



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

MCPB No. 18-011  
Sketch Plan No. 320180070  
7359 Wisconsin Avenue  
Date of Hearing: February 8, 2018

MAR 22 2018

**RESOLUTION**

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

WHEREAS, on September 21, 2017, S/C 7351 Wisconsin Avenue, LLC, ("Applicant") filed an application for approval of a sketch plan for construction of a mixed-use development with a maximum buildable area of 535,000 square feet, including up to 135,000 square feet of hotel uses and up to 400,000 square feet of office uses, with the maximum density including up to 214,795 square feet of density from the Bethesda Overlay Zone (BOZ), with an associated Park Impact Payment, on 1.47 acres of CR-5.0, C-5.0, R-4.75, H-250 and Bethesda Overlay zoned land, located on the south side of Montgomery Avenue between Wisconsin Avenue and Waverly Street ("Subject Property") in the Bethesda CBD Policy Area and the Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180070, 7359 Wisconsin Avenue ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 29, 2018, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on February 8, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 8, 2018, the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of

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Approved as to  
Legal Sufficiency:

Commissioner Fani-Gonzales, seconded by Commissioner Patterson, with a vote of 3-0; Commissioners Anderson, Fani-Gonzalez, and Patterson voting in favor, with Commissioners Cichy and Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180070, 7359 Wisconsin Avenue, for construction of a mixed-use development with a maximum buildable area of 535,000 square feet, including up to 135,000 square feet of hotel uses and up to 400,000 square feet of office uses, with the maximum density including up to 214,795 square feet of density from the Bethesda Overlay Zone (BOZ), with an associated Park Impact Payment on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

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

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

All other elements are illustrative.

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

**Density and Height**

1. Density

The development is limited to a maximum total density of 535,000 square feet, including up to 135,000 square feet of hotel uses and up to 400,000 square feet of office uses. This total reflects an allocation of 214,795 square feet of density from the Bethesda Overlay Zone (BOZ). The final square footage will be determined at Site Plan.

2. Height

The development is limited to the maximum height of 250 feet, as measured from the building height measuring point.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Total points must equal

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

at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.2.a. The requirements of Division 59-4.7 and the *CR Zone Incentive Density Implementation Guidelines and as modified by the Bethesda Overlay Zone* must be fulfilled for each public benefit proposed. Final points will be established at site plan approval.

- a. Major Public Facilities, achieved through providing the Second District Police Station on Rugby Avenue and 1 bike share facility;
- b. Connectivity between Uses, Activities, and Mobility Options, achieved through minimum parking and trip mitigation;
- c. Quality of Building and Site Design, achieved through exceptional design, public art, and structured parking; and
- d. Protection and Enhancement of the Natural Environment, achieved through BLTs and energy conservation.

4. Building Lot Terminations (BLTs)

Prior to building permit, the Applicant must provide Staff verification that 1.1976 BLTs have been acquired for the proposed development.

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

5. Public Space/Park Impact Payment

The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to release of the first above-grade building permit. The final amount of the PIP will be determined at Site Plan.

6. Streetscape

Except as otherwise shown, the Applicant must install the Bethesda Streetscape Standard along the Site frontages on Wisconsin Avenue, Montgomery Avenue, and Waverly Street, including the undergrounding of utilities, and street trees and lighting, as illustrated on the Certified Site Plan.

**Transportation and Circulation**

7. Transportation Monitoring

The Applicant must participate in the Bethesda Transportation Management District (TMD).

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

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

Development Standards

The Site covers approximately 0.84 acres Zoned CR 5.0, C 5.0, R 4.75, H 250. The data table below shows the Application's conformance to the development standards of Section 59-4.5.4.

<b>Data Table</b>			
<b>Section 59 - 4</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
	<b>Tract Area (sf)</b> Previous Dedications Proposed Dedications <b>Site Area (sf)</b>	n/a	<b>64,041</b> 21,650 6,007 <b>36,384</b>
<b>4.5.4.B.2. b</b>	<b>Base Density</b> CR 5.0, C 5.0, R 4.75, H 250 Commercial FAR/GFA <b>BOZ Density</b> GFA Requested <b>Total Base + BOZ Density</b> Commercial FAR/GFA	5.0/320,205  n/a	5.0/320,205  214,795  8.35/535,000
<b>4.5.4.B.2. b</b>	<b>Building Height (feet)</b>	250	250
<b>4.5.4.B.3</b>	<b>Minimum Setback (feet)</b> From R.O.W.	0	0
<b>4.5.4.B.1</b>	<b>Open Space (minimum)</b> Public Open Space (% of Site Area/sq. ft.)	10/3,638	10/3,650
<b>6.2</b>	<b>Parking (spaces)</b> Office (min/max) Hotel Rooms (min/max) Hotel Common Space (min/max) <b>Total</b> <b>BOZ Adjustment (80% min.)</b>	800/1,200 75/225 13/65 888/1,490 711/1,490	500

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$10/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 214,795 square feet from the BOZ initiating a Park Impact Payment of \$2,147,950 to be paid at the time of building permit. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

The Sketch Plan conforms to the intent of the CR zone as described below.

The intent of the CR Zone is to:

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

Overarching goals of the Bethesda Downtown Sector Plan

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

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

Wisconsin Avenue district goals and recommendations:

The Wisconsin Avenue Corridor is the main artery through the center of Downtown Bethesda. It extends from the Sector Plan Boundary/National Institutes of Health (NIH) on the north to Bradley Boulevard on the south, and from Woodmont Avenue on the west to Waverly Street on the east. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces.

The Wisconsin Avenue Corridor is primarily a commercial area, containing both retail and office uses. Among its numerous large office buildings are older ones predating the 1976 Bethesda Central Business District Sector Plan, such as the Air Rights Building; 1980s structures; and buildings at the Bethesda Metrorail Station. The northern part of Wisconsin Avenue comprises several hotels, stores, restaurants and offices, but currently has no clear identity.

The area's retail potential is compromised by its location on either side of Wisconsin Avenue. As a major commuter arterial, this street has heavy traffic volumes that eliminate the potential for "cross shopping" and a lack of visibility for retail establishments. However, Wisconsin North anticipates increased development activity with five planned projects, including the Harris Teeter site at 8300 Wisconsin Avenue. These projects will increase the employee, visitor and residential customer base within the district.

The Metro Core of Wisconsin Avenue struggles with the same condition caused by the barrier of Wisconsin Avenue's width as well as its vehicular traffic volume and speed. Similar to northern Wisconsin Avenue, the area includes hotels, but is most noted for the density of office buildings that surround its Metrorail station and accessible roadways. Consequently, most of the existing retail offerings in the Metro Core are oriented to the Monday through Friday, 9-to-5 customer. As Bethesda Row and Woodmont Triangle have become increasingly more attractive as locations for new and/or expanding retailers, these areas draw more and more customers away from the Metro Core's shops, restaurants and services.

The Wisconsin Avenue Corridor, consistent with adopted planning principles, has the tallest buildings in Downtown Bethesda. Building heights step down from the 200-foot Clark Building to the surrounding 143-foot heights allowed in the Commercial Residential Zone (former Central Business District-2 Zone

in the 1994 Bethesda Central Business District Sector Plan). Buildings at Bethesda and Wisconsin Avenues provide a gateway open space at the corner of this intersection. A number of potentially high-density sites remain to be developed in the area.

**Land Use and Zoning Goals:**

- Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.
- Encourage mixed-income/affordable housing near transit stations.
- Provide zoning recommendations that allow signature tall buildings at major civic spaces in the established centers.
- Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.
- Improve and enhance underutilized privately-owned public use spaces.
- Provide new civic gathering spaces.
- Encourage high-performance buildings and sites nearest the established centers.
- Improve the pedestrian environment with upgraded streetscapes.

**Land Use Recommendations:**

- Create two new civic gathering spaces in the form of civic green space/parks at the Farm Women's Cooperative Market site and Veteran's Park Civic Green.
- Emphasize mixed land uses focused on employment and high density residential.

**Zoning Recommendations (Site Specific):**

- ReZone Map #122 from its current Zones to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.

This Application incorporates many of the land use and zoning recommendations of the Sector Plan by including: 1) commercial and compact development in the core area along Wisconsin Avenue in the highest intensity centers, providing for distinctive infill buildings; 2) zoning recommendations that allow signature tall buildings near public gathering areas; 3) buildings that step down to lower densities to the east; 4) incorporation of energy efficiency and high performance in both the hotel and office buildings; and 5) an emphasis on mixed land uses that guide future employment surrounded by both commercial and residential uses.

The zoning approved for the Site through the Sectional Map Amendment (SMA) increases the base density to a total 5.0 FAR and increases the height to 250 feet. To reach the heights proposed, the Applicant is requesting an allocation of BOZ density in the amount of 214,795 square feet requiring a payment that would facilitate acquisition of parkland in the downtown.

**Urban Design Recommendations:**

**Public Realm**

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

**Recommendations:**

- Provide a planting and furnishing buffer between sidewalks and street traffic.
- Ensure a clear pedestrian pathway.
- Allow space for various activities, such as outdoor dining in retail focus areas, and provide planting and seating along remaining sections of the street.

- b. Goal: Create major civic gathering spaces as the hinge between Wisconsin Avenue, Norfolk Avenue and Bethesda Avenue.

**Recommendations:**

- Expand Veteran's Park through a new civic green bordered by a shared street that connects Wisconsin Avenue to Norfolk Avenue and Woodmont Triangle.

This Application is improving the streetscape along Wisconsin Avenue and Montgomery Avenue consistent with the Bethesda Streetscape Standards. This includes new street trees, lights, paving, site furnishings and the undergrounding of utilities. The Applicant is providing between the tree pit and the building edge a minimum 19-foot clear pedestrian way along Wisconsin Avenue and a minimum 8-foot-wide clear pedestrian pathway along Montgomery Avenue.

**Building Form**

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



**Recommendations:**

- Provide building articulation such as step backs, glazing and material changes.
- Provide building separation to ensure the design allows for light and air, and reduces shadows cast onto public spaces.

b. Goal: Provide visual interest along the corridor by highlighting significant points with increased height.

**Recommendations:**

- Provide increased height at the transit gateways to the Metrorail and Purple Line stations.
- Mark the Veteran's Park Civic Green as a major civic gathering space through signature buildings at this location.

The building design modulates in form both horizontally and vertically, introducing mixes of materials and provides the intersection of Wisconsin Avenue and Montgomery Avenue with both a unique plaza at the ground level and an iconic architectural embellishment at the top. The design of the building provides a unique articulation to various building surfaces and provides an efficient use of the site in an urban environment. The form of the building is comprised of three major vertical masses interconnected by the podium. Each of the masses is defined by distinct architectural skins and steps down from west to east. The façade of the building, as well as the parking garage above, are clad with a series of plane changes and pedestrian-scaled architectural embellishments which serve to both define the base of the building as well as provide for a human-scaled pedestrian experience. The transition to the tower mass is marked by a series of stepping architectural features and culminates in the large building undercut at the corner, which holds the office tower a minimum of 45 feet above the entry plaza below. Each of the three vertical masses has its own unique top. The hotel mass to the east is articulated at the top by a small setback terrace and green roof. The central mass is defined by a variation and extension of the architectural cladding. The major office mass to the west is articulated by a rooftop terrace that can be occupied, capped by a functional architectural embellishment that wraps across the top of the terrace, down the south face of the westerly mass and as currently conceived is expressed again as an artistic soffit feature for the entry plaza.

**Transportation and Bicycle Recommendations:**

To enhance the existing transportation network, this Plan recommends "complete streets" improvements to the roadway network that increase

the connectivity, safety and quality for all modes of transportation. Complete streets design principles refer to roadway treatments intended to accommodate multiple modes of transportation, including pedestrian, bicycle, vehicular and transit, within the same right-of-way. Due to the transit-oriented nature of Downtown Bethesda, future transportation improvements within the Sector Plan area should consider complete streets strategies as critical elements of the transportation network.

A high-quality pedestrian network is essential to the success of transit-oriented communities because, unlike most other modes of transportation, pedestrian activity is about experiencing the community between points of origin and destination. Nearly all modes of transportation require that at least a portion of each trip be completed as a pedestrian; therefore, the quality of the pedestrian network is an important issue for most residents and commuters in Downtown Bethesda.

#### Overall Goals

- Enhance roadway accommodation of all users.
- Increase the use of non-auto driver travel.
- Implement new transit alternatives.
- Improve bicycle and pedestrian infrastructure.
- Expand the constrained parking policy.

Montgomery Avenue (CT-9) - Separated Bike Lanes (ultimate); Bike Lanes (interim); Wisconsin Avenue to East-West highway.

All roads in the Sector Plan area should be designed for shared use by motor vehicles and bicycles and are designated as shared roadways unless another higher quality bicycle facility is provided (e.g. bike lanes). These shared roadways are called out for wayfinding purposes. This Sector Plan recommends amending the practice of implementing shared roadways on wide travel lanes; Bicycles should operate on-road as vehicles where the prevailing roadway operation is characterized by low vehicular speed and volume.

#### Parking Recommendations

- Promote a constrained parking policy that supports a transit-oriented downtown.
- Explore opportunities for co-location of public facilities on Parking Lot District properties and facilities. Co-location should be considered as existing facilities are evaluated for replacement and as the market allows for new mixed-use development.

The Applicant contributes to the transportation network in downtown Bethesda and regionally by contributing to the separated bike lanes for Montgomery Avenue. A contribution is being made to provide one off-site bike share facility. Pedestrian circulation is improved with the implementation of streetscape along Wisconsin Avenue and Montgomery Avenue to encourage connectivity within the Wisconsin Avenue District and to other transit options.

**Environmental Recommendations:**

Urban Green - On private property, provide a minimum of 35 percent green cover, which may include singularly or a combination of the following:

- Intensive green roof (6 inches or deeper) on 35 percent of rooftop.
  - Tree canopy cover on 35 percent of landscape.
  - A combination of tree canopy and intensive green roof for a total green cover of 35 percent or greater\*.
- Install green roofs with at least 6 inches of soil depth allowing for greater stormwater treatment.
  - Provide soil volumes for canopy trees of no less than 600 cubic feet.
  - Montgomery Avenue is a recommended Canopy Corridor. Provide Canopy Street Trees along Montgomery Avenue 30 feet on center.

Water -

- Integrate environmental site design strategies that provide multiple performance area benefits for water quality, habitat, health and aesthetic improvement. Some strategies include:
- Intensive green roofs (6 inches or greater to maximize water treatment).
- Reduce impervious cover to maximize stormwater infiltration and/or green space.
- Use permeable surfaces where feasible.

The Application is providing an intensive green roof beyond the recommended 6-inch soil depth and landscaping and green cover calculated on the site area to meet the 35 percent green cover requirement from the Sector Plan. The project incorporates Silva Cells to account for enhanced stormwater management and proper soil volumes for the proposed plant material.

High Performance Area -

An optional method project in the High Performance Area should be approved only if it achieves the maximum amount of public benefit points

allowed for constructing buildings that exceed energy efficiency standards for the building type. To qualify for the maximum available points, any building that is located in whole or in part within the boundary of the High Performance Area would be required to exceed the current ASHRAE 90.1 standard by 15 percent. If the County adopts a building code with a different efficiency standard, a building in the High Performance Area should similarly exceed the minimum standard.

The building is subject to the high-performance standards and will exceed the current ASHRAE 90.1 standards as recommended in the Sector Plan and the Bethesda Overlay Zone.

#### Section 4.1.5 Public Benefits in the CR Zone

Top Priority Benefits in the CR Zone (Bethesda Downtown Sector Plan Specific):

- Affordable Housing
- Public Open Space
- High Performance Area and Enhanced Vegetated Roofs to Increase Green Cover
- Exceptional Design
- Minimum Parking

The development is providing several of the top-priority public benefits, including Exceptional Design, Minimum Parking, and Energy Conservation.

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

The development will redevelop three single-use buildings and surface parking areas within a new mixed-use development that will include office and hotel uses, with structured above- and below-grade parking.

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

The development deftly integrates office, hotel, and parking uses both vertically and horizontally within the building, while providing a unique public-art-driven public space, and sector-planned bike lanes along the Montgomery Avenue frontage. The development will provide parking within and below the building.

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

The mix of uses, density, and building height in the development design are compatible with the adjacent and nearby existing and planned commercial development, while taking advantage of the Wisconsin Avenue frontage to provide a signature building in this prominent location.

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

The project provides 400,000 square feet of premium office space in Downtown Bethesda to attract existing area businesses looking to upgrade their facilities, as well as new businesses looking to take advantage of the combination of nearby housing, parks, transit, and amenities. While the development does not include housing opportunities per se, the hotel component will serve a similar function for neighborhood businesses.

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

The Project will provide the required public benefits from eight categories and more than the required 100 points to achieve the desired incentive density above the standard method limit. In addition to the public benefits, the Applicant is also paying a significant park impact payment to the PIP for the acquisition of parkland in downtown Bethesda.

2. *The Sketch Plan substantially conforms to the recommendations of the 2017 Bethesda Downtown Sector Plan.*

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

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

The Sketch Plan is not subject to a development plan or schematic development plan.

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

While the development will occupy half of the block on which it sits, the design engages the streets by maximizing pedestrian and visual permeability along the primary frontages of Wisconsin Avenue and Montgomery Avenue. Along the Wisconsin Avenue frontage, the building presence forms a vertical element that signals the importance of the site at this crossroads intersection from a distance, while providing a public plaza at the sidewalk level that reinforces that importance with a destination-quality public artwork. For the longer Montgomery Avenue frontage, building entrances and façade modulation and transparency provide opportunities to connect to the building at the ground plane while the architectural articulation above relieves the potential monotony of a long façade with the appearance of several facades, providing interest and variety when viewed along the Avenue.

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

The site is surrounded by satisfactory circulation options. As conditioned, vehicular access for parking, service, and loading is provided from Waverly Street in a manner that is efficient enough to allow planting of much-desired street trees along that frontage, while maximizing pedestrian safety. A lay-by on Montgomery Avenue is integrated with the Sector-Planned bike lanes along that street. Pedestrian access on all three frontages will be enhanced with generally wider sidewalks and streetscape improvements.

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

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public

benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

<b>Public Benefits</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Max. Allowed</b>	<b>Requested</b>
<b>59-4.7.3.A: Major Public Facility</b>		
<b>2<sup>nd</sup> District Police Station</b>	<b>70</b>	<b>70</b>
<b>Bike Share</b>		
<b>59-4.7.3.C: Connectivity and Mobility</b>		
<b>Minimum Parking (59-4.9.2.C.4.g)*</b>	<b>20</b>	<b>12.7</b>
<b>59-4.7.3.E: Quality of Building and Site Design</b>		
<b>Structured Parking</b>	<b>20</b>	<b>12</b>
<b>Public Art</b>	<b>20</b>	<b>12</b>
<b>Exceptional Design (59-4.9.2.C.4.g)*</b>	<b>30</b>	<b>30</b>
<b>59-4.7.3.F: Protection and Enhancement of the Natural Environment</b>		
<b>Building Lot Termination (BLT)</b>	<b>30</b>	<b>10.8</b>
<b>Energy Conservation and Generation (59-4.9.2.C.4.g)*</b>	<b>25</b>	<b>15</b>
<b>TOTAL</b>		<b>162.5</b>

\*Denotes Sector Plan priority

Major Public Facility

Section 59-4.7.3.A.1 of the Zoning Ordinance permits up to 70 public benefit points for provision of Major Public Facilities. Under a Public-Private Partnership agreement with Montgomery County, the Applicant constructed the new 2<sup>nd</sup> District Police Station on Rugby Avenue in Bethesda (worth over 300 points). In addition, the Applicant will fund one off-site bike share facility. The Applicant is requesting the maximum 70 points. The Planning Board supports the points requested for major public facility.

Connectivity and Mobility

*Minimum Parking:* Section 59-4.7.3.C.2 of the Zoning Ordinance permits up to 10 public benefit points for less than the maximum number of allowed parking spaces, if a maximum is applicable under Section 59-C-15.631. The Bethesda Overlay Zone increased the number of points one could achieve under this category to 20 points as this was a priority in the Sector Plan. This Project provides fewer than the minimum number of parking spaces required by the

Zoning Ordinance in one on-site above- and below-grade structured parking garage. The minimum number of parking spaces required for the uses proposed is approximately 711 parking spaces, however the BOZ permits the minimum number of parking spaces required at 80% of the minimum number of spaces required under Section 59-6.2.4.

The incentive density is calculated on a sliding scale  $[(A/P)/(A/R)]*10$ . The BOZ allows up to 20 points however the multiplier for minimum parking remained at 10. The Applicant is requesting 12.7 points. The Planning Board supports the points requested for minimum parking.

#### Quality of Building and Site Design

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

The building has been designed to enliven and aesthetically awaken this important transit-oriented core intersection in the heart of Downtown Bethesda. Through the provision of a large interactive public plaza that will integrate the new mixed-use project and surrounding land uses and urban activities, an enhanced pedestrian environment and exceptional architectural design and “place-making,” it helps define the urban skyline and further reinforce the functional emergence of Downtown Bethesda as the urban core of Montgomery County and the region.

The design will create a continuous flow of activity from Wisconsin Avenue through a public/private plaza and the lobby areas for both the office and hotel, which will provide work and gathering spaces, as well as a restaurant and socializing space for Avocet Tower occupants as well as the residents, workers, and visitors at the urban core of Downtown Bethesda. The plaza at the front entrance on Wisconsin Avenue will feature a more than 45 foot “overhang” from the building rising above the public plaza – creating a dramatic and welcoming element to the Project (the “Entry Plaza”).

The planning and design of Avocet Tower has been reflective of the following Exceptional Design considerations:

- Providing innovative solutions in response to the immediate context
  - Creates a gateway to the Pearl District and a distinctive pedestrian node at the corner of Wisconsin and Montgomery Avenues.



- Elevates the office space at the corner to reveal pedestrian-scaled forms within the plaza that relate in scale and character to the neighboring historic building to the south, and to the local Bethesda context.
- Purposefully modulates the building's massing to create three distinct vertical masses along Montgomery Avenue that step down to transition from the grand scale of the Central Business District, to the more residential scale of the Pearl District to the east.
- The distinctive form of the shade trellis descending the side of the building and framing the soffit of the Entry Plaza at the corner of the intersections of Wisconsin and Montgomery Avenues creates a gateway to the Pearl District along Montgomery Avenue to the east. Additionally, the open space and "living roomlike" character of the Entry Plaza will serve as spatial node that welcomes all to the center of Downtown Bethesda.
- In elevating the office building at least 45' at the corner, the articulated architecture that reveals itself incorporates more pedestrian-scaled forms and a higher degree of detail. Furthermore, integrated and highly articulated solid Zones deliberately reflect the character of surrounding Bethesda and purposefully relate the scale of the plaza to that of the neighboring historic building to the south.
- Looking down Montgomery Avenue, the project is seen as three major vertical masses, interconnected at the podium level as well as other minor elements. Each of these masses is defined by bespoke enclosure strategies and, from west to east, drops away to relate to the urban scale along Wisconsin Ave and the residential scale of the Pearl District.
- Creating a sense of place and serves as a landmark
  - Rather than simply adorning the building a dramatic crown, the tower top presents and serves as a large and lush rooftop terrace, available to all building tenants.
  - The rooftop terrace is covered by a solar mitigating shade trellis, which wraps down the southern face of the building to become a distinctive overhang to the Entry Plaza, connecting the base and the top of the building.
  - The dual gardens at the top and base of the tower, along with the integrated shade trellis, form a monumental architectural gesture. It will attract people from the Metro stops across Wisconsin Avenue as well as pedestrians from along the Wisconsin Avenue Corridor.
  - Avocet Tower's rooftop shade trellis is designed to reach outward and attract people from Bethesda's Central Business District and Metro station. It will also announce the project as a new

destination within the Downtown Bethesda skyline. The crowning element is composed of series of evenly spaced rods that begin as the soffit feature of the Entry Plaza, climb the south face of the most prominent office massing, and continue up to the top of the building where it becomes an elegant shade trellis for the open space on the sky terrace. Additionally, the western mass of the building is prominently elevated to create an Entry Plaza at the corner of Wisconsin and Montgomery Avenues.

- Enhancing the public realm in a distinct and original manner
  - Architectural embellishments at the top of the building. The public experience starts blocks away as the intersection of the building and of Wisconsin Avenue create a unique vantage point for the building from afar.
  - The aesthetic crowning element, as well as the public plaza at ground level, bring the attention from top to ground as you arrive at Avocet Tower.
  - Along Avocet Tower's three major frontages on Wisconsin Avenue, Montgomery Avenue and Waverly Street, the project has been designed to create a vital and active streetscape by offering the integrated experience of the connected office and hotel lobbies, hotel restaurant, conference spaces and the entry plaza.
  - The Entry Plaza is designed to create an urban living room at the corner of Wisconsin Avenue and Montgomery Avenue, providing outdoor seating and meeting areas.
  - As a part of the Entry Plaza, a large and distinctive piece of art will further enhance the dynamic quality of elevating the office building and activating the ground level as a green space for work, play and contemplation.
  - The Entry Plaza, office lobby, hotel lobby and ground floor hotel amenities are designed as an integrated whole. The range of uses, from informal work and meeting spaces, to the hotel-operated food service space with indoor and outdoor seating, to a lush and active green space at the corner, all combine to create a vibrant and active streetscape and ground level across nearly the entire site.
  - The plaza is designed in overall context as a point, counter point to the architectural massing. The plaza includes the same shapes on a ground plane as above, rectangles intersecting and juxtaposing each other in the plaza. A series of north/south movements of the plaza are combined with intersections of east/west movement, predominantly displayed in the seating options and the extensive water feature, creating a series of rooms to enjoy, sit, contemplate or work. The water starts as an element on the building, drawing down and horizontally over a series of beautiful stones. The water

disappears under two “bridges” that shift and intersect the horizontal planes and rooms. The rooms created provide different seating options and feel. The building overhangs the plaza at a minimum 45’ above the ground creating a dynamic space for the plaza visitors. The hotel has a private dining area within the plaza space as well.

- The artwork is designed to function at two scales: first, drawing people in from the Metro and surrounding area due to its vibrancy and size; and then as it enhances the experience of working, playing or contemplating within the Entry Plaza through its dynamic and lively modulations and manipulations.
- The building and public spaces shapes, design and integration of unique spaces and materials creates a dynamic, unique and original public experience.
- Introducing materials, forms or building methods unique to the immediate vicinity or applied in a unique way.
  - Avocet Tower’s exterior enclosure is designed to emphasize the three vertical massings, employing different arrangements of curtain wall and highly articulated precast concrete panels to represent a transition in scale from the urban Central Business District toward the residential districts to the east.
  - The above-grade parking garage is fully enclosed in curtain wall and highly articulated precast concrete panel to simultaneously diminish its presence and create a modulated and pedestrian scaled street face.
  - Avocet Tower has a number of soffits that have been designed to provide warmth, shelter and a human scale and to counter the large and small overhung spaces through the use of wood prints, crisp lines, scaled articulation and inviting up-lighting.
  - The tower is clad with an intricate lattice of brushed nickel, aluminum, precast concrete panels and glass curtain wall. The transition to the tower mass is marked by a series of stepping architectural brows and culminates in the large building undercut, which elevates the office tower at least 45’ above the Entry Plaza below. The combination of the purposeful placement of the three vertical masses at differing depths from the street face; the lush and diverse landscaping; and the composed brows and architectural features will provide for a varied, elegant and distinct experience on all three of the building’s frontages.
  - Warm and elegant up-lighting on the more natural elements, such as the highly articulated precast concrete panels and warm soffits, will transition the scale of the building’s base to a more inviting

- and pedestrian scale that will be reminiscent of the historic building to the south as well as other adjacent historic structures.
- Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site;
    - The anticipated activity at Avocet Tower's Entry Plaza and street-level hotel amenities will serve to identify this site as an exciting and lively destination and an exceptional gateway to Bethesda's newly conceived Pearl District.
    - Avocet Tower will be constructed on three currently underutilized sites in the heart of Downtown Bethesda. It presents a unique opportunity to combine the needs of a forward-thinking Class A office building with onsite parking and a contemporary and youthful hotel experience.
    - The combination of a "hip" and active hotel lobby and restaurant, with adjoining conference and informal work spaces, seamlessly transition into an office lobby space designed with hoteling stations and work rooms. These elements funnel activity out into the plaza, creating a dynamic and exciting site throughout the day.
    - The streetscape of the building, as well as the parking garage above, are clad with a series of plane changes and pedestrian-scaled architectural embellishments which serve to both define the base of the building as well as provide for a human-scaled pedestrian experience.
    - These spaces will create a connection to nature through direct access to daylight, diverse plant life and water features. It will also serve as a place for interaction and cultural exchange with the integration of a variety of seating, dining, work and conversational spaces and integrated artwork. This open ground-scape will serve as the catalyst of integrating the office and hotel users with the local community.
  - Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements.
    - Avocet Tower is being designed not only for today's residents, workers and visitors but for the future of the way people are utilizing spaces and enjoying the environments they inhabit.
    - The enclosure system provides for a highly developed shading system, allowing for great views and controlled natural light deep within the office spaces.
    - Each of the three vertical masses as well as the podium structure of the parking garage are articulated by scaled and composed architecture features, horizontal brows, and material shifts, which all serve to make a large single structure appear as the integrated whole of a series of elements.

- The roofscapes at the top of the parking garage, hotel and office buildings are developed as a series of accessible tenant terraces and landscaped areas. They support required storm water management while providing tenants unique elevated exterior spaces along with a visual and physical connection to the natural environment.
- The building enclosure is a crafted composition of highly efficient low-e coated glass, solar-oriented metal shading devices and highly articulated precast concrete panel. The mix of glass, metal and concrete is proportioned and manipulated to respond to climate and to provide distinct scales as a part of an overarching and balanced composition. Avocet Tower provides less than the required parking to encourage alternative transportation methods. The design integrates siting, fenestration, water quality/quantity management, green roofs and other critical sustainability actions that are integral to the design all to provide the project a minimum LEED Gold rating for the office tower core and shell. The rooftop terrace and richly appointed plaza provide escapes from the office and allow natural light, fresh air and an alternate location to work, rest or enjoy.

A major initiative of the Bethesda Downtown Plan was the creation of the Design Advisory Panel (DAP) and their role to bring design awareness to the County and specifically to downtown Bethesda. The Panel met on December 13, 2017, with the Applicant to review their design proposal and offered comments on the building cap, but otherwise endorsed the overall architecture and design. Part of the Panel's responsibility is to evaluate the Applicant's request for Exceptional Design points based upon the criteria and goals outlined in the CR public benefit guidelines. The Panel endorsed the project with the following comments and supported the request for 30 points. The Planning Board supports the Applicant's request for this benefit.

1. Public Benefit Points: The majority of the panel recommends the 30 of 30 Exceptional Design points requested. However, there was a dissenting opinion that the project did not provide enough integration between the base and upper floors or between the three distinct pieces of architecture articulated on the Montgomery Avenue façade to achieve this many points.
2. Further consider how the bike path should function and how it relates to vehicular and pedestrian traffic. Consider raising the pedestrian crossing from the lay-by on Montgomery Avenue so that cyclists yield to pedestrians.
3. Explore local sourcing of materials rather than using materials such as ipe.
4. Provide a less abrupt transition between the proposed and adjacent sidewalk. Consider using the same color as the streetscape standard paving for continuity.

*Public Art:* The Applicant requests 12 points for installing public art in the central plaza on-site to visually occupy and focus the space between the ground plane and the soffit,. The dynamic, interactive public art work will be suspended within the space and resembles a living system that reflects the rhythms and energy of the site in what we are provisionally calling an ‘interactive sculptural network’. It will be designed so that visitors can engage with it and each other at multiple levels of engagement. The public art concept for this location was presented to the Art Review Panel. The Planning Board supports the Applicant’s request.

*Structured Parking:* The Applicant requests 12 points for structured parking. The BOZ requires 10 points as the minimum for this benefit. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade. The Planning Board supports 12 points for the below-grade parking.

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Project will implement up to 502,979.5 square feet of incentive density, which is gross floor area above 0.5 FAR. Section 59-4.7.3.F.1.a permits up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund. The Applicant will purchase easements in an amount equal to 7.5 percent of the incentive density floor area through the following parameters: 9 points for every 31,500 square feet of gfa, comprising 7.5 percent incentive density floor area (Optional method density at 535,000 sf – standard method density at 32,020.5 sf = incentive density of 502,979.5 sf;  $7.5\% \text{ of incentive density} / 31,500 = 1.1976 \text{ BLTs} \times 9 \text{ points/BLT} = 10.8 \text{ points}$ ). The Planning Board supports this request.

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

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

The development is expected to be constructed in one phase.

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

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 7359 Wisconsin Avenue, Sketch Plan 320180070, received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 22 2018 (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, March 15, 2018, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board