



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

MCPB No. 18-041
Sketch Plan No. 320180120
8000 Wisconsin Avenue
Date of Hearing: May 3, 2018

MAY 24 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 February 2, 2018, Aksoylu Properties ("Applicant"), filed an application for approval of a sketch plan covering a 40,788 square foot tract composed of properties zoned CR 3.0 C 3.0 R 2.75 H175', CR 5.0 C 5.0 R 5.0 H175' and Bethesda Overlay Zone, located south of Cordell Avenue, between Woodmont Avenue and Wisconsin Avenue, ("Subject Property") in the Wisconsin Avenue District of the Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180120, 8000 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 April 20, 2018, setting forth its analysis of and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on May 3, 2018, 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 binding elements and conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan No. 320180120, 8000 Wisconsin Avenue, for a maximum of 430,000 square feet of development, including up to 410,000 square feet of residential density and up to 20,000 square feet of non-residential uses and a future allocation of Bethesda Overlay

Approved as to
Legal Sufficiency:

Zone density of up to 219,130 square feet, subject to the following binding elements and conditions:¹

A. Binding Elements.

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 under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance, except as modified by the conditions below:

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

1. Density

The Sketch Plan is limited to a maximum of 430,000 square feet of total development, including an allocation of up to 219,130 square feet of Bethesda Overlay Zone (BOZ) density, on the Subject Property for up to 441 dwelling units and up to 20,000 square feet of retail uses. The maximum number of dwelling units and non-residential density will be determined at Preliminary Plan and the final allocation of BOZ density will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 199 feet due to the provision of MPDUs above 17.5%, as specified in Section 59.4.9.2.3.b of the Zoning Ordinance. The Project's maximum height will be determined at the time of Site Plan but will not exceed 199 feet.

3. Incentive Density

Section 59.4.7.3.D.6.a.v permits projects providing at least 20% MPDUs to proceed without satisfying other public benefit categories, however, the Bethesda Overlay Zone requires that the Project achieve a minimum of 10 points for exceptional design and 15 points for energy generation and conservation. The requirements of Division 59.4.7 and the *CR Zone Incentive Density*

¹ 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.

Implementation Guidelines must be fulfilled for each public benefit listed below, unless modifications are made under Section 59.7.3.3.I. Final points will be established at Site Plan approval.

- a. Diversity of Uses and Activities, achieved through affordable housing;
- b. Quality of Building and Site Design, achieved through exceptional design and structured parking; and
- c. Protection of the Natural Environment, achieved through energy conservation and generation.

4. Building Design

- a. Prior to submittal of the Site Plan, the Applicant must submit a revised architectural design concept to the Design Advisory Panel (DAP) that addresses concerns raised at the DAP meeting on April 4, 2018.
- b. Design the Wisconsin Avenue façade to have a human-scaled presence on the street and reduce uniformity with the adjacent buildings through design by considering the following:
 - i. Provide building articulation such as step backs, glazing and material changes,
 - ii. Provide building separation to ensure the design allows for light and air and reduces shadows cast onto public spaces,
 - iii. Provide a base that includes articulation and varied heights to mitigate a monolithic or overpowering appearance, and
 - iv. Clarify the Project's relationship to the public space on 7900 Wisconsin Avenue.

5. Streetscape

The Applicant must install the Bethesda Streetscape Standard along the Site frontages, including the undergrounding of utilities.

6. Bus Rapid Transit

The Applicant must set back the building along the Wisconsin Façade to accommodate the future master planned bus rapid transit station at the intersection of Wisconsin Avenue and Cordell Avenue. The full extent of the set back will be determined at Site Plan.

7. Bicycle Facilities

The Applicant must coordinate with the Montgomery County Department of Transportation to participate in the implementation of master-planned separated bicycle lanes along the project's Woodmont Avenue frontage.

8. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide on the Subject Property a minimum of 25% of the total units as Moderately Priced Dwelling Units. The development must provide MPDUs in accordance with Chapter 25A.

9. Future Coordination for Preliminary and Site Plan

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

- a. Fire and Rescue access and facility details;
- b. Building shadow study
- c. Provide details and cross-sections showing appropriate soil volumes associated with the new plantings per the Sector Plan;
- d. Forest Conservation requirements, as applicable;
- e. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- f. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- g. 35% Green cover;
- h. Submit a Noise analysis with the Preliminary Plan that addresses applicable noise sources based on onsite field recordings made during representative time periods. The analysis must also show the existing and 20-year projected noise contours and/or provide 3-D modeling as appropriate (3-D modeling must reflect the existing and 20-year projected noise levels) and address the proposed mitigation techniques;
- i. Necessary public right-of-way dedication;
- j. Transportation Impact Study;
- k. Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District and achieve the Sector Plan 55% NADMS goal; and
- l. Incorporate bird-safe design into the building architecture;
- m. Stormwater Management (SWM) concept approval (and subsequent plan) to address the *Bethesda Downtown Plan* recommendations regarding SWM;
- n. Address any existing/ future utility conflicts of other site limitations, which may need to be rectified to achieve the proposed streetscape plantings; and
- o. Coordination with MCDOT in accordance with that agency's letter, dated April 5, 2018.

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 § 59-7.3.3.E, the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. *meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the Data Table below:

Table 1: Data Table

Sketch Plan Data Table (Section 59.4)		
Development Standard	Permitted/ Required	Proposed
Tract Area (Square Feet/ Acres)		
CR 3.0 C-3.0 R-2.75 H-175'		
8000 Wisconsin Ave.		6,598 (0.15)
7940 Wisconsin Ave.		3,298 (0.08)
7942 Wisconsin Ave.		6,598 (0.15)
8011 Woodmont Ave.		6,000 (0.14)
County Parking Lot 43		<u>15,000 (0.34)</u>
Subtotal CR 3.0		37,494 (0.86)
CR 5.0 C-5.0 R-5.0 H-175'		
7938 Wisconsin Ave.		3,294 (0.08)
Total Tract Area		40,788 (0.94)
Site Area (Square Feet/ Acres)		
Prior Dedication		8,000 (0.18)
Proposed Dedication	n/a	3,563 (0.08)
Site Area (Tract Area – Dedications)		29,225 (0.67)
Residential Density (GFA/ FAR)		
CR 3.0 C-3.0 R-2.75 H-175'	103,109 (2.75)	
CR 5.0 C-5.0 R-5.0 H-175'	16,470 (5.0)	
Subtotal	119,579 (2.93)	108,952 (2.67)
Commercial Density (GFA/ FAR)		
CR 3.0 C-3.0 R-2.75 H-175'	112,482 (3.0)	
CR 5.0 C-5.0 R-5.0 H-175'	16,470 (5.0)	
Subtotal	128,952 (3.16)	20,000 (0.49)
Total Mapped Density (GFA/FAR)	112,482 (3.0) 16,470 (5.0) 128,952 (3.16)	128,952 (3.16)
MPDU Density (GFA/FAR)*	n/a	81,918 (2.00)
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	219,130 (5.37)
Total GFA/ FAR	n/a	430,000 (10.54)
Building Height	175 feet	199 feet**
Public Open Space (min)	0%	0%

Green Cover	35%	35%
Minimum Setbacks	n/a	0

- * MPDU density, assumed at an average size of 738 square feet per unit for all 111 MPDUs, is excluded from the Gross Floor Area.
- ** Section 59.4.9.2.C.3.b eliminates the height requirement to the extent necessary to provide MPDUs beyond 17.5%. These additional 44 MPDUs account for an additional 32,472 square feet of residential density. Given the Project's estimated average floorplate is of 21,712 SF, the Applicant requests two additional floors (24 feet) of additional height to accommodate the additional MPDUs.

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

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

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. The Property is designated as Site 60, on pages 99 and 100 of the Plan, within the area identified as the "Wisconsin Avenue District," the main artery through the center of Downtown Bethesda. The Downtown Plan generally recommends increasing:

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

The Project specifically addresses the following goals as outlined in the Wisconsin Avenue District section of the Plan:

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

The Project will redevelop several single-story retail buildings and Public Parking Lot 43, a component of the Bethesda Parking Lot District (PLD), with high-density residential uses and street-activating retail uses. The Project will help contribute to an on-going transformation of the block bounded by Wisconsin Avenue, Woodmont Avenue, Cordell Avenue, and Fairmont Avenue, when considered in context with other recently- approved projects.

- *Encourage mixed-income /affordable housing near transit stations.*

The Project will add up to 111 Moderately Priced Dwelling Units (MPDUs) within walking distance to the Bethesda Metro Station, the future Purple Line Station, and future Bus Rapid Transit (BRT) station. The proposed MPDUs will help further one of the primary goals, affordable housing, of the Sector Plan and Bethesda Overlay Zone.

- *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.*

The Project is an infill redevelopment between the adjacent 7900 Wisconsin Avenue (Site Plan 820130170), to the north, and 8008 Wisconsin Avenue (Site Plan 820160130), to the south. The Project will contribute to the vibrant mixed-use identity taking shape within this block. The combination of multifamily dwelling units, ground floor retail uses, and amenities proposed for the block will create an appropriate transition between the adjacent Woodmont Triangle District and more intensely developed urban core to the south of the Property.

- *Encourage high-performance buildings and sites nearest the established centers.*

The Project proposes to incorporate energy-efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the Bethesda Overlay Zone. In addition, intensive green roof systems and planters are proposed to cover a minimum of 35% of the Property's lot area to increase the overall green cover. Dedications along Wisconsin Avenue and Woodmont Avenue will help to enhance the pedestrian experience along the Property. Additional planting and pedestrian-circulation areas along these public right-of-way frontages

will allow for an improved streetscape in both the Wisconsin Avenue Corridor and Woodmont Triangle Districts.

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

The Project's proposed right-of-way dedications and the undergrounding of existing utilities along Wisconsin and Woodmont Avenues will help to provide a wide pedestrian through-zone that is lined with street trees, planting and furnishings. In addition to providing right-of-way dedications, the Project's sidewalk width is designed in accordance with the Design Guidelines recommendations for these streetscapes such that additional free and clear sidewalk width is accommodated.

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

Although the architectural concept is sufficient for Sketch Plan approval, the Project's proposed building massing along Wisconsin Avenue must be refined prior to the Site Plan submittal to address deficiencies related to the Bethesda Design Guidelines and Sector Plan.

Of specific concern is the Project's architectural concept along the Wisconsin Avenue façade, which features a 200-foot continuous wall that lacks a human-scaled presence on the street. As proposed, this massing reads as an overwhelming monolithic base without building articulation, step back, or separation between adjacent properties and does not achieve the design goals outlined in the Sector Plan. The architectural concept will be addressed through the Site Plan review, which will ensure that the project satisfies Section 3.1.1.B.2.a, "Building Form" of the Sector Plan and comments raised by the Design Advisory Panel during its meeting on April 4, 2018. As conditioned in this Staff Report, the Project will be subject to further architectural refinement at the time of Site Plan.

As conditioned, the Project is in general conformance with the *2017 Bethesda Downtown Plan*.

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

The Project will redevelop the existing low-density commercial sites with a higher-density residential building, that includes retail uses and underground parking, to maximize residential development in close proximity to the Metro. The Project meets the objective of this finding.

- 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 Project encourages such development by proposing market-rate residential units and 25% MPDUs in a variety of unit types, offering housing opportunities for a range of incomes close to the numerous transit options of downtown Bethesda. The Project facilitates all travel modes by improving the streetscape along its two frontages, accommodating the master planned Wisconsin Avenue Bus Rapid Transit, and participating in the Woodmont Avenue separated bicycle lanes. The Project does not propose any parking between the building and the street frontages.

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

The Project will provide a primarily residential building as well as a moderate amount of street-level retail. The height and density is compatible with the desired character of the Wisconsin Avenue Corridor District and the Project will serve as a transition between the Woodmont Triangle District and the more intense development of the Wisconsin Avenue Corridor to the south.

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

The Sector Plan identified several districts within Downtown Bethesda to guide development compatibility. The Subject Property is within the Wisconsin Avenue Corridor District, which is intended primarily for commercial uses, however, the entire district is envisioned as a symbolic downtown center that reflects the overall mixed-use character of Bethesda. The northern portion of the Wisconsin Avenue District, of which the Subject Property is a part, anticipates development activity that will increase the Downtown's employee, visitor, and residential base. The Project provides the appropriate land use, as recommended in the Sector Plan, and will add a significant amount of affordable housing, further diversifying the land use within the district.

- 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.*

Section 59.4.7.3.D.6.a.v. of the Zoning Ordinance states that a project providing a minimum of 20% MPDUs does not have to satisfy any other public benefit category. The Sketch Plan proposes 25% MPDUs, or Montgomery County Department of Housing and Community Affairs approved equivalent, on the Subject Property, and therefore does not have to satisfy any other category. The Bethesda Overlay Zone, however, requires that the Project satisfy the exceptional design and energy conservation and generation categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

b) General Development Requirements

i. *Site Access*

Vehicular site access will be provided via Woodmont Avenue. Pedestrian and bike access will be provided from the existing sidewalk and street network on both Woodmont Avenue and Wisconsin Avenue, and will be further enhanced by streetscape improvements. Site access will be safe and convenient.

ii. *Parking, Queuing, and Loading*

The development will provide parking and loading on-site in a safe and efficient manner. Final location, amount, and configuration will be determined at Site Plan.

iii. *Open Space and Recreation*

The Project is not required to provide public open space because the tract area is less than one acre and the Site has two or fewer frontages on public roadways (59.4.5.4.B.1.a). The Project will meet the Recreation Guidelines at the time of Site Plan.

iv. *General Landscaping and Outdoor Lighting*

The development will provide landscaping and outdoor lighting compatible with the surrounding development. Final design will be determined at Site Plan.

2. *substantially conform with the recommendations of the applicable master plan;*

As discussed in Finding 1.a. above, the Project substantially conforms to recommendations of the *2017 Bethesda Downtown Sector Plan*. The Project will increase the supply of housing to serve a variety of income levels, redevelop under-utilized properties, and provide streetscape improvements that improve the safety and character of the existing streets.

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 sets 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 typically requires a Park Impact Payment (PIP) of \$10/ square foot of BOZ density requested (which facilitates parkland acquisition in the downtown Bethesda area), however, this Application is exempt from the PIP payment because the Project will provide more than 25% MPDUs (59.4.9.2.C.3.c.iii). The Project is requesting an allocation of up to 219,130 square feet from the BOZ with the final amount of density allocated at the time of Site Plan.

3. *satisfy 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. *achieve compatible internal and external relationships between existing and pending nearby development;*

As conditioned, the conceptual building design will be compatible in height and scale with the existing and pending nearby development in the Wisconsin Avenue Corridor District and adjacent Woodmont Triangle District. The Project will further explore its relationship with the adjacent buildings as the design develops in advance of Site Plan review.

5. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Project appropriately locates

vehicular access and loading on Woodmont Avenue, thus eliminating curb cuts from Wisconsin Avenue, and accommodates the master planned Bus Rapid Transit Station at the corner of Cordell Avenue and Wisconsin Avenue along the Site frontage. Additionally, the Project will participate in the Woodmont Avenue separated bicycle lanes.

6. *propose 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, Staff 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, as described below. Sketch Plan establishes the public benefit categories with final public benefit points determined at the time of Site Plan.

Since the Project provides more than 20% MPDUs, the Bethesda Overlay Zone only requires that the Project satisfy the exceptional design and energy conservation and generation categories to achieve the desired incentive density above the standard method limit, however, the Applicant anticipates exceeding the minimum requirement by providing the public benefits listed in Table 2. Table 2 shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the project’s ability to meet the requirement to provide sufficient benefit points and differentiates between the required categories and “others provided” beyond the requirement of the zone.

**Table 2: Public Benefits
 Public Benefit Calculations**

Public Benefit	Incentive Density Points	
	Max Allowed	Requested
Required		
59.4.7.3D: Diversity of Uses and Activities		
Affordable Housing*	No Max	150
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design*	30	10
59.4.7.3F: Protection & Enhancement of the Natural Environment		
Energy Conservation and Generation*	25	15
Subtotal Required		175

Others Provided		
59.4.7.3C: Connectivity and Mobility		
Minimum Parking*	20	10
59.4.7.3E: Quality of Building and Site Design		
Structured Parking	20	20
Subtotal Other		30
Total Public Benefit Points		205

* *Sector Plan Priority*

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on site. This category is not required for the Project. Final determination will be made at Site Plan and Staff supports the Applicant’s request.

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 150 points for providing 25% Moderately Priced Dwelling Units (MPDUs), including studios, one-bedroom units, two-bedroom units, and three-bedroom units, in accordance with the CR Zone Incentive Density Implementation Guidelines. Points in this category are granted on a sliding scale at a rate of 15 points for every 1 percent of MPDUs greater than that required by law (59.4.9.2.C.3.d.ii). The final unit mix will be determined at Site Plan. Staff supports 150 points for this category.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 10 points for building or site design that provides innovative solutions in response to the immediate context; creates a sense of place; enhances the public realm; introduces materials, forms, or building methods unique to the immediate vicinity; designs compact, infill development; and integrates low-impact development. Per the CR Guidelines, incentive density of 10 points is appropriate for development that meets all of the guideline criteria available for the category. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel (DAP) review, which will award points at the time of Site Plan based on the quality of the design.

The DAP has reservations about the Project’s architectural concept, however, panelists felt that the Project satisfied the Sketch Plan requirements for this category and had the potential to achieve 10 points if the design is refined in accordance with the DAP’s comments and Bethesda Design Guidelines. Since the Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights, staff supports the Applicant’s request at this time.

Structured Parking: The Applicant requests 20 points for providing all parking in a below-grade parking structure. This category is not required for the Project. Staff supports this request at this time.

Protection and Enhancement of the Natural Environment

Energy Conservation and Generation: The Applicant requests 15 points for providing a project that exceeds the energy efficiency standards for new buildings by 17.5%. At the time of Site Plan, the Applicant will submit an energy use/generation model. This category is a priority in the Sector Plan and a requirement of the Bethesda Overlay Zone. Staff supports the Applicant's request at this time.

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

The Project will be built in one phase.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-4.5, Section 59-7.3, and the Sector Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-4.5, Section 59-7.3, or the Sector Plan. For the Board to approve an Applicant-proposed change of a binding element, it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Sector Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, the Sector Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-7.3.3.E, which provides that "to approve a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet

the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the Sketch Plan will satisfy all applicable requirements for site plan approval.

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 elements of the plans for Sketch Plan No. 320180120, 8000 Wisconsin Avenue, stamped received by the M-NCPPC as of the date of the Staff Report, are required except as modified herein; 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 MAY 24 2018 (which is the date that this Resolution is mailed to all parties of record).

* * * * *

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 Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, May 17, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board