



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

MCPB No. 19-091
Site Plan No. 820190040
8000 Wisconsin Avenue
Date of Hearing: July 18, 2019

JUL 25 2019

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 April 23, 2019, Aksoylu Properties ("Applicant") filed an application for approval of a site plan for a mixed-use residential building with up to 441 dwelling units (up to 410,000 square feet of residential uses), a minimum of 25% MPDUs, and up to 20,000 square feet of commercial uses on 0.94 acres of CR 3.0 C 3.0 R 2.75 H175' and CR 5.0 C 5.0 R 5.0 H175' within the Bethesda Overlay Zone, located between Wisconsin Avenue and Woodmont Avenue and south of Cordell Avenue ("Subject Property"), in the 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820190040, 8000 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 July 5, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 2019, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on July 18, 2019, the Planning Board voted to approve the Application subject to conditions, as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820190040 for a mixed-use residential building with up to 441 dwelling units (up to 410,000 square feet of residential uses), a minimum of 25% MPDUs, and up to 20,000 square feet of commercial uses in a building of up to 430,000 total square feet

Approved as to
Legal Sufficiency:

Christine Scott
www.montgomeryplanningboard.org

7/19/19

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department E-Mail: mcp-chair@mncppc-mc.org

and 301,048 square feet of Bethesda Overlay Zone Density, on the Subject Property, subject to the following conditions:¹

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan Amendment No. 32018012A.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120190060.

Density, Height & Housing

3. Density

The Site Plan is limited to a maximum of 430,000 square feet of total development on the Subject Property, including 410,000 square feet of residential uses, for up to 441 dwelling units and up to 20,000 square feet of non-residential uses.

4. Height

The development is limited to a maximum height of 199 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan. This height includes an additional 24 feet above the mapped height of 175 feet for the provision of MPDUs.

5. Bethesda Overlay Zone Density

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of this Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. In the event the final allocation of density from the BOZ is less than the approved amount, the Applicant may apply to reduce the allocation of density from the BOZ through a minor amendment (Consent agenda).

6. Public Benefits

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

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. **Connectivity between Uses, Activities, and Mobility Options**
 - i. **Minimum Parking** – The Applicant must not provide more than 311 parking spaces for the residential use and zero (0) parking spaces for the commercial uses.
- b. **Diversity of Uses and Activities**
 - i. The development must provide a minimum of 25% percent MPDUs consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving 24 feet of additional height to accommodate MPDUs.
 - ii. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
 - iii. The Planning Board accepts the recommendations of DHCA in its letter dated June 14, 2019 and 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 may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- c. **Quality Building and Site Design**
 - i. **Exceptional Design** – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan, as determined by Staff.
 - ii. **Structured Parking** – The Applicant must provide all parking spaces within the structured parking garage.
- d. **Protection and Enhancement of the Natural Environment**
 - i. **Energy Conservation and Generation** – The Applicant must construct the building to exceed the ASHRAE 90.1 energy efficiency standards for the building type by 17.5%, as determined by MCDPS.

7. **Recreation Facilities**

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

8. **Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements.

Site Plan

9. **Landscaping**

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

10. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
 - b. All on-site down-lights must have full cut-off fixtures.
 - c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
 - d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
 - e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated May 30, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Site Plan approval.

Environment

12. Noise Attenuation

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, 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 the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.

- c. 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.
- d. Before issuance of use and occupancy permit for noise impacted residential units, the Applicant must obtain certification that the noise impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

13. Green Cover

- a. The Applicant must provide a minimum of 10,229 square feet of Green Cover, which is equivalent to 35% of the site area, as illustrated on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches.

Transportation

14. Transportation

Before the release of any above grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

15. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 95 long-term and 7 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room within the garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's retail frontage and in a location convenient to the main residential entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

16. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated May 24, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

17. Development Program

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

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

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 stormwater management concept approval letter, development program, and Sketch Plan Resolution, Preliminary Plan resolution, and Site Plan resolution on the cover sheets.
- 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.
- f. Add a note to the Parking Calculation table that states, "In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail, no parking may be provided for the commercial use."

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820190040, 8000 Wisconsin Avenue, 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 binding elements of Sketch Plan No. 32018012A.

- 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. Development Standards

The Tract is approximately 0.94 acres or 40,788 gross square feet, zoned CR 3.0 C 3.0 R 2.75 H175', CR 5.0 C 5.0 R 5.0 H175', and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 1: Data Table

Project Data Table (Section 59.4)		
Development Standard	Permitted/ Required	Approved
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	n/a	8,000 (0.18)
Proposed Dedication		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	75,258 (1.85)
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	301,048 (7.38)
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 678 square feet per unit for all 111 MPDUs.

** Section 59.4.9.2.C.3.b eliminates the height requirement to the extent necessary to provide MPDUs beyond 15%. These additional 44 MPDUs account for an additional 29,832 square feet of residential density. Given the Project's estimated average floorplate is of 20,663 SF, the Applicant requests two additional floors (24 feet) of additional height to accommodate the additional MPDUs.

Table 1 (Continued): Parking

Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
Efficiency (67 market rate units); 22 MPDUS	(78 minimum/ 78 maximum)	--
1 Bedroom (167 market rate units); 56 MPDUS	(195 minimum/ 244 maximum)	--
2 Bedroom (96 market rate units); 33 MPDUS	(113 minimum/ 169 maximum)	--
3 Bedroom (0 market rate units); 0 MPDUS	--	--
Total Residential Parking (330 Market rate; 111 MPDUs)	(386 minimum/ 491 maximum) 309 Minimum	-- 311
Reduced 20% (Bethesda Overlay Zone)	0	0
Commercial (Ancillary Retail)¹	--	311
Total		
Bicycle Parking (Long Term/ Short Term)		
Residential (441 units)	(95/5) 100 ² (0/2) 2	(95/5) 100 (0/2) 2
Commercial		
Total Bicycle Parking	(95/7) 102	(95/7) 102
Loading Spaces	1	1

¹ In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail, no parking may be provided for the commercial use.

² Bicycle Parking requirement is limited to a maximum of 100 spaces.

b. General Requirements

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 typically requires a park impact payment of \$10/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. However, the Subject Application is not required to make a Park Impact Payment because the Project is providing more than 25% MPDUs (Section 59.4.9.2.C.3.c.iii.). The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

- ii. *Division 4.7. Optional Method Public Benefits*
 Since the Project provides more than 25% 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 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	Approved
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

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, and two-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). 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. A summary of the Project's architectural concept is provided below:

The Project is located within the middle of an urban block in Downtown Bethesda. This location presents some challenges to the Project's architecture because the two adjacent buildings (7900 Wisconsin Avenue, under construction; 8008 Wisconsin Avenue, approved but unbuilt) were approved under the previous sector plan and not subject to the current design guidelines. In response to these buildings, the Project seeks to harmonize the proposed building with the previous approvals by bringing a new and distinctive aesthetic to the block.

To achieve a coherent, singular solution, the Applicant has designed the building above a highly articulated base and around a central glazed spine. The Project's highly articulated base measures two stories in height and presents a continuous and engaging façade at the pedestrian scale. Along Wisconsin Ave, the façade contributes to a consistent street wall. Along Woodmont Avenue, the façade is broken-down by presenting several distinct building masses and step-backs, a design aesthetic that helps to animate the through-block connection at 7900 Wisconsin Avenue. In response to the adjacency of the balconies on the 7900 Wisconsin building, the Project is pulled back along the upper floors. This architectural detail maximizes the amount of exposure for the neighboring residential units.

As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel (DAP) review and must achieve a minimum of 10 points. The DAP reviewed the Project over the course of several meetings, culminating with a favorable recommendation of 10 points at its November 28, 2018 meeting. Based on the materials submitted with the Application and the DAP's recommendation, Staff supports the Applicant's request for 10 exceptional design points.

Protection and Enhancement of the Natural Environment

Energy Conservation and Generation: The Applicant requests 15 points for providing a project that exceeds the ASHRAE 90.1 energy efficiency standards for new buildings by 17.5% through the use of high efficiency building materials and mechanical systems. This category is a priority in the Sector Plan and a requirement of the Bethesda Overlay Zone. Staff supports 15 points in this category.

Other Public Benefit Point Categories Provided

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. 10 points are appropriate for this category based on the following calculation:

$$\begin{aligned} &[(\text{Maximum Allowed} - \text{Proposed}) / (\text{Maximum Allowed} - \text{Minimum Required})] * 10 \\ &[(491 - 311) / (491 - 309)] * 10 = 10 \text{ points} \end{aligned}$$

This category is not required for the Project due to the provision of 25% MPDUs, however, this element of the project will contribute positively to Downtown Bethesda. Staff supports 20 points in this category.

Quality of Building and Site Design

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 due to the provision of 25% MPDUs, however, this element of the project will contribute positively to Downtown Bethesda. Staff supports 20 points in this category.

iii. Division 6.1. Site Access

Vehicular access to the Property is proposed directly from Woodmont Avenue through a consolidated garage access point and loading bay (two separate, but adjacent entrances) at the southwestern corner of the Site. This configuration is driven by the Site's proximity to the nearby intersections, existing access points on Woodmont Avenue, and a desire to restrict vehicular access on Wisconsin Avenue near the master planned Bus Rapid Transit Station.

iv. Division 6.2. Parking, Queuing, and Loading

Parking for the residential building will be provided in a below-grade facility. Vehicular and loading access will occur via Woodmont Avenue.

v. Division 6.3. 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 Application is in conformance with the Recreation Guidelines, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 8751). The Applicant is providing bicycle amenities; indoor community spaces, including lounges and an internet café; interior courtyards; and rooftop amenities, including an outdoor pool. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

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

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along the Wisconsin Avenue and Woodmont Avenue frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

1. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on May 21, 2019. The Preliminary Plan proposes to meet stormwater management requirements through the use of green roof and micro-bioretenion. Due to site limitations and an existing shallow storm drain, full treatment cannot be provided and therefore a partial waiver was granted by MCDPS.

2. *Chapter 22A, Forest Conservation.*

There are no environmentally sensitive features, such as streams, wetlands floodplains or associated buffers, associated with the site. The site is located within the Rock Creek watershed, a Use I watershed. This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less

than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. Forest conservation exemption 42018105E was confirmed on December 14, 2017.

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the garage and loading entrances on Woodmont Avenue to limit impacts to the pedestrian environment and improves public streetscape along its frontages. The Building provides entrances along both its Wisconsin Avenue and Woodmont Avenue façades to contribute to an active streetscape. The Project provides a safe and well-integrated building and site amenities. The Project presents as a high-rise building above an articulated base and provides amenities for the residents of the Project internal to the building and on the rooftop.

- b. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in the findings associated with Preliminary Plan No. 120190060, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a residential development with up to 441 multi-family residential dwelling units with 25% MPDUs, up to 20,000 square feet of retail uses, as well as underground parking and on-site amenities for the residents.

- c. *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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120190060 findings, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- d. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- e. on a property in all other zones, is compatible with existing, 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 Project's design and scale is compatible with adjacent buildings in the Wisconsin Avenue District.

- 1. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 2. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail / Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

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 JUL 25 2019 (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 Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Cichy and Paterson voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Fani-González absent, at its regular meeting held on Thursday, July 18, 2019, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board