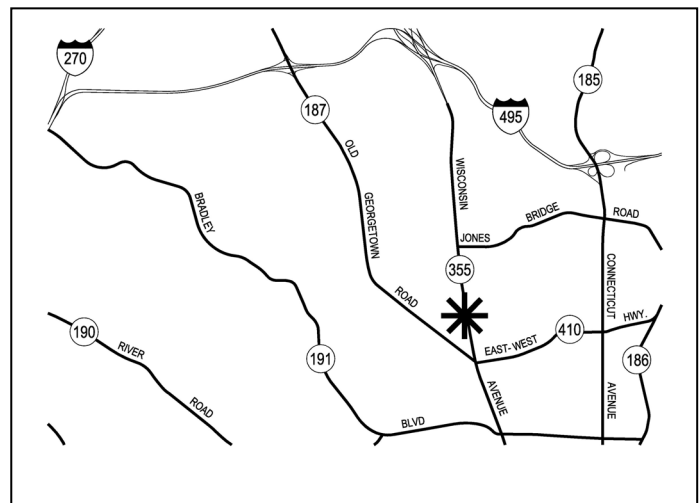
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Staff Report Date: 4.20.2020

- Project Plan amendment to decrease Public Use Space from 10,953 square feet to 10,323 square feet;
- Site Plan amendment to decrease residential units from 450 to 322 units, maintaining 15% MPDUs; decrease non-residential uses from 21,630 square feet to 21,600 square feet; reduce public use space from 11,329 square feet to 10,323 square feet; minor update to building footprint, stormwater, landscape and hardscape elements; minor changes to building elevations; reduce parking from 445 to 340 spaces; and make minor adjustments to streetscape elements within public right-of-way;
- Current use: multi-use building under construction;
- Located on Wisconsin Avenue between Wisconsin Avenue and Woodmont Avenue;
- 1.07 acres zoned CR 5.0 C 5.0 R 5.0 H 175' (CBD R-2), and the Bethesda Overlay Zone (BOZ) in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: 7900 Wisconsin Residential LLC;
- Acceptance date: January 7, 2020.
- Review Basis: Per Section 59.7.7.1.B.3, Pre-2014 Chapter 59.



Summary

- Staff recommends **approval with conditions**.
- In 2013, the Subject Property received Project, Preliminary, and Site Plan approval for the development of a 174-foot tall mixed-use building with a maximum of 450 dwelling units, including 68 MPDUs (15%), and up to 21,630 square feet of ground-floor retail. The Site was approved and developed under the CBD zoning provisions, however the Site has been rezoned through the 2017 Bethesda Downtown Plan. The application is proceeding under the CBD zone.
- The building is currently under construction and the Applicant is requesting a series of minor changes to the Project and Site Plan approvals to allow refinements of certain site elements to reflect the evolution of site construction.
- The proposed reduction in public use space will remain in conformance with the minimum zoning requirement and will allow future ground floor tenants to provide private outdoor dining areas along the promenade connecting Wisconsin Avenue to Woodmont Avenue.

SECTION 1: RECOMMENDATION AND CONDITIONS

Project Plan Amendment 92012003A

Staff recommends approval of Project Plan Amendment 92012003A, to decrease Public Use Space from 10,953 square feet to 10,323 square feet. The following site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below. The following Condition 4 supersedes the previous, and all other conditions remain in full force and effect:

4. Public Use Space
 - a. The Applicant must provide a minimum of 10,323 square feet for on-site public use space and a minimum of 7,585 square feet for off-site public amenity space. The final design and details will be determined during site plan review.
 - b. The public use space must be easily and readily accessible to the general public and available for public enjoyment.
 - c. At the time of Site Plan, provide streetscape improvements in accordance with the Bethesda Streetscape Standards, including but not limited to paving, street trees, street lights, and undergrounding of utilities.
 - d. All trees shall be a minimum of 3½ inches in diameter with a consistent species along Wisconsin Avenue to achieve the boulevard effect (Bethesda Streetscape Plan).
 - e. The Applicant should consider tree panels along Wisconsin Avenue. If tree panels are not feasible, tree pits must be provided and have a soil volume of no less than 600 cubic feet.

Site Plan Amendment 82013017A

Staff recommends approval of Site Plan Amendment 82013017A, to decrease residential units from 450 to 322 units, maintaining 15% MPDUs; decrease non-residential uses from 21,630 square feet to 21,600 square feet; reduce public use space from 11,329 square feet to 10,323 square feet; minor updates to building footprint, stormwater, landscape and hardscape elements; minor changes to building elevations; reduce parking from 445 to 340 spaces; and make minor adjustments to streetscape elements within public right-of-way. The following site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below. The following Conditions 1, 3, and 8 supersede the previous, and Condition 16 is in addition to all other conditions, which remain in full force and effect:

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan 920120030 and any subsequent amendments. This includes but is not limited to all references to density, public use space and amenities, and transportation conditions.
3. Density

This Site Plan is limited to a maximum gross floor area of 440,000 square feet, including 21,600 square feet of retail and up to 322 dwelling units. The total number of dwelling units includes 15% MPDUs (49 units), in addition to up to 273 market rate units.
8. Public Use and Amenities
 - a. Provide a minimum of 10,323 square feet of on-site public use space, as illustrated on the Certified Site Plan.

- b. The Applicant must provide the Bethesda streetscape standard improvements along the site frontage, as illustrated on the Certified Site Plan.

16. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, in its letter dated January 4, 2013 and revised April 9, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SECTION 2 - SITE DESCRIPTION

Vicinity

The Subject Property is located in the Woodmont Triangle area of downtown Bethesda, between Wisconsin and Woodmont Avenues, at St. Elmo Avenue, and is about a ¼-mile north of the Bethesda Metro station. The Woodmont Triangle is developed with mid-rise office and residential buildings. Several neighboring properties have recently been approved for and/or are currently under redevelopment including 8008 Wisconsin Avenue (820160130) and 8000 Wisconsin Avenue (820190040), and in the larger vicinity, the new Marriott Headquarters to the south.



Figure 1 – Aerial Map, Subject Property outlined in red

Site Analysis

The Subject Property was approved for development under the Zoning Ordinance in effect October 29, 2014, and at that time was zoned CBD R-2. The Project utilized a Sending Property, which was also zoned CBD R-2, located on Woodmont Avenue, Cordell Avenue, and Rugby Avenue. The Sending Property is improved with a two-story bank.

The Subject Property is currently under construction, nearing completion, for the approved multifamily building with ground floor retail. Figures 2 and 3 below show the current construction status.



Figure 2 – View from Wisconsin Avenue, photo taken April 7, 2020



Figure 3 – View from Woodmont Avenue, photo taken April 7, 2020

SECTION 2 - AMENDMENT DESCRIPTION

Previous Approvals

The Planning Board previously approved Project Plan (920120030), Preliminary Plan (120120200), and Site Plan (820130170) for a 440,000 square foot multi-family residential building with a maximum of 450 dwelling units, including 68 MPDUs (15%), and up to 21,630 square feet of ground-floor retail. The previous approvals included 11,329¹ square feet of on-site public use space that was designed as a promenade providing a pedestrian through block connection from Wisconsin Avenue to Woodmont Avenue.

Description of Amendments

The Applicant requests to reduce the amount of on-site public use space from the previous approvals to allow ground-floor tenants along the promenade to provide private outside dining areas. As proposed, the public use space will be reduced to 10,323 square feet, which still exceeds the zoning minimum of 9,954 square feet².

The Applicant also requests a series of minor changes to the Site Plan to refine site elements, residential unit counts, and square footages of retail space. The original approvals allowed flexibility for a maximum number of units, non-residential square footage, and parking spaces and the Project has been constructed within that framework. This amendment provides the final unit count including MPDUs, non-residential square footage, and associated parking for the Project. None of the proposed amendments increase density or height, and do not modify any other binding elements of the original approvals, however this amendment serves as a “clean-up” to reflect the evolution of site construction.

Project Plan

Decrease the amount of on-site public use space previously approved from 10,953 square feet to 10,323 square feet. Condition #4 of the original Project Plan approval (920120030) regarding Public Use Space will be updated to reflect the current Public Use standards.

Site Plan

The Applicant is requesting a series of minor changes to the approved Site Plan to allow refinements of certain site elements:

- 1) decrease residential units from 450 to 322 units, maintaining 15% MPDUs;
- 2) decrease non-residential uses from 21,630 square feet to 21,600 square feet
- 3) reduce public use space from 11,329 square feet to 10,323 square feet;
- 4) minor updates to building footprint, stormwater, landscape and hardscape elements;
- 5) minor changes to building elevations;
- 6) reduce parking from 445 to 340 spaces; and
- 7) make minor adjustments to streetscape elements within public right-of-way.

¹ Project Plan 920120030 approved 10,953 square feet of on-site public use space. The related Site Plan 820130170 increased the on-site public use space to 11,329 square feet.

² The Zoning Ordinance requires the Project to provide 20% of the net lot area of the Subject Property, and 5.7% of the net lot area of the Sending Property, as Public Use Space resulting in a minimum requirement of 9,954 square feet.

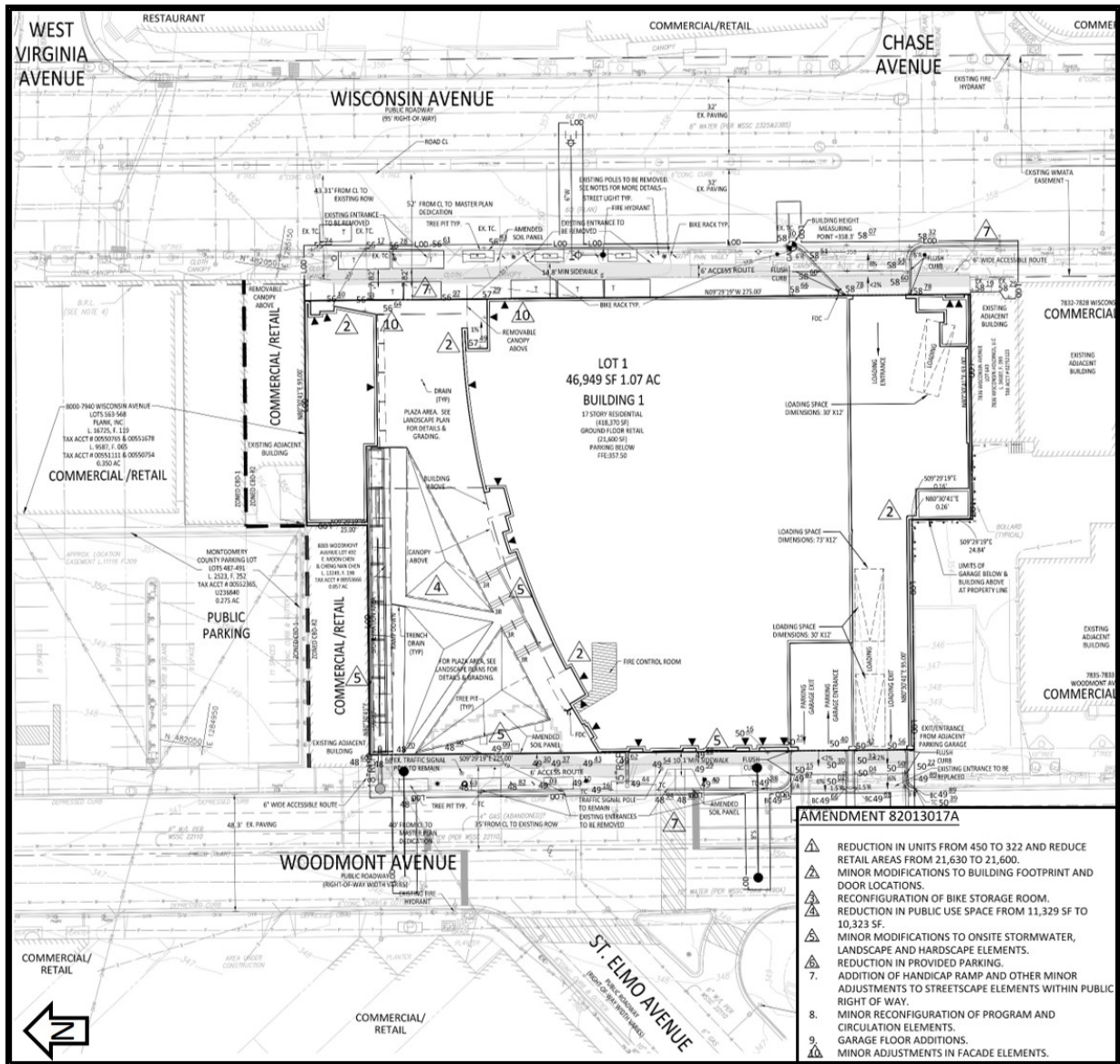


Figure 4 – Site Plan Amendment 82013017A

As shown in Figure 5 below, the Amendment seeks to reduce the overall width of the through-block connection, near Wisconsin Avenue, to a minimum width of 21 feet to accommodate a private dining area on each side of the promenade. As proposed, the revised through-block connection provides ample room for pedestrian circulation and enjoyment of the public use space.

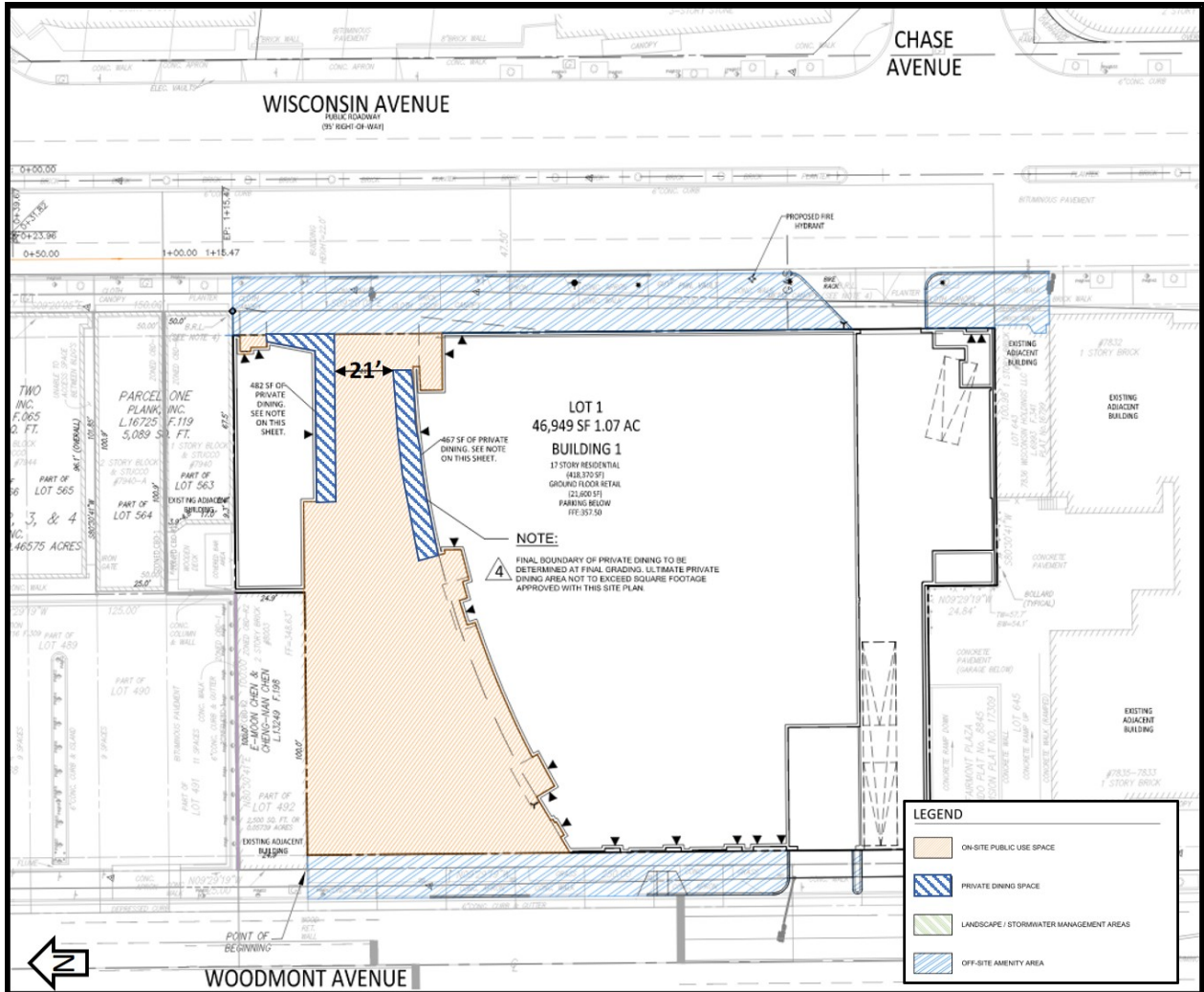


Figure 5 – Proposed Public Use Space Plan

The proposed modifications to the elevations will allow for minor material and finish changes as well as minor window location changes, however the appearance and character of the previously approved design will remain substantially unchanged. These modifications also allow for layout changes on the roof including reconfiguration of program and circulation elements and an enlarged mechanical room.

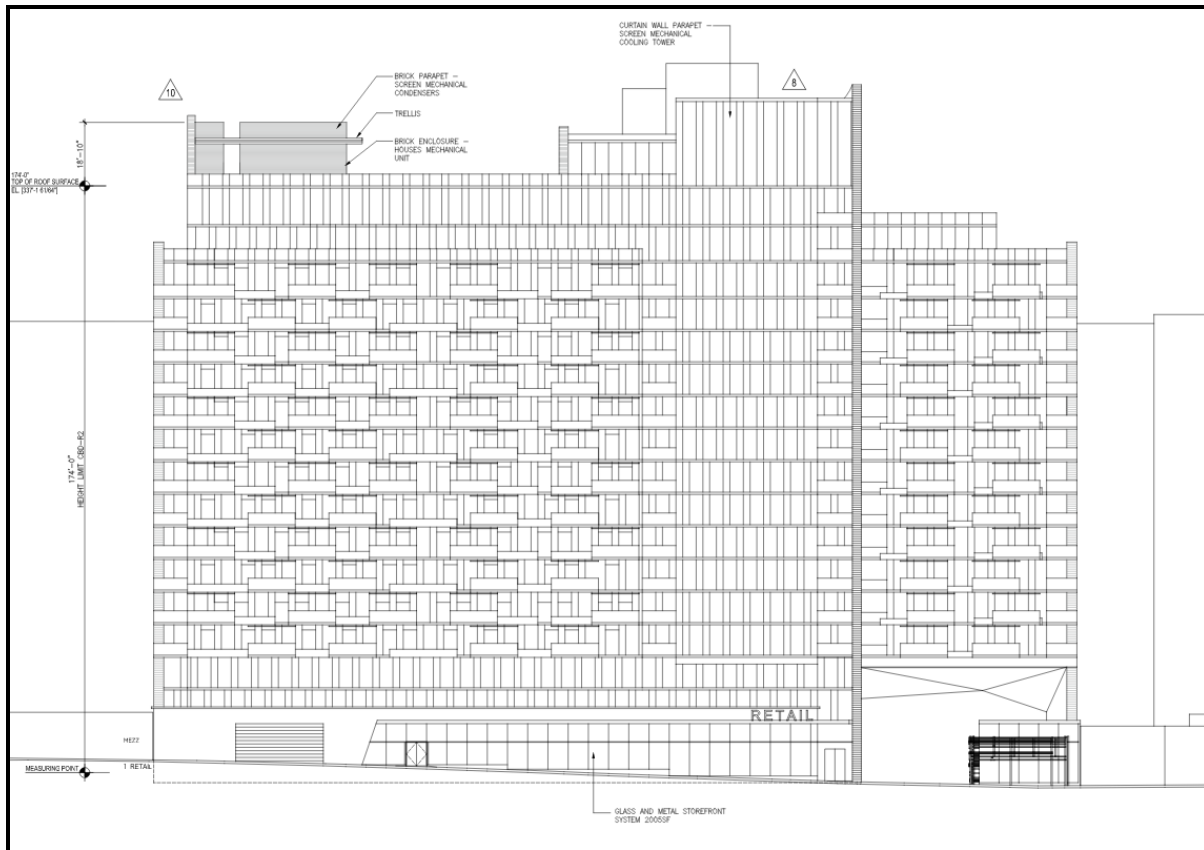


Figure 6 – East Elevation (looking from Wisconsin Avenue)

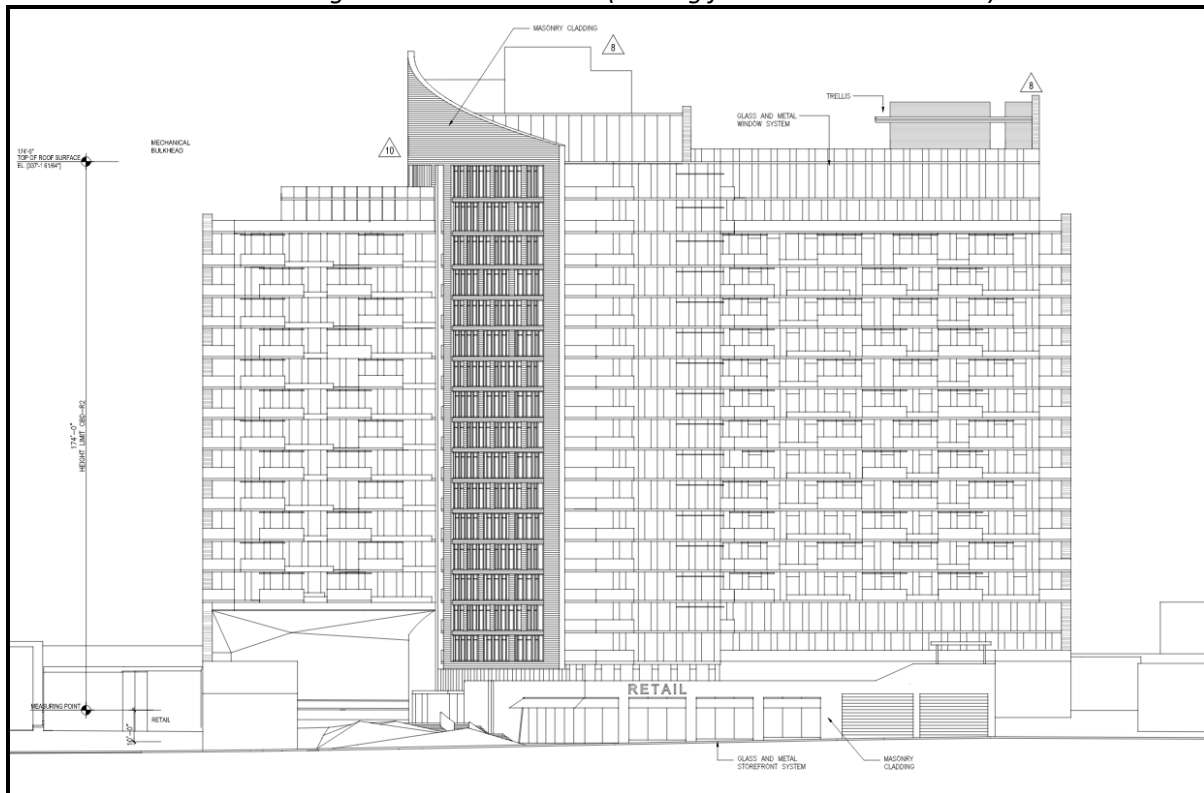


Figure 7 – West Elevation (looking from Woodmont Avenue)

SECTION 3 – ANALYSIS AND FINDINGS

Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, the Project Plan and Site Plan Amendments were reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, since the original Project Plan was approved on February 14, 2013 and the original Site Plan was approved on June 27, 2013. The proposed Amendments do not alter the intent of the previous findings except as modified below.

Project Plan Amendment No. 92012003A

Project Plan Amendment 92012003A proposes to decrease the amount of on-site public use space previously approved from 10,953 square feet to 10,323 square feet. The data table has been updated to reflect the proposed changes while all other previous findings remain unchanged.

92012003A DATA TABLE

Development Standard	Permitted/ Required	Approved per 920120030	Proposed per 92012003A
Property Area (square feet)			
Gross Tract Area	18,000	80,099	80,099
Receiving Property 66,874			
Sending Property 13,225			
Previous Dedications	n/a	19,836	19,836
Receiving Property 16,504			
Sending Property 3,332			
Proposed Dedications	n/a	3,421	3,421
Receiving Property 3,421			
Sending Property (Lot 634, Plat No. 14837) 0			
Net Lot Area	n/a	56,842	56,842
Receiving Property 46,949			
Sending Property 9,893			
Density			
Floor Area Ratio, max. base			
Receiving Property	5	5	5
Sending Property		2.28	2.28
Floor Area, max. base subtotal (square feet)	400,495	364,556	364,556
Receiving Property	334,370	334,370	334,370
Sending Property, transferred to Receiving Property	66,125	30,186	30,186
Sending Property, remaining on Sending Property	n/a	35,939	35,939
Floor Area Ratio, max. non-residential	1.0	0.27	0.27
Floor Area, max. non-residential (square feet)	80,099	21,630	21,630
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%)	5	4.9*	4.9*
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (square feet)	22,000	21,630*	21,630

Con't: 92012003A DATA TABLE

Floor Area, base residential (square feet)	n/a	342,926	342,926
Floor Area, 22% MPDU bonus residential (square feet)	n/a	75,444	75,444
Floor Area, max. residential (square feet)	n/a	418,370	418,370
Floor Area, max. residential and non-residential total (square feet), Receiving Property	440,000	440,000	440,000
Floor Area, max. (square feet), Sending Property		35,939	35,939
Floor Area, max. (square feet), total		475,939	475,939
Dwelling Units, max. total	n/a	475	475
MPDUs, min.	60	72	72
MPDUs, min. %	12.5	15	15
Maximum Building Height (feet)	143/200	174	174
Minimum Setbacks (feet)			
North Property Line	n/a	0	0
Wisconsin Avenue	n/a	0	0
South Property Line	n/a	0	0
Woodmont Avenue	n/a	0	0
Public Use & Amenity Space, Min.			
On-Site Public Use Space, % of net lot area of density transfer Sending Property	10	5.7**	5.7**
On-Site Public Use Space, % of net lot area of density transfer Receiving Property	20	20	20
On-Site Public Use Space, sf. from net lot area of density transfer Sending Property	565		
On-Site Public Use Space, sf. from net lot area of density transfer Receiving Property	9,390		
On-Site Public Use Space, sf. total	9,954	10,953	10,323
Off-Site Amenity Space, % of net lot area of density transfer Receiving Property	n/a	16.16	16.16
Off-Site Amenity Space, sf.		7,585	7,585
Total Public Use & Amenity Space		18,538	17,908
Parking (site is located in the Parking Lot District)	802	0***	0***

* The Board granted a partial waiver of this requirement as allowed by the development standard table in 59-C-6.23.

** Adjusted based on percentage of actual transfer density compared with available transfer density (5.7%).

*** Final number to be determined at site plan.

Site Plan Amendment No. 82013017A

2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.

Project Data Table for the CBD-R2 Zone

Development Standard	Permitted/ Required	Approved per Project Plan Approval	Approved per Site Plan 820130170	Proposed per Site Plan 82013017A
Site Area (sf.)				
Gross Tract Area	18,000	80,099	80,099	80,999
Previous Dedications	n/a	19,836	19,836	19,836
Proposed Dedications	n/a	3,421	3,421	3,421
Net Lot Area	n/a	56,842	56,842	56,842
Density				
Floor Area Ratio, max. base	5	5	5	5
Floor Area, max. base (sf.)	400,495	364,556	364,556	364,556
Floor Area Ratio, max. non-residential	1.0	0.27	0.27	0.23
Floor Area, max. non-residential (sf.)	80,099	21,630	21,630	21,600
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%)	5	4.9*	4.9*	4
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (sf.)	22,000	21,630*	21,630*	21,600
Floor Area, base residential (sf.)	n/a	342,926	342,926	342,926
Floor Area, 22% MPDU bonus residential (sf.)	n/a	75,444	75,444	75,444
Floor Area, max. residential (sf.)	n/a	418,370	418,370	418,370
Floor Area, max. residential and non-residential total (sf.)	440,000	440,000	440,000	439,970
Dwelling Units, max. total	n/a	475	450	322
MPDUs, min.	60	72	68	49
MPDUs, min. %	12.5	15	15	15
Maximum Building Height (feet)	143/200	174	174	174
Minimum Setbacks (feet)				
North Property Line	n/a	0	0	0
Wisconsin Avenue	n/a	0	0	0
South Property Line	n/a	0	0	0
Woodmont Avenue	n/a	0	0	0
Public Use & Amenity Space, Min.				
On-Site Public Use Space, % of net lot area	20 (density receiving site), 5.7 (density sending site)			
On-Site Public Use Space, sf. total	9,954	10,953	11,329	10,323
Off-Site Amenity Space, % of net lot area		13.3	13.7	13.7

Con't: Project Data Table for the CBD-R2

Off-Site Amenity Space, sf.		7,585	7,775	7,775
Total Public Use & Amenity Space		18,538	19,014	18,098
Parking (site is located in the Parking Lot District)	670	802	445	340

* At Project Plan, the Planning Board approved a partial waiver of the development standard table in 59-C-6.23.

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

The proposed amendment will reduce on-site public use space by 1,006 square feet, from 11,329 square feet to 10,323 square feet. The reduction will allow ground floor tenants of the building to provide private dining areas adjacent to the promenade space. The Project is required to provide 20% of net lot area for the Subject Property and 5.7% of net lot area of the Sending Property, resulting in a minimum on-site public use space of 9,954 square feet. The proposed amendment does not change the previously approved amount of offsite public use space, which will remain in the amount of 7,775 square feet.

The reduction of public use space along the through-block open space will continue to provide the various innovative and attractive features as originally approved, including a landscaped stormwater management area, turfed mounds that people can climb and sit on, and a number of paths that accommodate direct and indirect circulation. The small portion of previously approved public use space (1,006 square feet) is proposed to be reserved as private dining areas in two locations along the through block connection. While these dining areas will be private, outdoor dining plays an important role in the activation of public open space. These areas will be adjacent to the promenade and the through block connection will maintain a minimum of 21-feet in width between the reserved private dining areas to allow for ample pedestrian circulation and maintain a number of paths that can accommodate direct and indirect circulation. Therefore, the proposed amendment continues to provide safe, adequate and efficient pedestrian and vehicular circulation systems.

SECTION 4 - PUBLIC NOTICE

A notice regarding the Site Plan Amendment was sent to all parties of record by the Applicant on January 10, 2020. A notice regarding the related Project Plan Amendment was sent to all parties of record by the Applicant on March 19, 2020. The notices gave interested parties 15 days to review and comment on the amended Project Plan and Site plan per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. Staff received a community inquiry regarding the proposed Amendments, but no comments.

SECTION 5 - RECOMMENDATION AND CONCLUSION

The proposed modifications to the Project Plan and Site Plan will not alter the overall character or impact of the development with respect to the original findings of approvals. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Project Plan Amendment 92012003A and Site Plan Amendment 82013017A with conditions are the beginning of the staff report.

ATTACHMENTS

- A. Previous Project Plan and Site Plan approval resolutions
- B. Agency Letters

vm14873
RECEIVED
 3/1/13



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

MCPB No. 13-17
 Project Plan No. 920120030
 7900 Wisconsin Avenue
 Date of Hearing: February 14, 2013

FEB 28 2013

RESOLUTION

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

WHEREAS, on April 12, 2012, JBG/Wisconsin Developer, LLC, ("Applicant"), filed an application for approval of a project plan for one 440,000 sf. multi-family residential building with a maximum of 475 dwelling units, with a minimum of 15%, or 72 of those being moderately priced dwelling units ("MPDUs"), and approximately 21,630 sf. of ground-floor retail on 1.86 acres of CBD-R2-zoned land, with a partial waiver of the 5% retail requirement of the CBD-R2 zone, located between Wisconsin Avenue and Woodmont Avenue, at St. Elmo Avenue, ("Subject Property"), in the Bethesda CBD Policy Area, in the Woodmont Triangle Amendment to the Bethesda CBD sector plan ("Sector Plan") area; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920120030, 7900 Wisconsin Avenue ("Application" or "Project Plan"); and

WHEREAS, the Subject Property, also referred to as the "Receiving Property" is receiving a portion of its density through a density transfer under Section 59-C-6.2355 of the Zoning Ordinance from Lot 634, Plat No. 14837, ("Sending Property"); 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 February 1, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 14, 2013, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

Approved as to
 Legal Sufficiency:

[Signature] 2/14/13

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

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NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board APPROVES Project Plan No. 920120030 for one 440,000 sf. multi-family residential building with a maximum of 475 dwelling units, with 15%, or 72 of those being MPDUs, and up to 21,630 sf. of ground-floor retail on the Subject Property, with a partial waiver of the 5% retail requirement of the CBD-R2 zone, subject to the following conditions:¹

1. Development Ceiling

The development, including the Receiving Property and the Sending Property, is limited to a Floor Area Ratio of 5.94, which includes a maximum of 475,939 sf. of development. The Receiving Property includes 440,000 square feet of gross floor area, including up to 475 dwelling units, and 21,630 sf. of non-residential uses. The Sending Property retains a total of 35,939 sf. of density.

2. Building Height and Mass

The development is limited to the building footprint as delineated in the Project Plan drawings submitted to M-NCPPC dated December 13, 2012, unless modified at site plan review and to 174 feet in height consistent with the definition for building height in the Zoning Ordinance.

3. Transportation

- a. Traffic analysis conducted for the Project Plan was limited to 475 high-rise apartments, 15,000-square-feet of supermarket/grocery store, and 7,000-square-feet of general retail space. If the site plan Application includes a mix of retail uses that would result in increased traffic generation, the Applicant must revise their traffic study for review.
- b. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation ("MCDOT") and the Planning Board to participate in the Bethesda Transportation Management Organization ("TMO"). The Traffic Mitigation Agreement must be fully executed prior to release of any building permits, exclusive of the foundation to grade (sheeting and shoring) permit.
- c. The Applicant must provide pedestrian and bicycle accommodations as follows:
 - i. Accommodate master-planned bike lanes, BL-6, along Woodmont Avenue within the existing cross-section.
 - ii. Work with MCDOT to identify a bikeshare station location on or in the vicinity of the Subject Property, with the final location and design determined at site plan review.
 - iii. Subject to SHA approval, provide a crosswalk across Wisconsin Avenue at Chase Avenue.

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.

- d. The Applicant must provide 23 bicycle parking spaces as follows:
 - i. Eight (8) bicycle parking spaces using inverted-U bike racks (i.e., that can store 2 or 4 bicycles each) located near the main entrances to the retail stores and residential building lobby.
 - ii. Fifteen (15) bicycle parking spaces using bike lockers or secured bike storage area(s) in the parking garage(s) in a well-lit area near the building access points.
 - iii. Final location and design details must be approved by Staff at the time of site plan review.

4. Public Use Space

- a. The Applicant must provide a minimum of 10,953 sf. for on-site public use space and a minimum of 7,585 sf. of the net lot area for on and off-site public amenity space. The final design and details will be determined during site plan review.
- b. The public use space must be easily and readily accessible to the general public and available for public enjoyment.
- c. Streetscape Improvements indicated on Public Use Space Plan includes full Bethesda Streetscape treatment, including but not limited to paving, street trees, street lights, and undergrounding of utilities.
- d. Extend the Bethesda Streetscape treatment on Wisconsin Avenue south of the site to match up with the existing improved sidewalk. For the portion of the sidewalk on private property, obtain consent of the property owner. If the Applicant is unable to obtain the consent of the property owner, the Applicant shall be relieved of the obligation to extend the streetscape on private property without the need for an amendment to the Project Plan.
- e. All trees shall be a minimum of 3½ inches in diameter with a consistent species along Wisconsin Avenue to achieve the boulevard effect. (Bethesda Streetscape Plan).
- f. Consider tree panels along Wisconsin Avenue. If tree panels are not feasible, tree pits shall have a soil volume of no less than 600 cubic feet with a preference toward 1,000 cubic feet.

5. Staging of Amenity Features

- a. The development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
- b. The Applicant must complete the on-site public use space improvements prior to issuance of use-and-occupancy permits unless modified by the site plan development program.
- c. The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.

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6. Maintenance and Event Management Organization
Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made for another entity to provide such maintenance.
7. Coordination for Additional Approvals Required Prior to Site Plan Approval
The Applicant must obtain written approval from MCDOT for the final design and extent of any and all streetscape improvements within the rights-of-way.
8. MPDUs
The Applicant must provide a minimum of 15% MPDUs in accordance with Chapter 25A.
9. Issues to be addressed at Site Plan
 - a. Public streets and spaces must receive adequate sunlight by making adjustments, if necessary to the site plan design including shifting trees or the use of light reflected off the structures.
 - b. Provide details of special treatment on underside of building above public use space on Wisconsin Avenue, including input from the Art Review Panel.
10. Density Transfer
Prior to certification of the site plan, the Applicant must record an easement in a form approved by the Office of General Counsel in the County Land Records for the density transfer for this project in conformance with Section 59-C-6.2355(c) of the Zoning Ordinance.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920120030, 7900 Wisconsin Avenue, stamped received by M-NCPPC on December 13, 2012, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

- (a) *The development complies with all of the intents and requirements of the CBD-R2 zone.*

Intent and Purposes of the CBD Zones

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

- (1) *"To encourage development in accordance with an adopted and approved sector plan by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan and the site plan is approved on review by the Planning Board."*

With respect to density, the Sector Plan recommends intensifying development, particularly residential uses, on the block where the Subject Property is located. The development satisfies this recommendation by maximizing the residential development potential of the site, including the provision of 15 percent MPDUs. The Project Plan matches the recommended maximum building height of 174 feet as indicated on page 22 of the Sector Plan. The Sector Plan's recommends higher-intensity mixed-use transit-oriented development close to the Metro station. Beyond the residential uses, the development will meet this recommendation by providing ground-floor retail, underground parking, and well-design public space within 1,800 feet of transit.

- (2) *"To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."*

The Sector Plan indicates that mixed residential and retail land uses are appropriate for the site. The project will provide these uses, and these will be visible and accessible to a greater number of pedestrians. Both the general goals of the Sector Plan and the specific objectives of the area advocate approval of optional method projects that provide retail and housing opportunities near both transit stations and other day-to-day necessities.

- (3) *"To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."*

The project's relationship to existing buildings is typical and appropriate for a central business district. The building design minimizes its immediate impact on the taller existing buildings adjacent to the site by presenting the narrow ends of the building opposite them and creating an elevated private internal

courtyard above the Woodmont Avenue retail uses to increase visual separation from the existing buildings.

The development as proposed will enhance pedestrian circulation by providing an attractive through-block open space between Wisconsin and Woodmont Avenues, and by minimizing the area devoted to vehicular and service access and focusing it away from the open space. Furthermore, the open space and ground-floor retail respond to existing pedestrian flows and will enhance activity in this area.

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

The provision of retail and housing within walking distance of the Metro is an excellent realization of the Sector Plan transit and sustainability goals.

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

In addition to the through-block open space, the project will improve pedestrian circulation around the site by upgrading the sidewalks around the Subject Property to the Bethesda Streetscape Standard. The development will improve vehicular circulation around the site by reducing and consolidating the number of curb cuts and vehicular entrances, and eliminating exit traffic onto Wisconsin Avenue.

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

The development will provide fifteen percent of the total, or up to 72 dwelling units as MPDUs.

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

The development assembles numerous parts of lots into a single buildable lot, replacing older small-scale commercial buildings with higher-density new mixed-use development near transit.

Further Intent of the CBD-R2 zone

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

In the CBD-R1, CBD-R2, CBD-2, and CBD-3 zones it is further the intent to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as

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well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.

The project meets the further intents of the CBD-R2 zone by providing a mixed-use development that will attract residents and businesses alike, promoting a desirable urban environment.

Requirements of the CBD-R2 zone

The following data table lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the optional method of development in the CBD-R2 zone.

DATA TABLE

Development Standard	Permitted/ Required	Approved
Property Area (square feet)		
Gross Tract Area	18,000	80,099
Receiving Property 66,874		
Sending Property 13,225		
Previous Dedications	n/a	19,836
Receiving Property 16,504		
Sending Property 3,332		
Proposed Dedications	n/a	3,421
Receiving Property 3,421		
Sending Property (Lot 634, Plat No. 14837) 0		
Net Lot Area	n/a	56,842
Receiving Property 46,949		
Sending Property 9,893		

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Density		
Floor Area Ratio, max. base		
Receiving Property	5	5
Sending Property		2.28
Floor Area, max. base subtotal (square feet)	400,495	364,556
Receiving Property	334,370	334,370
Sending Property, transferred to Receiving Property	66,125	30,186
Sending Property, remaining on Sending Property	n/a	35,939
Floor Area Ratio, max. non-residential	1.0	0.27
Floor Area, max. non-residential (square feet)	80,099	21,630
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%)	5	4.9*
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (square feet)	22,000	21,630*
Floor Area, base residential (square feet)	n/a	342,926
Floor Area, 22% MPDU bonus residential (square feet)	n/a	75,444
Floor Area, max. residential (square feet)	n/a	418,370
Floor Area, max. residential and non-residential total (square feet), Receiving Property	440,000	440,000
Floor Area, max. (square feet), Sending Property		35,939
Floor Area, max. (square feet), total		475,939
Dwelling Units, max. total		
MPDUs, min.	n/a	475
MPDUs, min. %	60	72
	12.5	15
Maximum Building Height (feet)		
	143/200	174
Minimum Setbacks (feet)		
North Property Line	n/a	0
Wisconsin Avenue	n/a	0
South Property Line	n/a	0
Woodmont Avenue	n/a	0

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Public Use & Amenity Space, Min.		
On-Site Public Use Space, % of net lot area of density transfer Sending Property	10	5.7**
On-Site Public Use Space, % of net lot area of density transfer Receiving Property	20	20
On-Site Public Use Space, sf. from net lot area of density transfer Sending Property	565	
On-Site Public Use Space, sf. from net lot area of density transfer Receiving Property	9,390	
On-Site Public Use Space, sf. total	9,954	10,953
Off-Site Amenity Space, % of net lot area of density transfer Receiving Property	n/a	16.16
Off-Site Amenity Space, sf.		7,585
Total Public Use & Amenity Space		18,538
Parking (site is located in the Parking Lot District)	802	0***

- * The Board granted a partial waiver of this requirement as allowed under footnote 3 of the development standard table in 59-C-6.23
- ** adjusted based on percentage of actual transfer density compared with available transfer density (57%)
- *** final number to be determined at site plan

Public Amenities

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities. The development is proffering the following package of amenities and public facilities:

On-Site Public Use Space Improvements

- Occupiable sculptural landscaped mounds
- Lighted paved paths, walkways, and sidewalks
- Landscaping
- Seating
- Special treatment of underside of building over public space.

Off-Site Amenity Improvements

- Streetscape improvements to Woodmont and Wisconsin Avenues, including undergrounding utilities.

The high design quality of these amenities will create a uniquely attractive development in the Woodmont Triangle. Combined with the street-level retail, the public space design will create a vibrant and welcoming environment.

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Density Transfer

Section 59-C-6.2355 contains the special regulations for optional method of development projects involving more than one lot located within a Density Transfer Area designated in a master or sector Plan. The Project Plan conforms to these special regulations.

- The density to be transferred under this Project Plan is measured in gross square feet and will total approximately 30,186 square feet.
- The Subject Property does not abut or confront a one-family residential zone.
- The development of the combined lots does not exceed the development capacity otherwise permitted on the separate properties under the optional method of development. The Sending Property will retain 35,939 square feet of development potential, in excess of the minimum 13,225 square feet limit of standard method development. Future redevelopment, including additional transfer of density, will require modification of this Project Plan and will have to conform to the recommendations of the Sector Plan.
- The public use space for this Application has been calculated on the square footage of both the Sending Property and the Receiving Property. The density transfer from the Sending Property will be protected through recorded documents as conditioned.

(b) The development conforms to the Sector Plan.

The Subject Property is within the Study Area Boundary of the Woodmont Triangle Amendment (The Amendment) to the Sector Plan for the Bethesda CBD, March 2006 (The Sector Plan). The Amendment analyzes an area larger than the Woodmont Triangle District including a portion of the Wisconsin Avenue North District as described in the Sector Plan. Therefore, the Subject Property, while not entirely within the Woodmont Triangle District, is nevertheless entirely within the Study Area of the Amendment (page 3). The Sector Plan informs the review of the Subject Property in terms of the recommendations and guidelines for the entire CBD that are not otherwise addressed in the Amendment.

General Recommendations for the Woodmont Triangle Study Area

- **Transit-Oriented Development (TOD)** (p 10) – The Amendment states that most of the Study Area will be TOD. This project is within 1,800 feet of the Metro Station and contributes to the mix of uses desirable in TODs.
- **Housing** (p 11) "Provide a range of housing opportunities including new low-rise and high-rise housing to serve a variety of income levels." This project is

primarily residential and the 475 dwelling units include 15% MPDUs.

- **Building Height Limits** (p 11) *"Support the "step down" of building heights from the Metro Station area to the edges of the CBD. "* This project is lower than the buildings at the Metro Station so there is a general step down of height from the Metro Station to the CBD edge.
- **Mixed Use Development** (p 11 & 13). The Woodmont Triangle Amendment encourages more residential development to create a truly mixed use district. The project achieves the full FAR and also captures bonus density for providing 15% MPDUs which is a 22% bonus.
- **Retail Preservation** (p 13). This project generally conforms to the Woodmont Triangle Amendment's recommendations to "retain existing small scale retail" by providing for density transfer from an existing small commercial property. The transfer of density from the Sending Property reduces the incentive for it to be assembled with other properties and then redevelop. The building on the Sending Property is a two story brick building which was originally built as a branch of Chevy Chase Bank and is now owned by Capital One. The second floor is the headquarters of Bethesda Green, a local public-private partnership that promotes sustainable growth and sustainable living practices. While the Sending Property will retain enough density to redevelop, it will reduce the pressure to redevelop, thereby meeting the spirit of the density transfer concept.
- **Urban Design Guidelines in the Woodmont Triangle Amendment** (p 14)
 In addition to the general objectives and recommendations for urban design, of the Bethesda CBD Sector Plan, the following urban design guidelines in the Woodmont Triangle Amendment pertain to this project:
 - *Design new buildings so that public streets and spaces retain adequate sunlight*
 - *Provide sufficient building setbacks to adequately accommodate pedestrians and streetscape improvement. Where outdoor restaurants are proposed, additional building setbacks may be required to accommodate pedestrian space and outdoor seating areas.*
 - *Review new projects for compatibility with existing uses and to ensure animation of the first floor space through use of retail, restaurant or other activating uses.*
 - *Provide street-oriented retail, restaurants, and other street animating uses on the first floor of buildings located along streets*

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The project adequately addresses the above guidelines. The building and site design will allow sunlight into the public space in the early morning and afternoon. At the street level, the street dedications create ample space to accommodate pedestrian traffic on upgraded Bethesda Streetscape sidewalks. The residential development is comparable to and compatible with recent and planned residential and commercial development in the Woodmont Triangle, and the retail uses and public space will continue to animate the streets surrounding the project. Finally, the building provides street-level retail on and between Wisconsin and Woodmont Avenues, encouraging street activity along and through the block.

• **Public Amenities and Facilities (p. 15 -17)**

The Woodmont Triangle Amendment recommends the following:

- *Provide the Bethesda streetscape on other streets in the study area;*
- *Establish a network of diverse urban spaces including public use space on-site; and*
- *Provide public art, art facilities, and public gathering spaces.*

This project provides the Bethesda Streetscape on Woodmont Avenue and on Wisconsin Avenue, and provides public use space onsite which connects Woodmont Avenue with Wisconsin Avenue, adding to an organically growing network of spaces. The open space contributes to the diversity of open spaces in this area. Features and functions of this space are different from other spaces existing and planned, and complement other spaces in the public realm. The inclined lawns and stone paths provide forms that are inviting. The garden theme of Bethesda is reflected in the trellis wall, and character of the lawns and paths.

- (c) *Because of its location size, intensity, design, operational characteristics and staging, the development is compatible with and not detrimental to existing or potential development in the general neighborhood.*

The location and size of the development is comparable to other nearby development with multi-story office and residential buildings. The design and operational characteristics promote compatibility by maximizing street presence on Wisconsin Avenue and minimizing it opposite adjacent existing buildings. The development will be built in one phase, minimizing impacts on the surrounding neighborhood.

- (d) *The development does not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter*

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42A, Article II, is subject to a traffic mitigation agreement that meets the requirements of that article.

Review of the traffic study determined that the development will satisfy the Local Area Transportation Review ("LATR"), and the Transportation Policy Area Review ("TPAR") is not required under the Subdivision Staging Policy in effect because the Subject Property is located in a metro station policy area. Other public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to preliminary plan approval. The Applicant is required to enter into a Traffic Mitigation Agreement to assist in achieving its non-auto-driver mode share goal for employees working in Bethesda Transportation Management District.

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

A standard method project would only allow a density of 1 FAR on this site. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. The optional method of development is providing a significant amount of affordable housing units compared with the density permitted under the standard method.

(f) The development includes moderately priced dwelling units in accordance with Chapter 25A of the Montgomery County Code.

The development will provide 15% MPDUs (more than the minimum required by Chapter 25A) in return for a 22% density bonus.

(g) The development satisfies any applicable requirements for forest conservation under Chapter 22A of the Montgomery County Code.

A preliminary forest conservation plan was submitted on April 12, 2012. The site is 1.16 acres with off-site disturbance of 0.18 acres for a net tract total acreage of 1.34 acres. There are no forests or specimen trees located on the Subject Property or within 50' feet of the Subject Property boundary. Under the Forest Conservation Law, the development generates a 0.20 acre afforestation planting requirement. The Applicant will meet the entire planting requirement in a fee-in-lieu payment.

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

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The approved stormwater management concept consists of green roof and micro biofilters/planter boxes. Due to existing storm drain elevations and the proposed garage, a waiver of quality control was granted.

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

The development is providing off-site streetscape improvements within the public right-of-way along the Subject Property frontage. This is consistent with the goals of the Sector Plan and complements the adjacent provision of streetscape improvement on-site.

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

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

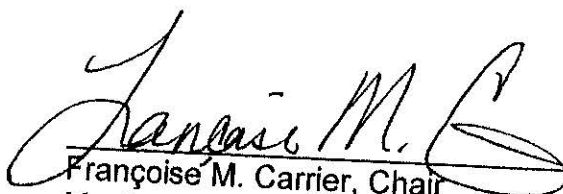
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is FEB 28 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson voting in favor of the motion, and with Commissioners Dreyfuss and Presley absent, at its regular meeting held on Thursday, February 14, 2013, in Silver Spring, Maryland.

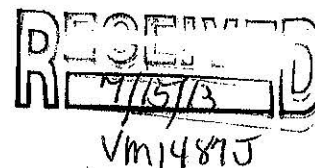

Françoise M. Carrier, Chair
Montgomery County Planning Board



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

JUL 11 2013

MCPB No. 13-98
Site Plan No. 820130170
7900 Wisconsin Avenue
Date of Hearing: June 27, 2013



RESOLUTION

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

WHEREAS, on March 5, 2013, JBG/Wisconsin Developer, LLC, ("Applicant") filed an application for approval of a site plan for a 440,000 sf. multi-family residential building with a maximum of 450 dwelling units, including 68 MPDUs (15%), and up to 21,630 sf. of ground-floor retail on 1.86 acres of CBD-R2 zoned-land, located at between Wisconsin Avenue and Woodmont Avenue, at St. Elmo Avenue ("Subject Property"), in the Bethesda CBD Policy Area, Bethesda CBD Sector Plan, as amendment by the Woodmont Triangle Amendment ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130170, 7900 Wisconsin Avenue ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 14, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 27, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130170 for a 440,000 sf. multi-family residential building with a maximum

Approved as to
Legal Sufficiency

Christopher Smith 6/20/13
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomerycountypc.org - 15-Mail: mcp-chair@mncppc-mc.org

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of 450 dwelling units, including 68 MPDUs (15%), and up to 21,630 sf. of ground-floor retail on the Subject Property, subject to the following conditions:¹

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan No. 920120030. This includes but is not limited to all references to density, public use space and amenities, and transportation conditions.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120120200. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, Montgomery County Department of Transportation (MCDOT) conditions, and Montgomery County Department of Permitting Services (MCDPS) stormwater conditions.

3. Density

This Site Plan is limited to a maximum gross floor area of 440,000 sf., including 21,630 sf. of retail and up to 450 dwelling units. The total number of dwelling units includes 15% MPDUs, or up to 68 MPDUs, in addition to up to 382 market rate units.

4. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 15 percent of the total number of dwelling units as MPDUs on-site in accordance with Chapter 25A in order for the Applicant to receive a 22 percent residential density bonus for providing 15 percent MPDUs on-site.
- b. The MPDU agreement to build shall be executed prior to the release of any building permits, except sheeting and shoring permits.

5. LEED Certification

Except as approved by MCDPS, the Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC Staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to Staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements

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.

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required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all on-site publicly accessible amenities including, but not limited to, the public use space, the new private drive, public art, and associated landscaping and site furnishings, unless provided by contract with another party.

7. Site Design

- a. Locate the required bike racks on the site or, subject to MCDOT approval, in the adjacent public right-of-way
- b. Subject to Montgomery County Fire and Rescue Service (MCFRS) approval, the Applicant must relocate the proposed new fire hydrant on Wisconsin Avenue from south of the vehicular service drive to north of the vehicular service drive. If existing utilities are determined to be in conflict with the proposed fire hydrant location, the Applicant may pursue alternative fire hydrant locations.

8. Public Use and Amenities

- a. Provide a minimum of 11,329 sf. of on-site public use space, as illustrated on the Certified Site Plan.
- b. The Applicant must provide the Bethesda streetscape standard improvements along the site frontage, as illustrated on the Certified Site Plan. For streetscape improvements beyond the site frontage, the Applicant must comply with Project Plan No. 920120030 Condition 4.d.
- c. The Applicant may remove the northernmost street tree on Wisconsin Avenue, opposite the entrance to the through-block pedestrian connection.

9. Private Lighting

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

10. Public Art

- a. Provide for and install the public art concept designed and produced by FX Fowle Architects, as presented to the Planning Department's Art Review Panel on April 24, 2013, and illustrated in the Certified Site Plan.

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- b. Any significant changes to the concept presented on April 24, 2013, must be presented to the Art Review Panel and approved by Staff before Certified Site Plan.
- c. Significant changes to the concept, as determined by Staff, proposed after Certified Site Plan, will require a Site Plan Amendment.
- d. Prior to Certified Site Plan, provide details, including but not limited to materials, key dimensions, and finishes, of the public art concept.

11. Surety

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

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

12. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed prior to the issuance of the final residential use and occupancy permit. Street tree planting and on-site landscaping may wait until the next growing season.
- b. On-site amenities including, but not limited to, the public use space, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of the final residential use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.

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- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

13. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Modify data table to reflect development standards enumerated in the Planning Board Resolution.
- c. Ensure consistency off all details and layout between Site Plan and landscape plan.
- d. Provide details of the green wall on the southwest corner of the site on Woodmont Avenue.
- e. Provide additional details of the treatment of the parking and loading doors on Woodmont Avenue, in the context of visual interest on that façade.

14. Clearing and Grading

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

15. Record Plat

The Applicant may submit the Record Plat for processing prior to Site Plan and Forest Conservation Certification.

BE IT FURTHER RESOLVED, that all site development elements as shown on 7900 Wisconsin Avenue drawings stamped by the M-NCPPC on May 15, 2013, shall be required, except as modified by the above conditions of approval; and

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

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan,*

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certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.

The Site Plan is consistent with the approved project plan. It retains the building footprint, through-block pedestrian access, and the amenities. The gross floor area of the development is within the maximum established by the project plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed uses are allowed in the CBD-R2 Zone and the Site Plan fulfills the purposes of the zone by providing higher-density mixed-use zoning near transit.

The Site Plan includes 30,186 sf. of density transferred from an off-site 13,225 gsf. recorded lot in the Woodmont Triangle. As demonstrated in the findings for Project Plan No. 920120030, the transfer conforms to the special regulations for optional method of development projects involving more than one lot located within a Density Transfer Area designated in a master or sector plan (59-C-6.2355).

Requirements of the CBD-R2 Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CBD-R2 Zone.

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Data Table

Development Standard	Permitted/ Required	Approved & Binding on the Applicant
Site Area		
Gross Tract Area	18,000	80,099
Previous Dedications	n/a	19,836
Proposed Dedications	n/a	3,421
Net Lot Area	n/a	56,842
Density		
Floor Area Ratio, max. base	5	5
Floor Area, max. base (sf.)	400,495	364,556
Floor Area Ratio, max. non-residential	1.0	0.27
Floor Area, max. non-residential (sf.)	80,099	21,630
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (%)	5	4.9*
Floor Area, min. retail and personal service commercial uses required by CBD-R2 for full FAR (sf.)	22,000	21,630*
Floor Area, base residential (sf.)	n/a	342,926
Floor Area, 22% MPDU bonus residential (sf.)	n/a	75,444
Floor Area, max. residential (sf.)	n/a	418,370
Floor Area, max. residential and non-residential total (sf.)	440,000	440,000
Dwelling Units, max. total	n/a	450
MPDUs, min.	60	68
MPDUs, min. %	12.5	15
Maximum Building Height (feet)	143/200	174
Minimum Setbacks (feet)		
North Property Line	n/a	0
Wisconsin Avenue	n/a	0
South Property Line	n/a	0
Woodmont Avenue	n/a	0

ATTACHMENT A

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 Site Plan No. 820130170
 7900 Wisconsin Avenue
 Page 8

Public Use & Amenity Space, Min.		
On-Site Public Use Space, % of net lot area, density-receiving site / density-sending site)	20/5.7	20/5.7
On-Site Public Use Space, sf. total	9,954	11,329
Off-Site Amenity Space, % of net lot area		13.7
Off-Site Amenity Space, sf.		7,775
Total Public Use & Amenity Space		19,014
Parking (site is located in the Parking Lot District)	670	445

* At Project Plan, the Planning Board approved a partial waiver of this requirement as allowed under footnote 3 of the development standard table in 59-C-6.23

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

- a. Buildings and Structures

The building and structures of the development are located directly along the public streets, which is appropriate for the character envisioned by the Sector Plan. This location provides easy access to the building from adjoining sidewalks, open spaces, and parking. The location of the building and structures are adequate and efficient, while addressing the aesthetic concerns of the area, and do not pose any safety concerns on the site.

- b. Open Spaces

The development would provide 11,329 sf. of on-site public use space and 7,775 sf. of off-site public amenity space. Since the subject site is receiving density from off-site, it must provide public use space equivalent to 20 percent of the net lot area of the density receiving site as well as 10 percent of the net lot area of the density sending site (pro-rated to 5.7 percent to reflect the transfer of only 57 percent of the total potentially transferrable density on the sending site). The provided public use space exceeds that minimum requirement.

The on-site through-block open space incorporates a diversity of innovative and attractive features, including a landscaped stormwater management area, turfed mounds that people can climb and sit on, and a number of paths that accommodate direct and indirect circulation. The

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location and features of the open space are adequate for the surrounding community, provide desirable recreation opportunities, has been designed to encourage pedestrian activity and visual surveillance to promote safety, and presents an efficient balance between private development and public space.

c. Landscaping, Lighting, and Recreation Facilities

Streetscape improvements, including trees, lighting, and underground utilities are provided along the adjacent streets to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The provided recreation facilities, both on-site and in the vicinity, include open space, seating, and pedestrian paths. The landscaping, site details, and recreation facilities adequately and efficiently address the needs of the proposed use and the recommendations of the Sector Plan, while providing a safe and comfortable environment.

d. Vehicular and Pedestrian Circulation

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements, including new and upgraded sidewalks and ground-floor building design that features regular entrances and windows. The vehicular circulation design efficiently directs traffic into the site along the perimeter, with minimal impacts to pedestrian circulation. This balance of design with the site, the recommendations of the Sector Plan, and the demands of the uses is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

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

The subject site is located in the Woodmont Triangle area of the Bethesda Central Business District, between Wisconsin and Woodmont Avenues, at St. Elmo Avenue, and is about a quarter-mile north of the Bethesda Metro station. The Woodmont Triangle is developed with mid-rise office and residential buildings and smaller one-and two-story retail and commercial buildings. The mix of uses of the subject site are comparable to and supportive of the existing and proposed uses and development in the general neighborhood.

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5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

At the time of Project and Preliminary Plan review, the Board found that the development complies with the applicable requirements of the Forest Conservation Law. A Final Forest Conservation Plan was submitted on April 9, 2013. The site is 1.16 acres with off-site disturbance of 0.18 acres for a net tract total acreage of 1.34 acres. There are no forests or specimen trees located on the Subject Property or within 50' feet of the property boundary resulting in no tree/forest impacts. Under the Forest Conservation Law, the worksheet generates a 0.20 acre afforestation planting requirement. The Applicant is proposing to meet the entire planting requirement in a fee-in-lieu payment or offsite mitigation.

The MCDPS Stormwater Management Section conditionally approved the Stormwater Management Concept on January 14, 2013. The approved stormwater management concept consists of green roof and micro biofilters/planter boxes. Due to existing storm drain elevations and the proposed garage, a waiver of quality control was granted.

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

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 11 2013 (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

ATTACHMENT A

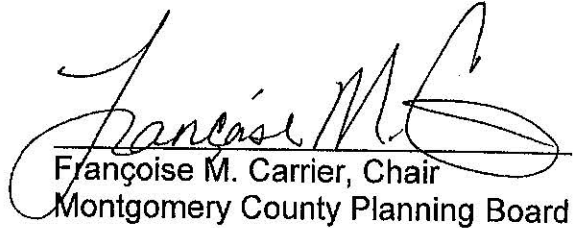
MCPB No. 13-98
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Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor, and Chair Carrier, and Commissioner Presley absent, at its regular meeting held on Thursday, June 27, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

ATTACHMENT B



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 04-Jan-13
TO: Michael Goodman
VIKA, Inc
FROM: Marie LaBaw
RE: 7900 Wisconsin Ave (see site plan 820130170)
920120030 120120200

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **04-Jan-13**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

*** Addressing to be clarified at time of site plan ***

*** 11/16/2017 Interim access plan approval for support of excavation phase ***

*** 4/9/2020 Amendment 82013017A: review for relocated hydrant & lobby door only ***



ENGINEERING PLANNING LANDSCAPE ARCHITECTURE SURVEYING/GEOMATICS

April 8, 2020

Ms. S. Marie LaBaw, PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850

**Re: 7900 Wisconsin Site Plan Amendment
MNCPPC #82013017A
Code Analysis
VIKA #VM1487L**

FIRE CODE ENFORCEMENT**Fire Department Access Review**

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML* FM: 43 DATE: 4/9/2020
original 1/4/2013

Dear Marie:

On behalf of the applicant, JBG/Wisconsin Developer, L.L.C., we are requesting an approval of a Fire Access Plan for the Site Plan Amendment for 7900 Wisconsin which includes minor adjustments in door locations and the relocation of a new fire hydrant along Wisconsin Avenue. The impetus for this amendment is to update the site plan due to changes proposed during the design of construction drawings.

The relocated fire hydrant has moved further north along Wisconsin Avenue and remains within the 100' separation requirement of the proposed FDC location. The attached Exhibit A shows the existing FDC and both the proposed and existing fire hydrant locations for your reference.

The proposed door location renovations include a relocated fire control room and main lobby entrance that is now closer to Woodmont Avenue than previously approved. The annunciator panel will continue to remain in its current location in the fire control room. The attached Exhibit B illustrates the previously approved building and door locations (in gray) overlaid onto the new proposed building and door layout.

We are submitting this letter to verify that the proposed door relocations do not affect the existing Fire Department protection measures and in fact, makes accessibility slightly better. As such, we believe the proposed amendments maintain the building's current state of code compliance and respectfully request approval.

Best regards,
VIKA Maryland, LLC

**Michael B
Goodman**

Digitally signed by Michael
Goodman
DN: c=US, o=Unaffiliated,
ou=A01410C0000016FE8D8
8F30000C879, cn=Michael B
Goodman
Date: 2020.04.09 09:24:00
-04'00'



Michael B. Goodman, P.E.
Vice President

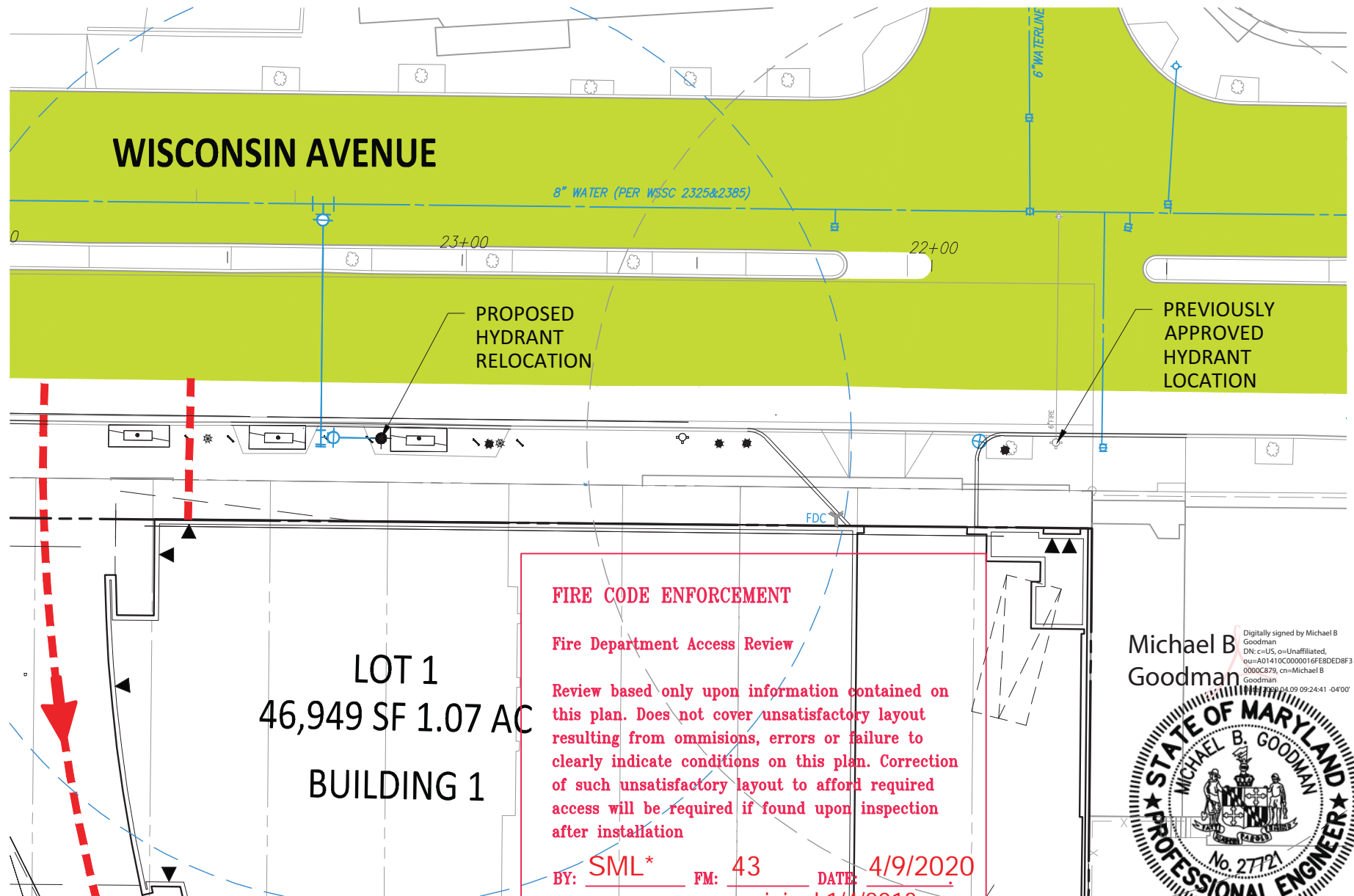
K:\1000-1500\1487\documents\1487L\planning\site development\CSP amendment\Fire Access\MCFRS -Code Analysis.doc

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 Tysons, VA 20794
Germantown, Maryland 20874 301.916.4100 Fax 301.916.2262
Germantown, MD Washington, DC

www.vika.com

ATTACHMENT B



7900 WISCONSIN AVENUE

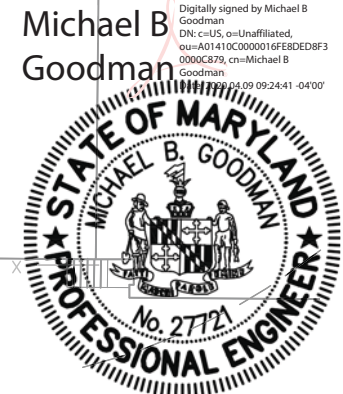
MONTGOMERY COUNTY, MARYLAND SUBMISSION: FEBRUARY 2020
WSSC MAP: 210 NW 05
TAX MAP: HN23

**FIRE HYDRANT
RELOCATION EXHIBIT**

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VIKA MARYLAND, LLC ■
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■
SURVEYORS ■ SUSTAINABLE DESIGN ■
20251 CENTURY BOULEVARD SUITE 400 ■
GERMANTOWN, MD 20874 ■
(301)916-4100 ■ FAX (301)916-2262 ■
WWW.VIKA.COM ■



ATTACHMENT B

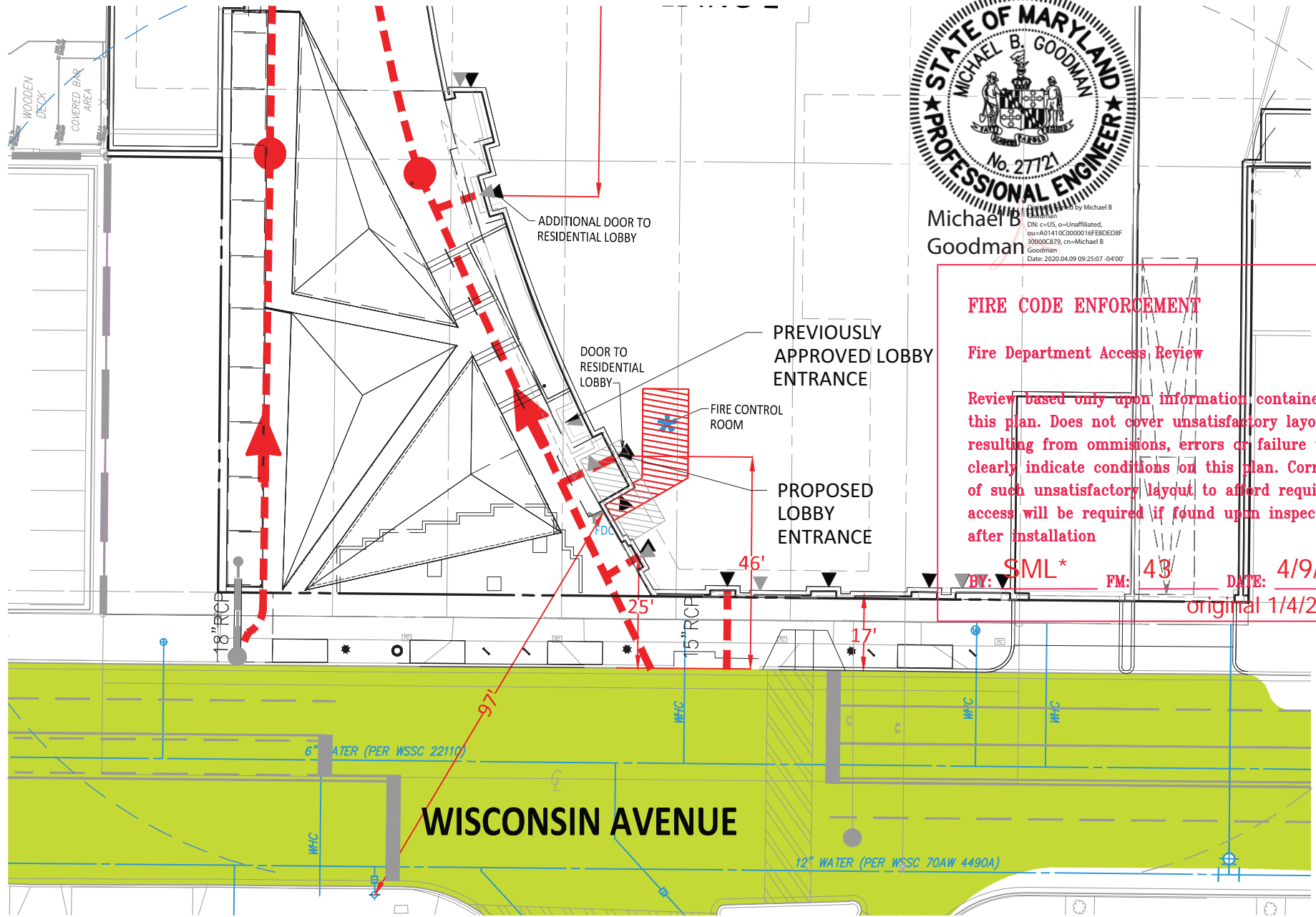


FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML* FM: 43 DATE: 4/9/2020
original 1/4/2013



7900 WISCONSIN AVENUE

MONTGOMERY COUNTY, MARYLAND SUBMISSION: FEBRUARY 2020
WSSC MAP: 210 NW 05
TAX MAP: HN23

FIRE CONTROL ROOM RELOCATION EXHIBIT

PAGE 2 of 2 EXHIBIT B
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