



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 20-030
Site Plan No. 820200090
7000 Wisconsin Avenue
Date of Hearing: April 23, 2020

APR 30 2020

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 December 30, 2019, Starr Capital, LLC and Woodfield Development Company, LLC ("Applicant") filed an application for approval of a site plan for a mixed-use building, measuring up to 122 feet in height, with up to 200 multifamily dwelling units (up to 200,000 square feet of residential uses), a minimum of 17.6% MPDUs, and up to 10,000 square feet of commercial uses 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 site plan application was designated Site Plan No. 820200090, 7000 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 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 at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200090 for a mixed use building, measuring up to 122 feet in height, with up to 200 multifamily dwelling units (up to 200,000 square feet of residential uses), a

minimum of 17.6% MPDUs, and up to 10,000 square feet of commercial uses, 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 No. 320190090 as listed in the MCPB Resolution No. 19-092 dated July 25, 2019.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120200090.

Density, Height & Housing

3. Density

The Site Plan is limited to a maximum of 210,000 square feet of total development on the Subject Property, including a maximum of 200,000 square feet of residential uses, for up to 200 dwelling units, and up to 10,000 square feet of non-residential uses.

4. Height

The development is limited to a maximum height of 122 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan. This height includes an additional 12 feet above the Sector Plan recommended height of 110 feet for the provision of MPDUs above 17.5%.

5. Bethesda Overlay Zone Density

- a. The Planning Board approves 117,069 square feet of Bethesda Overlay Zone (BOZ) density for this Application.
- b. 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 mailing date of the Planning Board's 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.
- c. 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.

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.

6. Park Impact Payment

The Applicant must pay to the M-NCPPC a Park Impact Payment of \$970,043, prior to release of the first above-grade building permit, or as may be adjusted through a minor amendment as set forth in Condition 5.c above.

7. Public Benefits

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

a. Connectivity between Uses, Activities, and Mobility Options

- i. Minimum Parking – The Applicant must provide no more than 139 parking spaces for the residential use and no parking spaces for the commercial use is to be provided.
- ii. Through-Block Connections – The Applicant must provide the pedestrian connection between Wisconsin Avenue and the public alley along the west Site frontage, as shown on the Certified Site Plan. The through-block connection will be implemented in two phases and will include an “interim” and “ultimate” condition. The portion of the connection improved with the ultimate condition, as part of the Subject Application, is located between Wisconsin Avenue and the ADA accessible lift and has a minimum width of 20 feet. The portion of the connection improved with the interim condition, as part of the Subject Application, is located between the ADA accessible lift and public alley and has a minimum width of 7 feet (to be widened with redevelopment of the property to the north). The through-block connection must remain open to the public between the hours of 8:00 AM and 9:00 PM, have an ADA accessible lift open to the public, and have a minimum of 35% of walls facing the pathway have unobstructed windows.

b. Diversity of Uses and Activities

i. Affordable Housing/MPDUs

- a) The development must provide a minimum of 17.6 percent MPDUs consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
- c) The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated March 20, 2020 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 Planning Board has reviewed and accepts the recommendations of the Design Advisory Panel as described in their memorandum, dated January 22, 2020, and incorporates them as conditions of approval.
 - a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
 - b) Any significant changes to the design must be presented to the Design Advisory Panel and approved by M-NCPPC Staff prior to certification of the Site Plan, and significant changes to the design may require a Site Plan Amendment.
 - ii. **Public Open Space** – The Applicant must provide a minimum of 1,440 square feet of public open space (7 percent of the Site area) on-site.
 - iii. **Structured Parking** – The Applicant must provide all parking within a below-grade garage, as shown on the Certified Site Plan.
- d. **Protection and Enhancement of the Natural Environment**
 - i. **Building Lot Terminations (BLTs)** – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.4631 BLTs to MCDPS and M-NCPPC staff.
- e. **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.

8. **Recreation Facilities**

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

9. **Public Open Space, Facilities, and Amenities**

- a. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Wisconsin Avenue and the public alley along the western frontage, consistent with the 2019 Bethesda Streetscape Standards.
- b. Before the issuance of the final residential use and occupancy certificate, all public open space areas on the Subject Property must be completed.

10. **Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements and the through-block pedestrian connection.

Site Plan

11. 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 first growing season after completion of site work.

12. 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 or BUG-equivalent 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.
13. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated March 5, 2020 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

14. 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 M-NCPPC 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 the 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.

15. Green Cover

- a. The Applicant must provide a minimum of 7,017 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 6 inches.

Transportation

16. Transportation

Before the release of any above-grade building permit, the Applicant must coordinate with and gain approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55 percent Non-Auto Drive Mode Share (NADMS).

17. Pedestrian & Bicycle

The Applicant must provide a minimum of 96 long-term and six short-term bicycle parking spaces (three inverted-U racks or Staff approved equivalent) in the following configuration:

- a. 96 long-term bicycle parking spaces in secured, well-lit bicycle room(s) located in the garage, and
- b. Six short-term bicycle parking spaces installed in a location convenient to the main entrances (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

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

The Planning Board has reviewed and accepts the approval of the Montgomery County Department of Permitting Services Right-of-Way (DPS-ROW) Section in its memo dated February 10, 2020.

19. 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.

20. 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, and storm drainage facilities. The surety must be posted before issuance of any building permit for 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 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.

21. 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. Garage design issues comments to be resolved with Applicant.
- b. Include the stormwater management concept approval letter and other applicable approval letters, development program, Sketch Plan Resolution, Preliminary Plan resolution, and Site Plan resolution on the cover sheets.
- 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."
- g. Submit a Loading Management Plan that sets forth specific measures to limit disruption from on-site loading and service activities within the public alley right-of-way.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820200090, 7000 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. 320190090.

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 Subject Property includes approximately 0.71 acres zoned CR 3.0 C 3.0 R 2.75 H120 and is within the Bethesda Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

Table 1: 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 H120		
Total Tract Area	n/a	30,977 sf (0.71)
Site Area (Square Feet/ Acres) Prior Dedication Proposed Dedication Site Area (Tract Area – Dedications)	n/a	8,981 sf (0.21) 1,950 sf (0.04) 20,046 sf (0.46)
Residential Density (GFA/ FAR)	85,187 sf (2.75)	200,000 sf (6.45)
Commercial Density (GFA/ FAR)	92,931 sf (3.0)	10,000 sf (0.32)
Total Mapped Density (GFA/FAR)	Residential 85,187 sf (2.75) Commercial 92,931 sf (3.0) 92,931 sf (3.0)	82,931 sf (2.68) 10,000 sf (0.32) 92,931 sf (3.0)
MPDU Density (GFA/FAR)	15%	17.6% (36 units) 29,520 sf (0.95)¹
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	117,069 sf (3.77)
Total GFA/ FAR	n/a	210,000 (6.77)
Building Height	110 feet ²	122 feet ³
Public Open Space (min)	0%	7% (1,440 sf)
Green Cover	35%	35% (7,017 sf)
Minimum Setbacks	n/a	0

¹ MPDU density, assumed at an average size of 820 square feet per unit for all 36 units (6 units above 15% requirement).

² The Sector Plan limits height to 110 feet because the Project does not provide a movie theater.

³ Section 59.4.9.2.C.3.b eliminates the height requirement to the extent necessary to provide MPDUs beyond 15%. These additional 6 MPDUs account for an additional 4,920 square feet of residential density. Given the Project's estimated average floorplate is of 15,496 SF, the Applicant requests one additional floor (12 feet) of additional height to accommodate the additional MPDUs.

Table 1 (Cont.): Parking		
Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
Efficiency (38 market rate units); 8 MPDUS	(42 minimum/ 46 maximum)	--
1 Bedroom (98 market rate units); 22 MPDUS	(109 minimum/ 150 maximum)	--
2 Bedroom (28 market rate units); 6 MPDUS	(31 minimum/ 51 maximum)	--
	--	--
Total Residential Units (164 Market rate; 36 MPDUS)	(182 minimum/ 247 maximum)	--
Reduced 20% (Bethesda Overlay Zone)	146 Minimum	139
Commercial (Ancillary Retail) ⁴	0	0
Total	146	139⁵
Bicycle Parking (Long Term/ Short Term)		(95/5) 100
Residential (200 units)	(95/5) 100 ⁶	(1/1) 2
Commercial (10,000 SF)	(1/1) 2	(96/6) 102
Total Bicycle Parking	(96/6) 102	
Loading Spaces	1	1

⁴ In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail, no parking may be provided for the commercial use.

⁵ The Project is providing less parking than the minimum requirement in support of the Sector Plan recommended constrained parking policy and due to the Site's location within the Bethesda Parking Lot District.

⁶ Bicycle Parking requirement is limited to a maximum of 100 spaces.

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 (PIP) of \$11.08/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

i. Division 4.7. Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the requirements: Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection of the Natural Environment.

Table 2: Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved
59.4.7.3C: Connectivity and Mobility		
Minimum Parking ¹	20	17
Through-Block Connections ¹	30	20
59.4.7.3D: Diversity of Uses and Activities		
Affordable Housing ¹	unlimited	39
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design ¹	30	10
Public Open Space ¹	30	7.2
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	4.2
Energy Conservation and generation ¹	25	15
TOTAL		132.4

¹Denotes Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 17 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. Based on the formula set forth in the 2017 *Commercial/ Residential and Employment Zones Incentive Density Implementation Guidelines*, provided below, Staff recommends 17 public benefit points in this category.

$$\frac{[(\text{Maximum Allowed Parking}) - (\text{Parking Provided})]}{[(\text{Maximum Allowed Parking}) - (\text{Minimum Parking})]} * 10$$

$$(212 - 139) / (212 - 169) * 10 = 17 \text{ points}$$

Through Block Connection: The Applicant requests 20 points for providing a through-block connection between Wisconsin Avenue and the public alley along the western façade, as envisioned in the Sector Plan. This connection will link the Wisconsin Corridor and points east with the South Bethesda District, to the west. Points for this incentive are granted on criteria such as public access, minimum width, and minimum hours of operation, as determined by the Guidelines.

The portion of the through block connection associated with the Subject Application measures two-stories in height and a minimum of 20 feet in width. The through-block connection will be implemented in two phases and will include an “interim” and “ultimate” condition. The portion of the connection improved with the ultimate condition, as part of the Subject Application, is located between Wisconsin Avenue and the ADA accessible lift and has a minimum width of 20 feet. The portion of the connection improved with the interim condition, as part of the Subject Application, is located between the ADA accessible lift and public alley and has a minimum width of 7 feet (to be widened with redevelopment of the property to the north). The through-block connection must remain open to the public between the hours of 8:00 AM and 9:00 PM; have an ADA accessible lift open to the public; and have a minimum of 35% of walls facing the pathway have unobstructed windows. Final design of the ultimate limits of the through-block connection, associated with the adjacent future redevelopment site to the north, will be determined when that property seeks development approval. Staff recommends 20 points for this category.

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 39 points for providing 17.6% Moderately Priced Dwelling Units. Based on the formula set forth in the Commercial/ Residential and Employment Zone Incentive Density Implementation Guidelines, provided below, the Applicant is eligible for 39 points in this category:

$$(((\% \text{ of MPDUs Provided} - \% \text{ of MPDUs Required}) * 15) + ((\% \text{ of 2BR MPDUs}) * 2)) \\ (17.6\% - 15\%) * 15 = 39 \text{ points}$$

Staff recommends that the Applicant be awarded 39 points in the Affordable Housing category.

Quality of Building and Site Design

Exceptional Design: The Applicant initially requested 20 points for a building or site design that enhances the public realm in a distinct and original manner, however, this request was reduced to 10 points as part of the subsequent plan review. The Applicant presented this Project to the Design Advisory Panel on four occasions, including the Sketch Plan sessions, and actively participated in an iterative public design process to achieve the goals set forth in the Sector Plan.

As evaluated through the exceptional design criteria, the Project incorporates a high quality of articulation, streetscape, and material transitions. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which recommended the following during their meeting on January 22, 2020:

1. The Panel acknowledges this site has been extremely difficult to develop due to site constraints and economic viability and appreciates the Applicant's efforts to address their concerns.
2. The Panel votes to support 10 Exceptional Design points, 3 in support (2 members would have supported 15), with the following conditions.
 - i. Demonstrate articulation on north and south façade walls either through grid, mural, or another visual amenity.
 - ii. There must be no blank walls in interim condition (before buildings develop alongside).

Additional context and discussion for the DAP's recommendations are included in the attached DAP meeting summary.

Public Open Space: The Applicant requests 7.2 points for providing public open space in excess of the Zoning Ordinance requirement (0%). Points for this category are granted on a sliding scale, based on the percentage of the lot area and other criteria listed in the Implementation Guidelines. The Applicant has designed the through block connection to also be utilized as public space according to the Implementation Guidelines. Based on the following formula, Staff supports 7.2 points for this category.

$$\begin{aligned} & (\text{Open Space/ Site Area}) * 100 \\ & ((1,440 \text{ sq. ft.} / 20,046 \text{ sq. ft.}) * 100) = 7.2 \end{aligned}$$

Structured Parking: The Applicant requests 20 points for providing all parking within a below-grade parking structure. The Applicant satisfies the requirements for 20 points because all on-site parking is provided in a below-grade garage. Staff supports 20 points in this category based on the following formula:

$$\begin{aligned} & [(\text{Above Grade Parking/ Total Parking}) * 10] + [(\text{Below Grade Parking/} \\ & \quad \text{Total Parking}) * 20] \\ & ((0/139) * 10) + [(139/139)] * 20 = 20 \text{ points} \end{aligned}$$

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 4.2 points for the purchase of 0.4631 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Based on the calculation set forth in Section 59.4.7.3.F of the Zoning Ordinance, staff supports 4.2 points for this category.

$$\begin{aligned} &(((\text{Incentive Density} - \text{Standard Method Density}) * 7.5\%) / \\ &31,500) * 9 = \\ &(((194,512 \text{ sf}) - (15,488 \text{ sf})) * 7.5\%) / 31,500 * 9 = 4.16 \text{ points} \end{aligned}$$

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%. The Applicant submitted an energy use/ generation model with the Site Plan, which was accepted by the Department of Permitting Services. This energy model will be updated and finalized prior to issuance of the first above-grade building permit. This category is a priority in the Sector Plan and a requirement of the Bethesda Overlay Zone. Staff supports 15 points for this category.

b. General Requirements

i. *Site Access*

Pedestrian access to the Site will be from the established sidewalk network along Wisconsin Avenue and from partial implementation of a new through-block connection along the north side of the Site. The ultimate limits of the passageway will be established when the adjacent property, to the north, seeks development approval. The Wisconsin Avenue streetscape will be enhanced, consistent with the Bethesda Streetscape Standards. Bicycle parking for residents will be provided within the parking structure and publicly accessible short-term bicycle parking will be provided near building front entrance.

Vehicular access and loading operations will occur directly from an existing 20-foot public alley along the rear (west) side of the Site in the following configuration: Loading and garage access will be provided directly from the alley via two adjacent, but separate access points. This is in compliance with the Zoning Ordinance requirements, set forth in Section 59.6.1.4.C, Driveway Access, which states, "If on-site parking is accessible from an improved alley with a right-of-way at least 20 feet in width: 1. Access must be from the public alley."

This access configuration is designed to eliminate an existing vehicular access point on Wisconsin Avenue, which will minimize interruptions to the pedestrian realm and supports the pedestrian and transit-oriented nature of Downtown Bethesda. Additionally, the elimination of the curb cut along Wisconsin Avenue will reduce potential conflicts between vehicles entering/ leaving the site and adjacent street traffic. The alley is currently improved between Woodmont Avenue and Bradley Boulevard (MD 191) and serves as primary vehicular and service access to the "Adagio," on the 6800 Block of Wisconsin Avenue, primary vehicular access for the residential block on the west side of the alley, and service access for many of the existing commercial buildings within the 7000 Wisconsin Avenue block, between the alley and Wisconsin Avenue. The Subject Application proposes pulling the new building façade away from the alley right-of-way an additional 4.5 feet, for the first two floors, to provide additional room to maneuver within the alley. As a result of the Project, the clear width within the alley along the Subject Property varies between 25 feet and 30 feet.

ii. *Parking, Queuing, and Loading*

Parking for the residential building will be provided in a below-grade facility. Vehicular and loading access will occur via the public alley along the Subject Property's western façade. The development will be subject to a loading management plan that sets forth specific measures to limit disruption from on-site loading and service activities within the public alley right-of-way.

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), however they are providing 1,440 square feet of public open space in the form of a Sector Plan recommended through block connection. The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 12475). The Applicant is providing bicycle amenities, indoor community spaces, including lounges and a fitness space, and interior courtyards with grills and rooftop amenities, among other elements. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

iv. *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 Wisconsin Avenue with new street trees, improved, wider sidewalks, street lighting, and street furniture. The Project will also provide a new through-block pedestrian connection, as recommended by the Sector Plan. 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.

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

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on March 10, 2020. The Applicant proposes to meet stormwater management requirements through the use of green roof and micro-bioretenention 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.

b. Chapter 22A, Forest Conservation

There are no environmentally sensitive features, such as streams, wetlands, floodplains, or associated buffers, associated with the site. This Project is subject to 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 development 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. Staff confirmed Forest Conservation Exemption 42019148E on April 1, 2019.

6. *The development 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 the public alley to limit impacts to both the pedestrian environment and Wisconsin Avenue corridor. Additionally, the Project improves public streetscape along its three frontages. The building provides entrances along each of its Wisconsin Avenue, through-block pedestrian connection, and public alley facades to contribute to an active streetscape. The Project provides a safe and well-integrated building and site amenities. The Project architectural massing presents as a high-rise building above an articulated base that conforms with existing and anticipated development within the Wisconsin Avenue Corridor District and provides amenities for the residents of the Project internal to the building and on the rooftop.

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

As discussed in the Preliminary Plan 120200090 findings of this Staff Report, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a residential development with up to 200 multifamily residential dwelling units with a minimum of 17.6% MPDUs, up to 10,000 square feet of non-residential uses, as well as underground parking and on-site amenities for the residents.

Further, the Applicant will provide a minimum of 35% of the Site Area (7,017 square feet) of Green Cover to meet the 35% Green Cover requirement set forth in Section 2.4.1 of the Sector Plan and Section 2.3.2 of the associated Design Guidelines. In response to this requirement, the Application proposes an intensive green roof, with a minimum depth of 6-inches, on portions of the building.

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

As discussed in the Preliminary Plan No. 120200090 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.

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 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