



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

MCPB No. 20-029  
Preliminary Plan No. 120200090  
7000 Wisconsin Avenue  
Date of Hearing: April 23, 2020

APR 30 2020

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on December 30, 2019, Starr Capital, LLC and Woodfield Development Company, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.71 acres of land in the CR 3.0 C 3.0 R 2.75 H120 zoned-land within the Bethesda Overlay Zone, located on Wisconsin Avenue, approximately 500 feet south of Woodmont Avenue ("Subject Property"), in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120200090, 7000 Wisconsin Avenue ("Preliminary 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 8, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 23, 2020, 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, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120200090 to create one (1) lot on the Subject Property, subject to the following conditions:<sup>1</sup>

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

1. This Preliminary Plan is limited to one (1) lot for up to 210,000 square feet of total development, comprised of up to 200,000 square feet of residential uses (200 multifamily units), and up to 10,000 square feet of ground floor, ancillary retail space.
2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board's Resolution.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 10, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in an email, dated March 13, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the email, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated March 10, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320190090 as listed in the MCPB Resolution No. 19-092 dated July 25, 2019.

9. Before recordation of a plat or issuance of any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of Site Plan No. 820200090.
10. If an approved Site Plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan amendment.
11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a. A dedication of the Wisconsin Avenue frontage necessary to provide the Sector Plan-recommended 60-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
  - b. All land necessary to accommodate twenty feet from the opposite right-of-way line along the Subject Property frontage for the public alley.
12. The record plat must show necessary easements.
13. The Applicant must include the stormwater management concept approval letter and any other applicable agency letters and Preliminary Plan Resolution on the approval or cover sheet(s).
14. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

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 layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The proposed lot size, width, shape, orientation, and density are appropriate for the location of the subdivision considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lots were reviewed and found to be in compliance with the dimensional requirements for the CR zone, as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Preliminary Plan Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Property is designated as Site 109, on page 99 of the Sector Plan, within the area identified as the "Wisconsin Avenue District," the main artery through the center of Downtown Bethesda. The Sector Plan generally recommends increasing:

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.

Specifically, the Project addresses the following goals as outlined in the Wisconsin Avenue District section of the Sector Plan:

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

The Project allows for redevelopment of low-rise commercial buildings and an ancillary surface parking lot with multifamily residential uses and activating ground-floor retail uses.

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



The Project will add a minimum of 17.6% Moderately Priced Dwelling Units (MPDUs), which amounts to 36 units, within walking distance to the future southern entrance to the Bethesda Metro Station and the future Purple Line 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 includes a mix of residential and retail uses that are appropriate for this area of Downtown Bethesda. The redevelopment of an underutilized commercial site with surface parking with multifamily dwelling units and ground-floor retail is compatible with the adjacent residential, office, and retail uses. The Project will provide a building of up to 122 feet in height through the provision of greater than 17.5% MPDUs, with building heights stepping up to over 200 feet in the urban core of Downtown Bethesda just several blocks to the north. The combination of multifamily dwelling units, ground floor retail uses, and amenities proposed for the Project will create an appropriate transition between the Wisconsin Avenue Corridor district and the South Bethesda district south west 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 rooftop planters are proposed to cover a minimum of 35% of the Property's lot area to increase the overall green cover. Dedication along Wisconsin 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 the Wisconsin Avenue Corridor district.

- *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 dedication and the undergrounding of existing utilities, along Wisconsin Avenue and the public alley, will help to improve the pedestrian zone lined with street trees, planting, and

furnishings. In addition to providing right-of-way dedication, 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.*

As presented to the Design Advisory Panel on January 22, 2020 and included in the submittal materials as of the date of the Staff Report, the Project satisfies the Bethesda Design Guidelines and Sector Plan recommendations. By providing a building that is up to 122 feet in height, through the provision of greater than 17.5% MPDUs, the development places most of the height along Wisconsin Avenue and provides a transition to the higher heights along Wisconsin Avenue to the north.

The Preliminary Plan Application substantially conforms with 2017 *Bethesda Downtown Sector Plan*, including the specific density recommendations, applicable urban design, roadway, and general recommendations outlined in the Sector Plan for the Subject Property.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Vehicular access to the Property is proposed directly from the public alley, along the Site's western façade, through a consolidated garage access point and loading bay (two separate, but adjacent entrances). Pedestrian and bicycle access to the Property will be provided along Wisconsin Avenue and the proposed pedestrian midblock connection.

The Project includes two bicycle parking rooms on level P1 of the onsite parking garage to provide long-term bicycle storage for the residents. Bicyclists will access the room from via the residential lobby on Wisconsin Avenue. The bicycle parking rooms will provide secure, private parking for 96 bikes and the proposed layout meets the design and capacity standards set by the Zoning Ordinance. The final number of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the final number of residential dwelling units.

#### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located less than a half-mile to the north of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

*Master Plan Roadways and Pedestrian/Bikeway Facilities*

The 2017 *Bethesda Downtown Sector Plan* recommends the following Sector Plan facilities along Property frontage:

1. Wisconsin Avenue, along the western site frontage, as a major highway (M-6) with a minimum right-of-way width of 120 feet.
2. There are no specific recommendations for the public alley between Woodmont Avenue and Bradley Boulevard; however, dedication is required by MCDOT to achieve the design standard for a 20-foot-wide two-way public alley.

*Sector-Planned Transportation Demand Management*

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55 percent, averaged between employees and residents of Downtown Bethesda. In order to meet this goal, Downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a development with more than 40,000 square feet of proposed density, the Project is required to coordinate with an approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the Bethesda TMD.

*Parking Recommendations*

The Sector Plan recommends each application in downtown Bethesda promote a constrained parking policy that supports a transit-oriented downtown. This is done by providing parking below the minimum and exploring opportunities for co-location of public facilities on Parking Lot District properties and facilities. As a project within the Bethesda Overlay Zone, the Applicant is receiving a 20% reduction in the number of spaces required and is providing a maximum of 139 spaces in a below-grade garage, which is below the minimum required consistent with the Zoning Ordinance.

*Adequate Public Facilities*

The Project is estimated to generate a net decrease of 113 morning peak-hour person trips (43 fewer vehicle trips) and a net decrease of 66 evening peak-hour trips (21 fewer vehicle trips) when compared to existing uses on the Site. Since the Project will generate fewer than 50 net new person trips, the Local Area Transportation Review was satisfied with a transportation exemption statement, dated May 17, 2019.

**School Capacity**

Preliminary Plan No. 120200090, 7000 Wisconsin Avenue, is scheduled to be reviewed by the Planning Board on April 23, 2020. Therefore, the FY20 Annual School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019 is applicable. The Application proposes development of 200 multifamily high-rise units.



### Calculation of Student Generation

To calculate the number of students generated by the Project, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

#### *Per Unit Student Generation Rates – Southwest Region*

	Elementary School	Middle School	High School
SF Detached	0.186	0.109	0.151
SF Attached	0.167	0.085	0.111
MF Low-Rise	0.150	0.068	0.085
MF High-Rise	0.041	0.018	0.025

With a net increase of 200 multifamily high-rise units, the Project is estimated to generate 8 new elementary school students, 3 new middle school students, and 5 new high school students.

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.186	0.000	0.109	0.000	0.151	0.000
SF Attached	0	0.167	0.000	0.085	0.000	0.111	0.000
MF Low-Rise	0	0.150	0.000	0.068	0.000	0.085	0.000
MF High-Rise	200	0.041	8.200	0.018	3.600	0.025	5.000
<b>TOTAL</b>	<b>200</b>				<b>3</b>		<b>5</b>

### Cluster Adequacy Test

The Project is located in the Bethesda-Chevy Chase High School (B-CC) Cluster. The student enrollment and capacity projections from the FY20 Annual School Test for the B-CC Cluster are noted in the following table:



School Level	Projected Cluster Totals, September 2024			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary <sup>2</sup>	3,714	4,020	92.4%	1,111	8
Middle	1,917	2,024	94.7%	511	3
High	2,410	2,457	98.1%	538	5

The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle, and high school cluster levels to accommodate the estimated number of students generated by this Project.

#### Individual School Adequacy Test

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS, respectively. Based on the FY20 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2024				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Bethesda ES	731	698 <sup>3</sup>	104.7%	-33	107	8
Westland MS	899	1,089	82.6%	+190	408	3

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of

<sup>2</sup> The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda ES and a four-classroom placeholder project at Somerset ES included by the County Council in the FY20 Capital Budget.

<sup>3</sup> The projected Bethesda ES capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY2019-2024 Capital Improvements Program.

this Application fall below the moratorium thresholds for both Bethesda ES and Westland MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this Project.

#### **Analysis Conclusion**

Based on the school cluster and individual school capacity analysis performed, using the FY20 Annual School Test, there is adequate school capacity for the amount and type of development proposed by the Subject Application.

#### **Other Public Facilities**

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

##### **A. Forest Conservation**

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.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on March 10, 2020. The Applicant will meet stormwater management requirements through the use of green roof and micro-bioretenction planter boxes. Due to site limitations and an existing shallow storm drain, full treatment cannot be provided and therefore a partial waiver was granted by MCDPS.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 APR 30 2020 (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 Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson voting against, and Vice Chair Fani-González absent at its regular meeting held on Thursday, April 23, 2020, in Silver Spring, Maryland.



\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board