



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

MCPB No. 16-141  
Site Plan No. 820160200  
7272 Wisconsin Avenue  
Date of Hearing: January 5 & 19, 2017

JAN 25 2017

**RESOLUTION**

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

WHEREAS, on July 11, 2016, CP 7272 Wisconsin Avenue, LLC c/o Carr Properties ("Applicant") filed an application for approval of a site plan for up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units (including 12.5% MPDUs), and accommodate the Bethesda Purple Line Station, access to the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail, on 2.69 acres of CR 8.0, C 7.5, R 7.5, H 250-zoned-land, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property"), in the Bethesda CBD Policy Area and *Bethesda Purple Line Station Minor Master Plan Amendment* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820160200, 7272 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 December 23, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 5 and 19, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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

Approved as to  
Legal Sufficiency:

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MNCPPC Legal Department | Chairman's Office: 301.495.4605 Fax: 301.495.1320

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170200 for up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units (including 12.5% MPDUs), and accommodate the Bethesda Purple Line Station, access to the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail, on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Conformance with Previous Approvals & Agreements**

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320160040 as listed in the MCPB Resolution No. 16-17 dated February 12, 2016, as amended.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160380, being reviewed concurrently with this Site Plan.

### **Environment**

3. Forest conservation

- a. The Final Forest Conservation Plan (FFCP) must be consistent with the Preliminary FCP.
- b. The fee-in-lieu amount on the approved FFCP must be executed prior to any clearing, grading or demolition associated with the project.
- c. The Applicant shall coordinate with the Planning Department Forest Conservation Inspector to review the LOD and any tree save measures and/or other items that may be required prior to the start of any clearing, grading, or demolition.

4. Noise Attenuation

- a. Prior to issuance of a building permit for new construction, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.

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

- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.

5. Historic Preservation

The Applicant must relocate the Wilson Store Historic Resource, consistent with the Historic Area Work Permit as recommended by the Historic Preservation Commission (HPC) in its letter dated December 7, 2016, the recommendations of which the Planning Board hereby incorporates as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter.

**Public Use Space, Facilities and Amenities**

6. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 7,500 square feet of Public Open Space (8% of lot area) on-site.
- b. The Applicant must construct the streetscape improvements along the Property's frontage on Wisconsin Avenue and Elm Street, consistent with the Bethesda Streetscape Standards, including undergrounding of utilities, if any.
- c. Before the issuance of the final use and occupancy certificate for the development, all public open space areas on the Subject Property must be completed.

7. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines for each one.

- a. Major Public Facilities – The Applicant must construct the space for the Bethesda Purple Line station, access to the Red Line station, the Capital Crescent Trail, and a bicycle storage and maintenance facility, as illustrated on the Certified Site Plan.
- b. Transit Proximity – The development is located on top of the Bethesda Purple Line station and immediately adjacent to the southern Bethesda Red Line station entrance.

- c. **Connectivity between Uses, Activities, and Mobility Options**  
Transit Access Improvement – The Applicant must construct new access to the future Purple Line station and improve access to the new Red Line Station south portal entrances, as illustrated on the Certified Site Plan.
- d. **Quality Building and Site Design**
  - i. **Exceptional Design** –The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
  - ii. **Structured Parking** –The Applicant must provide a minimum of 700 parking spaces within the above- and below-grade structure.
- e. **Protection and Enhancement of the Natural Environment**
  - i. **Building Lot Terminations (BLTs)** – Before issuance of any building permit for new construction, the Applicant must provide proof of purchase and/or payment of 2.09 BLTs to the MCDPS.
  - ii. **Vegetated Roof** – The Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment.

8. **Recreation Facilities**

Before Certified Site Plan approval, the Applicant must meet the requirements for the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.

9. **Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the open space at the intersection of Wisconsin Avenue and Elm Street and all public open space onsite.

**Transportation & Circulation**

10. **Bicycle Parking**

- a. Exclusive of the bicycle parking required by Condition 11.e., the Applicant must provide bike parking as follows:
  - i. for the office use a minimum of 63 bicycle parking spaces for long-term use and 10 bicycle parking spaces for short-term use;
  - ii. for the retail use a minimum of 2 bicycle parking spaces for short-term use; and
  - iii. for the multi-family residential use a minimum of 95 bicycle parking spaces for long-term use and 5 bicycle parking spaces for short-term use.
- b. The specific location(s) of the short term and long-term bicycle parking must be identified on the Certified Site Plan.

- c. Short term public bicycle parking must be installed near the main entrances to the multifamily building, office building, retail, and open space.
- d. Secure long term bicycle parking must be installed, internal to the proposed high rise residential building and office building, for resident and employee use.

**11. Capital Crescent Trail**

- a. The Applicant must construct the segment of Capital Crescent Trail within the project limits, adjacent to the Purple Line light rail.
- b. The final trail design and section must be shown on the Certified Site Plan. Subsequent minor modifications in trail design and section may be approved by Planning Department staff without Site Plan Amendment.
- c. Through the building, the Capital Crescent Trail must have a minimum clear width of 15'; at the entrance from Woodmont Plaza the minimum clear width may be a minimum of 14'. Planning Department staff may approve an alternative width after Certified Site Plan without a Site Plan Amendment.
- d. The Capital Crescent Trail improvements, as shown on the Certified Site Plan, must be completed prior to issuance of the final residential Use and Occupancy Certificate.
- e. The Applicant must construct the space for bicycle parking and maintenance area, as illustrated on the Certified Site Plan, with final fit-out to be provided by the Montgomery County Department of Transportation or their designee before the Purple Line Station is open for use. The Applicant must provide water, sewer, electrical, and fiber-optic utility connections available for use by the bicycle parking and maintenance area.

**12. Fire and Rescue**

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated October 31, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

**Density & Housing**

**13. Moderately Priced Dwelling Units (MPDUs)**

- a. The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated December 21, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- b. The development must provide 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c. Before issuance of any residential building permit, the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

## **Site Plan**

### **14. Building Design**

The exterior architectural character, proportion, step-backs, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.

### **15. Landscaping**

- a. Prior to issuance of the final Use and Occupancy Certificate, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and public open space must be installed.
- b. Prior to issuance of the final Use and Occupancy Certificate, all rooftop amenities must be installed.
- c. The Applicant must install landscaping no later than the next growing season after completion of site work.

### **16. Lighting**

- a. Before issuance of any building permit for new construction, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for this type of development.
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures causing potential glare or excess illumination.
- d. The light pole height must not exceed the height illustrated on the Certified Site Plan, including the mounting base.

### **17. Site Plan Surety and Maintenance Agreement**

- a. Prior to issuance of any building permit for new construction, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:

- i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- ii. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, paving, outdoor furniture, outdoor recreational facilities, and other improvements associated with the public open space.
- iii. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- iv. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

**18. Development Program**

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

**19. Certified Site Plan**

Before 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 letter, stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 7272 Wisconsin Avenue, 820160200, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, 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 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 development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all bindings elements and conditions of Sketch Plan Amendment No. 320160040, as amended, regarding density, the general location of vehicular access points, and the public benefit schedule. Furthermore, as conditioned, the Site Plan satisfies the requirements of Preliminary Plan 120160380.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Subject Property is approximately 2.69 gross acres zoned CR 8.0 C 7.5 R 7.5 H 250. The following table shows the Application's conformance to the development standards of the zone and the approved Sketch Plan, as amended. As illustrated on the Certified Site Plan, the project meets the requirements of Section 4.5.4.B.4, regarding transparency, blank walls, and active entrances, by providing attractive, varied, and activated street-level facades. Along Wisconsin Avenue, Elm Street, and the open space, the design includes retail and restaurant entrances and outdoor café seating, clerestory views into the Purple Line station and attractive materials implemented to create continuous visual interest.



Height

Under Section 4.5.2.A.2.e, with Planning Board approval, any Optional Method project in a CR zone that includes the provision of a major public facility under Section 4.7.3.A may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the major public facility diminishes the ability of the Applicant to provide parking at or below grade.

The Planning Board approves the application of Section 4.5.2.A.2.e in this case. As discussed in more detail below, the Applicant will provide a Purple Line Station, a section of the Capital Crescent Trail, and access to the Red Line (south portal) below ground on the Subject Property. These major public improvements clearly diminish the Applicant's ability to provide parking at or below grade.

Section 59 - 4	Development Standard	Approved Sketch Plan 32016004A	Approved
	<b>Tract Area (sf)</b> Previous Dedication (sf) Proposed Dedication (sf) Lot Area (sf)	117,148	117,148 34,259 632 82,257
<b>4.5.4.B.2.b</b>	<b>Density (CR8.0, C7.5, R7.5, H250)</b> Commercial FAR/GFA, Max. Residential FAR/GFA, Max.  Total FAR/GFA, Max.	7.5/878,610 7.5/878,610  8.0/937,184	3.2/375,372 4.8/561,812  8.0/937,184
	<b>Dwelling Units</b>	-	480
	<b>MPDUs (% / units)</b>	12.5%	12.5%/60
<b>4.5.4.B.2.b</b> <b>4.5.2.A.2.e.</b>	<b>Building Height (feet)</b> <b>Height of floors mostly used for above-grade parking (feet)<sup>2</sup>, max.</b> <b>Total Building Height (feet), max.</b>	250	250 45 295
<b>4.5.4.B.3</b>	<b>Minimum Setback</b> From adjacent properties From R.O.W.	0' 0'	0' 0'
<b>4.5.4.B.1</b>	<b>Public Open Space (%/sq. ft.)</b>	5/4,076	8/7,500
<b>6.2</b>	<b>Parking spaces, minimum-maximum<sup>3</sup></b>	-	700

b. *Division 4.7 Optional Method Public Benefits*

Consistent with Sketch Plan 320160040, the project will provide the following Public Benefits:

<sup>2</sup> Per Section 4.5.2.A.2.e.

<sup>3</sup> The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

Major Public Facilities

The Applicant will incorporate the space for the proposed Purple Station, construct a section of the Capital Crescent Trail, and provide access to the Red Line (south portal) on the Subject Property as part of the Application. The Application advances the “Better Alternative” described in the Bethesda Purple Line Station Minor Master Plan and describes the planning, construction and operation of the major public facility as “the top priority benefit for this Plan area.” The Planning Board supports the Applicant’s request for 70 points.

Transit Proximity

The Subject Property is located directly on top of the proposed Purple Line station and Red Line (south portal) connection, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board supports the Applicant’s request for 50 points.

Connectivity and Mobility

*Transit Access Improvements:* The Applicant is constructing new access to the future Purple Line Station and improving access to the Red Line Station through access to a new south portal entrance. The Planning Board supports the Applicant’s request for 10 points.

Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria and 10 points is appropriate for development that meets all six criteria. The development meets the following four criteria, and the Planning Board supports the Applicant’s request for 5 points.

*Providing innovative solutions in response to the immediate context*

The Application leverages the development potential afforded by the newly adopted Zoning Ordinance and the rezoning of the Subject Property to transform an outdated, underutilized commercial site in a transit-oriented location into a more modern, efficient development. The Application introduces true mixed use onto the Subject Property comprising residential, commercial office, retail, theatres, and restaurants, all served by the Purple and Red Line portals which are integrated into the building design.

*Creating a sense of place and serving as a landmark*

The Application's architectural elements will be distinctly modern and will contribute to the establishment of a new sense of place within the Bethesda CBD at this transit focal point. A variety of colors and materials such as masonry, architectural panels and glass are contemplated for the building façade, to create visual interest. The building will have a distinguishable massing approach that will establish a unique presence in the Bethesda skyline, while articulating the building base in a way that provides human scale to the block.

*Enhancing the public realm in a distinct and original manner.*

The Application will provide access to two transit stations and accommodate a portion of the CCT. The Application improves pedestrian conditions by providing a much wider sidewalk of 20 feet along Wisconsin connected to an open space plaza at the corner of Elm and Wisconsin, and new streetscaping along both Elm Street and Wisconsin. The plaza includes a series of planes that are navigated by sculptural stairs, ramps and a fountain flanked by plantings that cascade into the plaza. Permanent seating is provided along the planted areas and extend into the plaza.

*Using design solutions to make compact infill development living, working and shopping environments more pleasurable or desirable.*

The Application includes unique design solutions to accommodate all of the development components on the Subject Property. The design includes the access portals for the Red and Purple Lines, an integrated yet workable residential and commercial development with a public plaza, retail, and restaurants. Through excellent, innovative design, the project addresses the complexities of this site and provides a quality private and public space that will enhance the lifestyle of the Bethesda community.

**Structured Parking:** The Applicant requests 15 points for structured parking for parking above and below grade. The Applicant will provide all the parking spaces in structured garages, half above-grade and half below-grade. The Planning Board supports 15 points.

**Protection and Enhancement of the Natural Environment**

*Building Lot Termination:* The Applicant requests 18.8 points for the for the purchase of 2.09 Building Lot Terminations (BLTs) easements. Section 59.4.7.3.F requires the Applicant to purchase BLT easements equal to 7.5 percent of the incentive density for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. The Applicant is required to purchase 2.09 BLTs under the following calculation:  $937,184 \text{ sf. (8.0 FAR)} - 58,574 \text{ sf. (.5 FAR)} = 878,610 \text{ sf.} / 31,500 = 27.89 \times .075 = 2.09$ . The Applicant is permitted 9 points for each required BLT resulting in 18.8 points. The Planning Board supports this request.

*Vegetated Roof:* The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on the multi-family building. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements. The Planning Board supports the 7.5 points as recommended in the CR Guidelines because the Project meets the requirement of the Zoning Ordinance.

<b>Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Max Allowed</b>	<b>Sketch Plan</b>	<b>Site Plan</b>
<b>59.4.7.3.A: Major Public Facility</b>	<b>70</b>	<b>57</b>	<b>70</b>
<b>59.4.7.3.B: Transit Proximity</b>	<b>50</b>	<b>50</b>	<b>50</b>
<b>59.4.7.3.C: Connectivity and Mobility</b>			
<b>Transit Access Improvement</b>	<b>20</b>	<b>20</b>	<b>10</b>
<b>59.4.7.3.E: Quality of Building and Site Design</b>			
<b>Exceptional Design</b>	<b>10</b>	<b>5</b>	<b>5</b>
<b>Structured Parking</b>	<b>20</b>	<b>15</b>	<b>15</b>
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>			
<b>Building Lot Terminations (BLTs)</b>	<b>30</b>	<b>18</b>	<b>18.8</b>
<b>Vegetated Roof</b>	<b>15</b>	<b>5</b>	<b>7.5</b>
<b>TOTAL</b>		<b>170</b>	<b>176.3</b>

c. General Requirements

i. *Division 6.1. Site Access*

The development will have ample site access. Pedestrian access to the buildings and transit stations will be afforded from Wisconsin Avenue, Elm Street, and Woodmont Plaza. Vehicular access for parking and loading will be provided from Elm Street and Wisconsin Avenue. Transit access to the Subject Property is provided by the Purple Line station beneath the development and the Red Line station access point along Elm Street. The development will also include a section of the Capital Crescent Trail beneath the building, connecting to the surrounding street grid and along the Trail to Georgetown and Silver Spring beyond.

ii. *Division 6.2. Parking, Queuing, and Loading*

Parking will be provided in above- and below-ground structures within the development, with access from Wisconsin Avenue and Elm Street. Loading will be provided from Wisconsin Avenue.

iii. *Division 6.3. Open Space and Recreation*

The development has a 5 percent Public Open Space requirement. The Application includes 8 percent, totaling 7,500 square feet of public open space, at the corner of Elm Street and Wisconsin Avenue. The Public Open Space accommodates public access to the Purple Line station, as well as inviting places to sit and watch or meet people.

The Application meets the active and passive recreation space required by the zone. The Application will provide the following on-site recreation facilities: the Capital Crescent Trail, and indoor fitness facility, swimming pool, and an indoor community space. The development can also take advantage of the off-site bike system and nature trails. The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

*iv. Division 6.4. General Landscaping and Outdoor Lighting*

As a central development at the intersection of two major transit lines in an urban area, the project's landscaping and lighting will be consistent with the Bethesda Streetscape Standards and the needs of the transit stations.

*5. The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

**a. Chapter 19, Erosion, Sediment Control, and Stormwater Management**

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 31, 2016. The plan proposes to meet stormwater management requirements using a green roof and micro-bioretenment with a partial quantity waiver.

**b. Chapter 22A, Forest Conservation**

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420160820 for the project was approved on December 22, 2015. The urban site is located within the Little Falls watershed, a use-class I-P watershed. There are several existing street trees and minor landscape plantings fronting the site; the tree sizes range up to approximately 18" diameter at breast height (DBH). The Subject Property is not associated with any significant or specimen trees, nor any forest areas or other environmentally sensitive resources such as highly erodible soils, steep slopes, streams, floodplains or associated buffers.

The project is subject to a Forest Conservation Plan (FCP). Although there is no forest to be cleared in association with the project, there is an afforestation requirement. Given the dense urban setting over the existing Metro and future Purple Line, the afforestation credits will be met offsite by a payment of fee-in-lieu per Sec. 22A-12(g)(2)(D) of the Forest Conservation Law.

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The parking is located in above- and below-ground structures within the development. The circulation patterns take advantage of the Subject Property's central location within downtown Bethesda and is easily accessed by foot, bike, transit, and car. The building massing consists of several towers of differing heights, with the tallest towers at the center of the site and the rest stepping down to Woodmont Plaza and to Wisconsin Avenue. The open space, concentrated at the corner of Wisconsin Avenue and Elm Street is well designed to integrate the needs of commuters as well as for people who want to sit and people-watch or meet a friend. The parking, circulation patterns, building massing, and open spaces are safe and well-integrated.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

#### Planning Vision of the Sector Plan

The Application is consistent with, and furthers, the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Application realizes the "Better Alternative" which incorporates the alternative station design that improves the quality of service provided by a new station as follows:

- The Purple Line platform would be larger and, without interrupting columns, would provide more room for riders and trains;
- The Purple Line station platform would be straight, eliminating gaps between the train and the platform;
- The Red Line Metro south entrance would be located within the new building with access to high-speed elevators directly from the street;
- CCT users would have a choice to cross Wisconsin Avenue either in a new tunnel or at street level;
- The 90-foot-tall ventilation tower would be incorporated into a new building and the over-run tracks would be significantly shortened, leaving more of Woodmont Plaza available for public enjoyment;
- The station area can accommodate space for full-service bike storage (i.e., a "bike station").

The Application is consistent with the Sector Plan's recommendation to encourage coordinated redevelopment of the site, especially as it relates to realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the



downtown. The Application promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities. The Site Plan's streetscape enhancements, including new sidewalks, streetlights and street trees allows for increased pedestrian access and connectivity, provides access to shared roadways and shared use paths recommended in the Sector Plan, and provides a human-scaled streetscape.

#### Land Use and Zoning

The Application continues to take full advantage of the density and height provisions promoted by the Sector Plan, which increased the density from a 5.0 FAR to an 8.0 FAR and a height increase from 143 feet to 250 feet. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail. The additional height allowed by ZTA 16-08, from 250 feet to 295 feet, continues to meet this intent with a design that uses vertically and horizontally shifting massing and materials to break up the overall perceived mass of the building from a distance, and a well-defined building podium base to help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating.

#### Infrastructure

The Sector Plan emphasizes that "the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the 'major public facilities' of the improved transit station and the CCT tunnel." With the increased height and density, the Applicant proposes to accommodate the new Purple Line Station, which includes access to the Red Line Metro south entrance and the CCT trail through the building. The infrastructure is consistent with Sector Plan recommendations.

#### Public Open Space

The public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances, at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As discussed in the Preliminary Plan No. 120160380 findings, the development in the Site Plan will be served by adequate public facilities, including schools,

police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The development will create a new center of activity with two transit stations located between the existing Bethesda Row and Bethesda Lane developments to the west and the existing mid- and high-rise office and residential uses along Wisconsin Avenue. As the design transitions between these surrounding developments, the 295' building height will be articulated using vertically and horizontally shifting massing and materials that break up the overall perceived mass of the building from a distance, while the well-defined building podium base will help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating. The building design will also help ensure that the approved structures will not unnecessarily block air and light from nearby developments.

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 § 59-7.3.4.H; 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 JAN 25 2017 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, January 19, 2017, in Silver Spring, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board