



## 7272 Wisconsin Avenue (The Wilson and The Elm)

### Preliminary Plan Limited Amendment No. 12016038A and Site Plan Limited Amendment No. 82016020B



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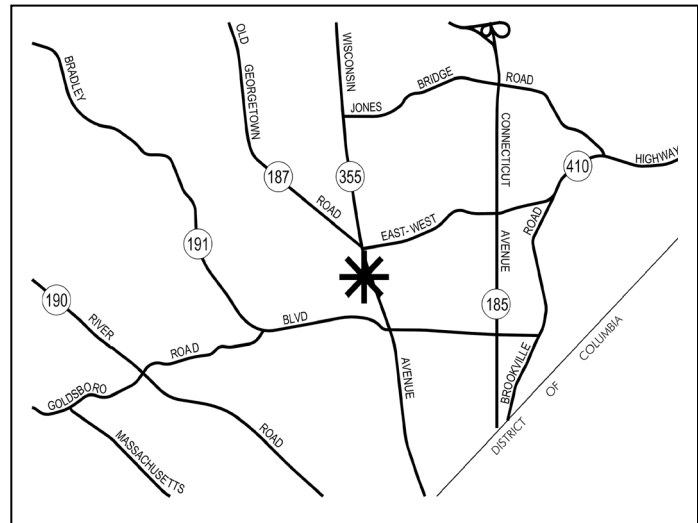
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Completed: 6.5.20

- Amendment to reduce the overall number of multi-family dwelling units, from 480 to 456, and allow an option that up to 80 dwelling units may serve as hotel (short-term rental) units. No changes are proposed to the previously approved commercial uses through the subject amendments;
- Located in the southwest quadrant of the Wisconsin Avenue and Elm Street intersection;
- 2.69 acres zoned CR 8.0 C 7.5 R 7.5 H 290 and Bethesda Overlay Zone in the 2017 *Bethesda Downtown Sector Plan* area;
- Applicant: CP 7272 Wisconsin Avenue, LLC c/o Carr Properties;
- Acceptance Date: February 21, 2020;
- Review Basis: Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance.



### Summary

- Staff Recommends **Approval** of the Preliminary Plan Amendment and Site Plan Amendment, with conditions.
- The Planning Board approved the original applications and previous amendments prior to the 2017 *Bethesda Downtown Sector Plan* and the creation of the Bethesda Overlay Zone (BOZ), which raised the minimum percentage of MPDUs from 12.5% to 15%. As the BOZ does not contain grandfathering provisions, this application is subject to the requirements of the overlay zone.
- In addition to reducing the maximum number of dwelling units, the Applicant is requesting approval of an option to convert up to 80 multi-family dwelling units to hotel (short-term rental) units, which may be invoked and revoked by the Applicant at their discretion without further approval by Planning Staff or the Planning Board. While invoked, the Applicant must provide 15% of the non-hotel units as MPDUs. When revoked, the Applicant must provide the originally approved 12.5% MPDUs. With the revised unit counts proposed by this amendment, the required number of MPDUs in either scenario is the same (57 units).
- The short-term rental use is classified as a “hotel” use in accordance with Section 59.3.5.6.C., though all of the units in the building will be comparable in design.
- Staff has received correspondence on the Subject Amendments raising concern about potential impacts to affordable housing.

## SECTION 1: RECOMMENDATION AND CONDITIONS

### **Preliminary Plan Amendment No. 12016038A**

Staff recommends approval of Preliminary Plan Amendment No. 12016038A, 7272 Wisconsin Avenue, to reduce the overall maximum number of multi-family dwelling units, from 480 to 456, and allow the Applicant the option to convert up to 80 of the dwelling units for use as hotel units. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required. The Amendment modifies the following conditions, all other conditions of previous approvals remain valid and binding. In the event of a conflict between the following condition and those of previous approvals, the conditions as amended shall control.

1. This Preliminary Plan is limited to one lot with up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 456 multi-family dwelling units. The Applicant may convert up to 80 multi-family dwelling units to hotel (short-term rental) units, to be invoked and revoked at their discretion without further approval by Planning Staff or the Planning Board. While invoked, the Applicant must provide 15% of the non-hotel units as MPDUs. When revoked, the Applicant must provide the originally approved 12.5% of the units as MPDUs.
17. Before approval of the Certified Preliminary Plan the following revisions must be made and/or information provided subject to Staff review and approval:
  - a. Include the Preliminary Plan resolution on the cover sheet(s).
  - b. Modify the data table to reflect development standards approved by the Planning Board.

### **Site Plan Amendment No. 82016020B**

Staff recommends approval of Site Plan Amendment No. 82016020B, 7272 Wisconsin Avenue, to reduce the overall maximum number of multi-family dwelling units, from 480 to 456, and allow the Applicant the option to convert up to 80 of the dwelling units for use as hotel units. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required. The Amendment modifies the following conditions, and all conditions of previous approvals remain valid and binding. In the event of a conflict between the following condition and those of previous approvals, the conditions as amended shall control.

#### **13. Density and Housing**

##### **a. Density**

This Site Plan is limited to one lot with up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 456 multi-family dwelling units. The Applicant may convert up to 80 multi-family dwelling units to hotel (short-term rental) units, to be invoked and revoked at their discretion without further approval by Planning Staff or the Planning Board. While invoked, the Applicant must provide 15% of the non-hotel units as MPDUs. When revoked, the Applicant must provide the originally approved 12.5% of the units as MPDUs.

##### **b. Moderately Priced Dwelling Units (MPDUs)**

- i. The Planning Board has reviewed and accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letters dated, May 29, 2020, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
  1. The development must provide 12.5 percent MPDUs, under the original approval, as reduced by the Subject Amendment, consistent with the requirements of Chapter 25A and the applicable Master Plan.
  2. The development must provide 15 percent MPDUs, under the option with up to 80 hotel units, consistent with the requirements of Chapter 25A and the applicable Master Plan, and
- ii. Before issuance of any residential building permit, the MPDU Agreement to Build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

#### **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:

- c. Include the development program, Site Plan resolution, and revised DHCA agency letter on the approval or cover sheet(s).
- d. Modify the data table to reflect development standards approved by the Planning Board.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity

The subject site ("Subject Property" or "Property"), formerly the site of the Apex Building, is located on the southwest side of the Wisconsin Avenue and Elm Street intersection in Downtown Bethesda. The Site is within the 2017 *Bethesda Downtown Sector Plan* (Sector Plan) area. The Property is bounded by Elm Street to the north, Wisconsin Avenue to the east, and commercial development to the south and west.

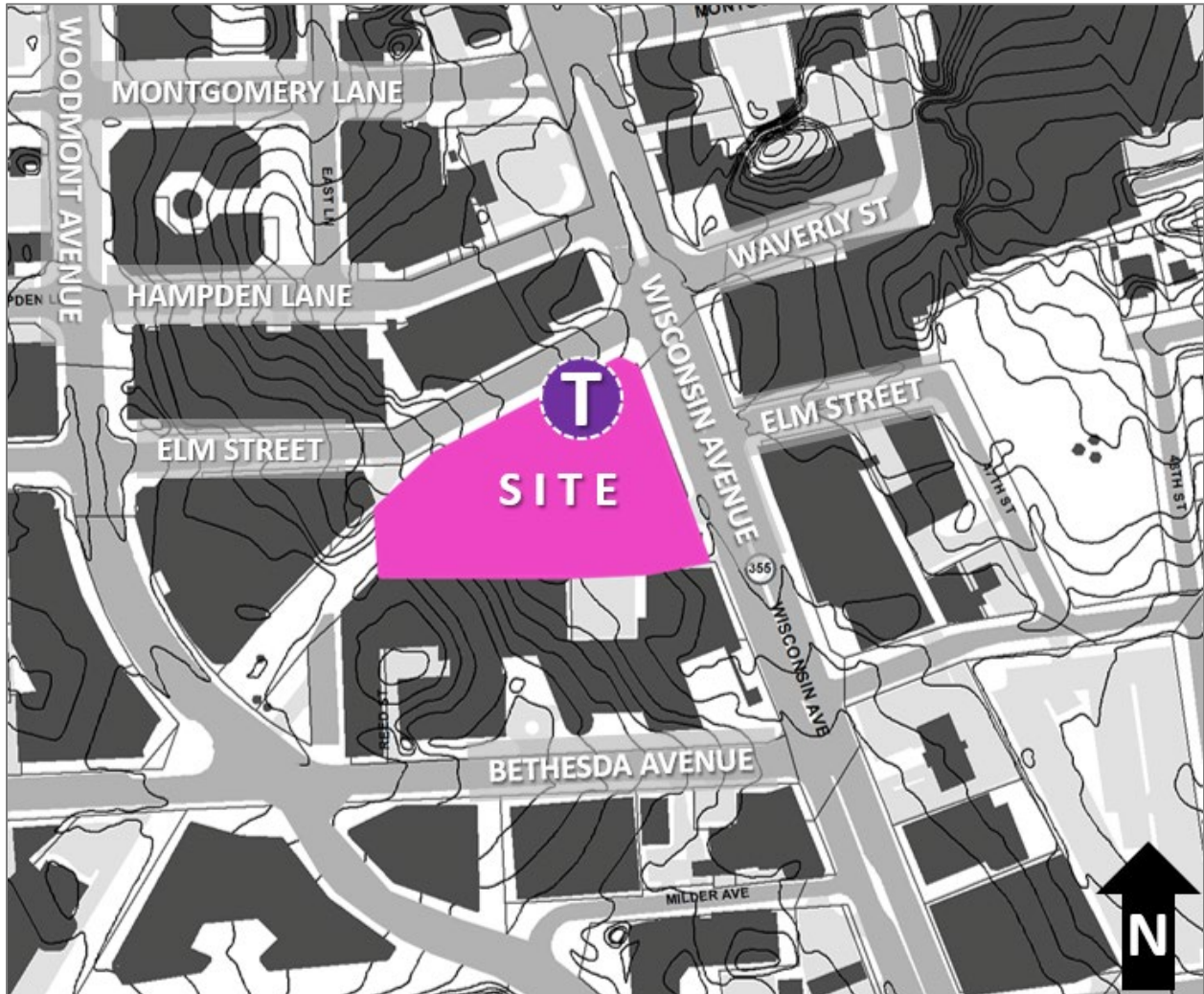


Figure 1-Vicinity Map

The area surrounding the Property is developed with a mix of uses, including office, retail, and residential. The future Capital Crescent Trail regional recreational and transportation facility, that connects Georgetown and Silver Spring, runs underneath the Site adjacent to the future Bethesda Purple Line light rail transit station.

The Property is zoned CR 8.0, C 7.5, R 7.5, H 290 feet and subject to the Bethesda Overlay Zone, having been rezoned since the original approval through the Sectional Map Amendment associated with the 2017 *Bethesda Downtown Sector Plan* (H-122). The immediately adjacent properties are also zoned CR, but only for a 5.0 FAR, with future maximum building heights ranging from 145 feet to 250 feet. To the south along Wisconsin Avenue, the properties are zoned CR 3.0, with future maximum building heights ranging

from 35 feet to 225 feet. Across Woodmont Avenue to the west the properties are zoned CRT or CR, with densities between 1.5 and 2.25 FAR and building heights of 40 feet to 90 feet.

## **Site Analysis**

The 2.69-acre Property is currently under construction to implement Site Plan 820160200, as amended, for a 23-story building comprised of three separate towers with up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, 14,572 square feet of retail/ restaurant uses, and up to 480 multi-family dwelling units (including 12.5% MPDUs), and the future Bethesda Purple Line Station. The first phase of construction is anticipated to be completed in the fall of 2020.

There are no specimen trees, floodplains, streams, forests, wetlands or their associated buffers located on the Property. Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Project on December 22, 2015. Although the Wilson Store Historic Site (also known as the former Community Paint and Hardware Store) was located in the southeast corner of the Site at the time of the original approval, that structure has been relocated to Middleton Lane in downtown Bethesda.

## **SECTION 3: PROJECT DESCRIPTION**

### **Previous Approvals**

The Planning Board approved Preliminary Plan No. 119851780 by Resolution dated October 22, 1987, for 118,395 square feet of office uses and 61,404 square feet of retail. Preliminary Plan No. 119851780 was fully superseded by Preliminary Plan No. 120160380, as discussed in more detail below.

On February 11, 2016, the Planning Board approved Sketch Plan 320160040 (by Resolution 16-017, dated February 12, 2016) for up to 937,184 square feet of total development, including up to 878,610 square feet of residential uses, with 12.5% MPDUs, and up to 878,610 square feet of commercial uses, to accommodate the Bethesda Purple Line Station, the southern entrance to the Bethesda Red Line Metrorail Station, and the Capital Crescent Trail.

On January 25, 2017, the Planning Board approved Sketch Plan Amendment 32016004A (by Resolution 17-001), modifying Sketch Plan Condition #2, "Building Height," to define the maximum building height as not more than 295 feet.

The Planning Board approved Preliminary Plan 120160380 (by Resolution 16-140, dated January 25, 2017) for up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units.

The Planning Board approved Site Plan 820160200 (by Resolution 16-141, dated January 25, 2017) for up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units (including 12.5% MPDUs).

On November 28, 2017, the Director of the Planning Department approved Site Plan Amendment 82016020A to make minor landscape and hardscape modifications, add a perimeter screen for antennas, add plaza signage, and modify a portion of the office podium.



*Figure 2 – Subject Site, “The Wilson and the Elm”  
(Wisconsin Avenue, looking southwest)*

## Proposal

The Applicant requests the Subject Amendments to reduce the maximum number of dwelling units, from 480 to 456 (a maximum of up to 561,812 square feet of residential use), and allow the Applicant the option to convert up to 80 of the remaining multi-family dwelling units for use as hotel units.<sup>1</sup>

As conditioned, the Applicant may elect to convert up to 80 multi-family dwelling units to hotel (short-term rental) units at their discretion via written notification to staff, without further approval by Planning Staff or the Planning Board, at any point during the original period the Adequate Public Facilities finding is valid. If the Applicant does not elect to exercise the option of up to 80 hotel units, the Project will remain subject to the findings set forth in Preliminary Plan 12016038A and Site Plan 82016020B, including a minimum of 12.5% MPDUs (57 units). If the Applicant elects to exercise the option of up to 80 hotel units, the Project will be subject to the findings, as amended in this Staff report, including a minimum of 15% MPDUs (57 units)<sup>2</sup>.

The option of converting up to 80 multi-family dwelling units to hotel use provides flexibility in response to market demand for variable-term rentals, which may include periods of less than 30-days. In addition to meeting market demand for this type of unit, short-term rentals also help a building of this size during the initial leasing period as new dwelling units are absorbed by the surrounding real estate market.

As described by the Applicant in their Statement of Justification, variable-term rental units, including those less than 30-days, are typically rented by those who are being relocated, may have long-term consulting engagements with their employer, are present in the area for temporary medical or educational purposes,

<sup>1</sup> The Applicant seeks flexibility to rent up to 80 of the 456 dwelling units for variable-term periods, some of which may be less than 30-days. Pursuant to Section 59.3.5.6.C. of the Zoning Ordinance, these units would be designated as “Hotel” units, though these units are anticipated to be substantially similar to the rest of the Project’s multi-family units.

<sup>2</sup> 456 multi-family dwelling units at 12.5% MPDUs = 57 units; 376 multi-family dwelling units at 15% MPDUs = 57 units.



are renovating their own home, are in the process of separation or divorce, or otherwise want to move to or remain in Montgomery County without a long-term lease. The nearby presence of the National Institutes of Health (NIH) and the Walter Reed National Military Medical Center, as well numerous government contractors with employees working in multiple locations, help drive the demand for such rentals. The short-term rental units will be substantially similar to the traditional multi-family residential units within the building and are anticipated to be converted back to traditional multi-family residential units at an as-yet-undetermined date in the future.

#### Affordable Housing

The Subject Amendments constitute a change of use from the original approval (*i.e.* conversion of up to 80 multi-family residential units to commercial hotel uses), therefore, the 2017 *Bethesda Downtown Sector Plan* and Bethesda Overlay Zone (including the increased MPDU requirement of 15%) apply to the option under which 80 multi-family units may be converted to commercial hotel uses. This approach has been reviewed and endorsed by staff at the Department of Housing and Community Affairs and Planning Staff.

### **SECTION 4: PRELIMINARY PLAN 12016038A ANALYSIS AND FINDINGS**

Except as discussed below, the proposed modifications to the Preliminary Plan will not alter the overall character or impact of the development with respect to the original findings of approval.

#### *1. The Preliminary Plan substantially conforms to the Master Plan.*

The Project substantially conforms to the recommendations for the Property included in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Sector Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement.

The 7272 Wisconsin Avenue Site is designated as Site 105 on page 99 of the 2017 Sector Plan and described in more detail on page 101. The Site is within the “Wisconsin Avenue Corridor District,” which is described as the main artery through the center of Downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and Wisconsin Avenue Corridor sections of the Sector Plan:

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

The original approval made possible the redevelopment of an underdeveloped commercial site on top of the new Purple Line station, including the provision of an enhanced Purple Line station and Capital Crescent Trail, and new entrance to the Bethesda Metro station, as recommended by the previous Sector Plan (1994 *Bethesda Central Business District Sector Plan* and amended by the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*). The Subject Amendment is in substantial conformance with the original Sector Plan, as amended, and furthers the goals of the

current 2017 *Bethesda Downtown Sector Plan* by allowing the Project flexibility to respond to market conditions.

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

The Project will provide residential dwelling units on top of the new Purple Line station and the new southern entrance to the Bethesda Metro station. The Project provides much needed affordable housing in the form of additional 57 MPDUs in accordance with the executed Agreement to Build with DHCA. This proposed influx of MPDUs will help to further one of the primary goals of the Sector Plan and Bethesda Overlay Zone thereby ensuring that affordable housing opportunities exist in transit-oriented locations.

- *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 will place high density residential, commercial, and street-activating retail/ restaurant uses in the core of Downtown Bethesda, incorporating urban design elements that provide visual interest further defining the skyline in the Wisconsin Avenue Corridor District.

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

The Project will provide a mixed-use residential and commercial infill redevelopment within the highest intensity center in Downtown Bethesda. The Project will provide an influx of residents to an established center of Bethesda, providing much needed around-the-clock activity contributing to a more vibrant and mixed-use identity. The combination of multi-family dwelling units, office space, ground floor commercial uses, and amenities will increase the customer base of nearby shops, restaurants and services in the Metro Core during nighttime and on weekends.

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

Although the Project was design and under construction before the expanded energy requirements of the 2017 Bethesda Downtown Plan and the Bethesda Overlay Zone, it was designed to meet LEED Gold.

The Preliminary Plan Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Preliminary Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Site is not subject to an Urban Renewal Plan.

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

The scope of the Amendment, which is a net decrease of 24 multi-family dwelling units<sup>3</sup> when compared to the original approval, results in no additional impact on public facilities. This

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<sup>3</sup> 120160380 approved up to 480 multi-family residential units.



decrease is evident in either the original approval, as amended (456 multi-family dwelling units), or the hotel option of up to 376 multifamily dwelling units and up to 80 hotel units.

a. Local Area Transportation Review (LATR)

The transportation impact of Preliminary Plan No. 120160380 was evaluated in accordance with the LATR Guidelines in place at the time of approval and transportation capacity was found to be adequate at that time.

The transportation impact associated with the Subject Amendment is a net reduction when compared to the original approval. As amended, the Subject Amendment represents a reduction of 229 morning peak hour vehicle trips (when adjusted for the LATR policy area) and 253 evening peak hour vehicle trips (when adjusted for the LATR policy area), when compared to the original approval. Under the hotel option, the Subject Amendment represents a reduction of 230 morning peak hour vehicle trips (when adjusted for the LATR policy area) and 250 evening peak hour vehicle trips (when adjusted for the LATR policy area). Since the Project continues to have a valid transportation adequate public facilities approval and the Subject Amendment remains within the limits of the original approval, no further analysis is required under the LATR and adequate public facilities exist to serve the Subject Property.

b. School Capacity

The school impact of Preliminary Plan No. 120160380 was evaluated in accordance with the Annual School Test in place at the time of approval and school capacity was found to be adequate at that time. Since the Project continues to have a valid school adequate public facilities approval and the Subject Amendment remains within that approval no further analysis is required.

## **SECTION 5: SITE PLAN 82016020B ANALYSIS AND FINDINGS**

The Amendment complies with the general requirements and development standards of the Zoning Ordinance, Subdivision Regulations and substantially conforms with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan*. Except as described in the updated findings below, the elements of Site Plan Amendment No. 82016020B remain consistent with the original findings, as modified to reduce the overall number of dwelling units, from 480 to 456, and allow the Applicant the option to convert up to 80 of the multi-family dwelling units for use as hotel units, pursuant to Section 59.3.5.6.C. of the Zoning Ordinance.

1. *To approve a site plan, the Planning Board must find that the proposed development:*

a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all binding elements and conditions of Sketch Plan No. 320160040, as amended, regarding density, the general location of vehicular access points, and the public benefit schedule. Furthermore, as conditioned, the Site Plan satisfies the requirements of Preliminary Plan 120160380, as amended.

b. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

i. *Division 4.5. Commercial/Residential Zones*

Table 2: Data Table <sup>1</sup>		
	Required/ Permitted	Proposed
<b>Tract Area</b> (Square Feet/ Acres)	n/a	<b>117,148</b> (2.69)
<b>Site Area</b> (Square Feet/ Acres) CR 8.0, C 7.5, R 7.5, H 290 Zone/Bethesda Overlay Prior Dedication Proposed Dedication <b>Site Area</b> (Tract – Dedications)	n/a	34,259 SF (0.78) 632 SF 0.014) <b>82,257 SF (1.89)</b>
<b>Gross Floor Area</b> (GFA/ FAR)		
<b>Residential Density</b> Multi-family Dwelling Units	<b>878,610 SF (7.5)</b> --	<b>561,812 SF (4.8)</b> 456 Units
<b>Commercial Density</b> Office Retail/ Restaurant	<b>878,610 SF (7.5)</b> -- --	<b>375,372 SF (3.2)</b> 360,800 SF (3.08) 14,572SF (0.12)
<b>Moderately Priced Dwelling Units</b>	12.5%	12.5% (57 Units)
<b>Total Density</b>	<b>937,184 SF (8.0)</b>	<b>937,184 SF (8.0)</b>
<b>Parking</b>		
	Required	Proposed
<b>Vehicle Parking</b>		
<b>Residential</b>		
(22) Efficiency (19 market rate; 3 MPDUs)	22 minimum/ 22 maximum	--
(205) 1 Bedroom (180 market rate; 25 MPDUs)	205 minimum/ 257 maximum	--
(209) 2 Bedroom (183 market rate; 26 MPDUs)	209 minimum/ 314 maximum	--
(20) 3 Bedroom (17 market rate; 3 MPDUs)	20 minimum/ 40 maximum	--
<b>456 Residential Units</b>	456 minimum/ 633 maximum	--
Reductions <sup>2</sup>	231 minimum	--
Residential Parking Provided	--	-- <sup>3</sup>
<b>Commercial</b>		
360,800 SF Office	720 minimum/ 1,079 maximum	--
14,572 SF Restaurant/ Retail	47 minimum/ 106 maximum	--
<b>Total Commercial</b>	767 minimum/ 1,185 maximum	--
Reductions <sup>2</sup>	599 minimum	--
<b>Vehicle Parking Total</b>	<b>830 minimum/ 1,818 maximum</b>	<b>700<sup>4</sup></b>
<b>Bicycle Parking</b> (Long Term/ Short Term)	158/ 17	158/ 17
<b>Loading Spaces<sup>5</sup></b>	4	4

<sup>1</sup> Unless modified in this data table, the original approval, as amended, remains in full force and effect. The final parking quantities will be reflected on the Certified Site Plan based on the final unit count.

<sup>2</sup> Minimum parking reductions in accordance with 59.6.2.3.1.7.a.

<sup>3</sup> Residential parking is unbundled and not included in unit lease.

<sup>4</sup> The Project is within the Bethesda Parking Lot District. The final number of parking spaces may be adjusted between the minimum and the maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on the final unit count and/ or bedroom mix.

<sup>5</sup> Loading may be shared between uses.

Table 3: Hotel Option Data Table <sup>1</sup>		
	Required/ Permitted	Proposed
<b>Tract Area</b> (Square Feet/ Acres)	n/a	<b>117,148</b> (2.69)
<b>Site Area</b> (Square Feet/ Acres) CR 8.0, C 7.5, R 7.5, H 290 Zone/Bethesda Overlay Prior Dedication Proposed Dedication <b>Site Area</b> (Tract – Dedications)	n/a	34,259 SF (0.78) 632 SF 0.014) <b>82,257 SF (1.89)</b>
<b>Gross Floor Area</b> (GFA/ FAR)		
<b>Residential Density</b> Multi-family Dwelling Units	<b>878,610 SF (7.5)</b> --	<b>470,428 SF (4.02)</b> 376 Units
<b>Commercial Density</b> Hotel Office Retail/ Restaurant	<b>878,610 SF (7.5)</b> -- -- --	<b>466,756 SF (3.98)</b> 80 Units 360,800 SF (3.08) 14,572 SF (0.12)
<b>Moderately Priced Dwelling Units</b>	15%	15% (57 Units)
<b>Total Density</b>	<b>937,184 SF (8.0)</b>	<b>937,184 SF (8.0)</b>
<b>Parking</b>		
	Required	Proposed
<b>Vehicle Parking</b>		
<b>Residential</b>		
(22) Efficiency (19 market rate; 3 MPDUs)	22 minimum/ 22 maximum	--
(145) 1 Bedroom (120 market rate; 25 MPDUs)	145 minimum/ 182 maximum	--
(189) 2 Bedroom (163 market rate; 26 MPDUs)	189 minimum / 284 maximum	--
(20) 3 Bedroom (17 market rate; 3 MPDUs)	20 minimum/ 40 maximum	--
<b>376 Residential Units</b>	376 minimum/ 528 maximum	--
Reductions <sup>2</sup>	195 minimum	--
Residential Parking Provided	--	-- <sup>3</sup>
<b>Commercial</b>		
360,800 SF Office	720 minimum/ 1,079 maximum	--
14,572 SF Restaurant/ Retail	47 minimum/ 106 maximum	--
80 Hotel Units	80 minimum/ 80 maximum	--
<b>Total Commercial</b>	847 minimum/ 1,265 maximum	--
Reductions <sup>2</sup>	626 minimum	--
<b>Vehicle Parking Total</b>	<b>821 minimum/ 1,793 maximum</b>	<b>700<sup>4</sup></b>
<b>Bicycle Parking</b> (Long Term/ Short Term)		
Residential	100 (95/5)	--
Hotel	8 (8/0)	--
Office	73 (62/11)	--
Restaurant/ Retail	2 (1/1)	--
<b>Total</b>	<b>183 spaces (166/ 17)</b>	<b>183 spaces (166/ 17)</b>
<b>Loading Spaces<sup>5</sup></b>	<b>4</b>	<b>4</b>

<sup>1</sup> Unless modified in this data table, the original approval, as amended, remains in full force and effect. The final parking quantities will be reflected on the Certified Site Plan based on the final unit count.

<sup>2</sup> Minimum parking reductions in accordance with 59.6.2.3.1.7.a.

<sup>3</sup> Residential parking is unbundled and not included in unit lease.

<sup>4</sup> The Project is within the Bethesda Parking Lot District. The final number of parking spaces may be adjusted between the minimum and the maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on the final unit count and/ or bedroom mix.

<sup>5</sup> Loading may be shared between uses.

- e. *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 Preliminary Plan 12016038A, the Subject Application is in substantial conformance with the 2017 *Bethesda Downtown Sector Plan*.

## **SECTION 6: CONCLUSION**

### **Community Outreach**

The Subject Amendments were initially submitted as administrative approvals and noticed accordingly. After commencing review, however, Staff identified master plan conformance and condition changes necessary to accommodate the requested Amendments. As a result, the Application was scheduled for a public hearing before the Planning Board and re-noticed in accordance with Section 59.7.5.2 of the Zoning Ordinance. The Applicant's revised notice was sent to all parties of record on May 27, 2020 and updated on-site notice signage was posted on June 1, 2020. Following the original notice, Staff received correspondence raising concerns about the zoning designation of short-term rentals and potential impacts to affordable housing. Each of those concerns is addressed below.

- Zoning Designation, Operations and Logistics

The community raised questions about how the hotel units would be classified from a zoning perspective, how the hotel units would be managed and licensed, taxed, and how the hotel units might be converted back to traditional multi-family units in the future. As discussed in this Staff Report, the short-term rental units are considered to be a "hotel" use pursuant to Section 59.3.5.6.C. of the Zoning Ordinance, though these units are anticipated to be substantially similar to the rest of the Project's multi-family units. As conditioned, the units may be converted back to traditional multi-family dwelling units at the Applicant's discretion to provide flexibility in response to the local real estate market.

Finally, regarding management, licensing, and taxation: The Applicant will contract with a company that will operate, lease, and manage the hotel units on behalf of the building owner. Taxing the units will be in accordance with the development impact taxes associated with residential uses and taxes associated with rental of the units will be in accordance with the hotel tax and will comply with all regulations set forth by the Departments of Finance, Housing and Community Affairs, and Permitting Services.

- Affordable Housing

The community raised concerns about a potential reduction to the amount of affordable housing provided as a result of the Subject Amendments. As conditioned, the Project will provide 57 units as MPDUs, either under their original approval, as amended, (12.5% of 456 units) or under the hotel option (15% of 376 units). This approach has been endorsed by both Planning Staff and staff at the Department of Housing and Community Affairs and does not result in the loss of any affordable units. The Agreement to Build is provided in Attachment D.

### **STAFF RECOMMENDATION**

The proposed modifications to Preliminary Plan Amendment No. 12016038A and Site Plan Amendment No. 82016020B will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Preliminary

Plan Amendment No. 12016038A and Site Plan Amendment No. 82016020B with the conditions set forth in this Staff Report.

**ATTACHMENTS**

- A. Previous Approvals
- B. Applicant's Statement of Justification
- C. Community Correspondence
- D. Agency Letters



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

MCPB No. 16-140  
Preliminary Plan No. 120160380  
7272 Wisconsin Avenue  
Date of Hearing: January 5, 2017

**JAN 25 2017**

**RESOLUTION**

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

WHEREAS, on October 22, 1987, the Planning Board approved Preliminary Plan No. 119851780, for one lot with 118,395 square feet of office uses and 61,404 square feet of retail uses on 2.69 acres of CR8.0, C7.5, R7.5, H250 zoned-land, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property"), in the *Bethesda Central Business District Sector Plan* ("Sector Plan") area; and

WHEREAS, on July 11, 2016, CP 7272 Wisconsin Avenue, LLC c/o Carr Properties ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 2.69 acres of land in the CR8.0, C7.5, R7.5, H250 zone, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property"), in the Bethesda CBD Policy Area and the *Bethesda Purple Line Station Minor Master Plan Amendment* ("Master Plan") area, which will completely supersede Preliminary Plan 119851780; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120160380, 7272 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 December 23, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 5, 2017, 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

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, N.E., Suite 100, Washington, D.C. 20011-4400  
Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

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Preliminary Plan No. 120160380  
7272 Wisconsin Avenue  
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WHEREAS, on January 5, 2017, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 3-0; Commissioners Anderson, Cichy, and Fani-Gonzales voting in favor, and Commissioners Dreyfuss and Wells-Harley being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120160380 to create one lot on the Subject Property, subject to the following conditions:<sup>1</sup>

1. This Preliminary Plan is limited to one lot with up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 20, 2016, and hereby 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 provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated December 19, 2016, and hereby 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 MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA and MCDOT.
5. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of frontage improvements, on both the Elm Street and Wisconsin Avenue frontages, as shown on the Certified Site Plan. These improvements may be modified by MCDPS and MD SHA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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<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.



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6. Prior to the release of any building permit for above-grade construction on the Subject Property, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT. The TMAg must include trip mitigation measures recommended by MCDOT in its letter dated September 20, 2016.
7. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated October 31, 2016, and hereby 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 provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Applicant must dedicate and show on the record plat(s) dedication along Wisconsin Avenue from the right-of-way centerline to the surface Public Improvement Easement above the existing underground parking structure to remain, as illustrated on the Certified Preliminary Plan.
10. Prior to record plat, the Applicant must record and provide a public use and access easement on the Subject Property for the full width and extent of the Capital Crescent Trail (CCT), as shown on the Certified Site Plan, granted to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following:
  - a. Entitlement for open and unobstructed public use of the easement for all necessary pedestrian, bicycle, general public, and emergency access;
  - b. Obligation for the Applicant to design and construct the on-site portion of the CCT, as shown on the Certified Site Plan pursuant to comparable MCDOT structural construction standards, at the Applicant's expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
  - c. Obligation for the Applicant to maintain and repair the structural components, including the trail surface, of the on-site portion of the CCT in a condition acceptable to MCDOT for all access, at the Applicant's expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
  - d. Obligation for the Applicant to keep the on-site portion of the CCT free of snow, litter and other obstructions and hazards at all reasonable times, at

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its expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;

- e. Entitlement for the Applicant or its designee to close the on-site portion of the CCT for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public.
11. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
12. 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 issuance 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. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
13. The Applicant must submit a revised Final FCP to correctly identify the afforestation requirements.
14. The record plat must show all easements.
15. Prior to recordation of any plat, Site Plan No. 820160200 must be certified by M-NCPPC Staff.
16. No clearing or grading of the site for new construction, or recording of plats prior to Certified Site Plan approval. Upon Final Forest Conservation Plan approval, and before Certified Site Plan approval, the Applicant may obtain Erosion and Sediment Control and demolition permits for the existing building.

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 Preliminary Plan substantially conforms to the Master Plan.*

Planning Vision of the Sector Plan

The Preliminary Plan is consistent with, and furthers, the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Preliminary Plan conforms to the Sector Plan's recommendation to encourage coordinated redevelopment of the Subject Property, especially in realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the downtown. The Application also promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities.

Land Use and Zoning

The Application takes full advantage of the density and height provisions promoted by the Sector Plan and allowed under the Zoning Ordinance. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail.

Infrastructure

The Sector Plan emphasizes that "the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the 'major public facilities' of the improved transit station and the CCT tunnel." With the increased height and density, the Preliminary Plan will accommodate the new Purple Line Station, which includes access to the Red Line Metro south entrance and the CCT trail through the building. The Application's infrastructure is consistent with Sector Plan recommendations.

Public Open Space

The public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

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

Access and Circulation

Vehicular access to the Subject Property is from both Elm Street and Wisconsin Avenue. The Preliminary Plan includes automobile garage access from both streets, with truck loading access only from a full-movement driveway on Wisconsin Avenue. All vehicular parking will be contained within a structured subgrade garage beneath the building.

Bicycle access to the site will be via the Capital Crescent Trail (CCT), which will run through a lower level of the building, providing a regional connection. The Preliminary Plan is providing space for a public bicycle storage facility adjacent to both the proposed Purple Line station and Capital Crescent Trail tunnel. Pedestrian access will be provided from the Wisconsin Avenue and Elm Street sidewalks, as well as on the CCT from Woodmont Plaza. The Preliminary Plan will maximize pedestrian entrances along the two streets to help activate the ground floor.

#### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station, Metrobus, RideOn, and the Bethesda Circulator. Future transit in the area includes a proposed Purple Line station beneath the building. Specific transit routes near the Site include:

1. RideOn Bus Routes 1, 2, 3, 4, 5, 8, 9, 11, 29, 30, 32, 34, 36, 47, 70
2. WMATA Metrobus Routes J2, J3, J4, J7, J9

#### *Master Plan Roadways and Pedestrian/Bikeway Facilities*

The following recommendations are included in the *1994 Bethesda Central Business District Sector Plan* and the *2005 Countywide Bikeways Functional Master Plan*:

1. Wisconsin Avenue (MD 355), along the Subject Property's eastern frontage, as major highway (M-6) within a minimum right-of-way width of 114 feet.
2. Elm Street, along the Subject Property's northern frontage, as a business district roadway within a minimum right-of-way width of 60 feet.
3. Capital Crescent Trail (SP-6), a tunnel through the Subject Property and adjacent to the Purple Line, as a regionally-important shared use path between Georgetown and Union Station in the District of Columbia via Bethesda and Silver Spring.

#### *Sector-Planned Transportation Demand Management*

As a mixed-use development within the Bethesda Transportation Management District (TMD) that has more than 25 employees on the largest shift and more than 100 dwelling units, the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Bethesda TMD.

#### *Adequate Public Facilities*

A traffic study, dated July 1, 2016, and revised November 11, 2016, was submitted for the subject application per the *LATR/TPAR Guidelines* since the proposed development was estimated to generate more than 30 peak-hour trips

during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

A site trip generation summary for the proposed development shows that the project will generate 313 net new peak-hour trips during the weekday morning peak period and 306 net new peak-hour trips during the weekday evening peak period. This trip generation estimate is based on the addition of up to 360,800 square feet of General Office Space, 480 high rise dwelling units, and up to 14,572 square feet of General Retail.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the subject application will satisfy the LATR requirements of the APF test.

Since the proposed development is within the Bethesda CBD Policy Area, the Application is exempt from both the roadway and transit tests set forth in the 2012-2016 *Subdivision Staging Policy*. As a result, the proposed development is not required to pay the transportation impact tax to satisfy the TPAR requirement.

#### **Other Public Facilities**

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

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of

development or use contemplated. The Application substantially conforms to the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the proposed mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of subsequent site plans.

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

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420160820 for the project was approved on December 22, 2015. The urban site is located within the Little Falls watershed, a use-class I-P<sup>2</sup> watershed. There are several existing street trees and minor landscape plantings fronting the site; the tree sizes range up to approximately 18" diameter at breast height (DBH). The Subject Property is not associated with any significant or specimen trees, nor any forest areas or other environmentally sensitive resources such as highly erodible soils, steep slopes, streams, floodplains or associated buffers.

The project is subject to a Forest Conservation Plan (FCP). Although there is no forest to be cleared in association with the Application, there is an afforestation requirement. Given the dense urban setting over the existing Metro and future Purple Line, the afforestation credits will be met offsite by a payment of fee-in-lieu per Sec. 22A-12(g)(2)(D) of the Forest Conservation Law.

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<sup>2</sup> Use I-P: Waters that are suitable for: water contact sports; play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The MCDPS Stormwater Management Section approved the stormwater management concept by letter dated October 31, 2016.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 85 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), 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 JAN 25 2017 (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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, January 19, 2017, in Silver Spring, Maryland.

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





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

**Memorandum**

**TO:** Gwen Wright, Planning Director

**VIA:** Robert Kronenberg, Chief *RAU*  
Area 1 Division

**FROM:** Elza Hisel-McCoy, Regulatory Supervisor *U*  
Area 1 Division

**RE:** 7272 Wisconsin Avenue  
MINOR SITE PLAN AMENDMENT #82016020A

**DATE:** 11.27.2017

Section 59.7.7.1.B.3 of the Zoning Code addresses Amendments for Plans approved or pending before October 30, 2014. Section 7.7.1.B.3.a states that until October 30, 2039, an Applicant may apply to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, subject to certain limitations.

Section 7.7.1.B.3.b of the Zoning Ordinance, however, allows Applicants to apply to amend a site plan approved before October 30, 2014, to take advantage of the parking requirements contained in Sections 6.2.3 and Section 6.2.4 of the Zoning Ordinance that went into effect on October 30, 2014.

Under Section 59.7.3.4.J.2, the Planning Director may approve in writing certain applications for an amendment to a Certified Site Plan. Such amendments, which are considered minor in nature and do not alter the intent and objectives of the plan, specifically include an amendment "to reduce the approved parking to satisfy Article 59-6."

Neither a Pre-Application meeting with the community/public/parties of record nor a Pre-Submittal meeting with the DARC Intake Section is required. However, submittal of the application to DARC is required. In addition, applicants must provide public notice under Division 7.5.


On November 2, 2017, Cynthia Bar ("Applicant") filed a site plan amendment application designated Site Plan No. 82016020A ("Amendment") for approval of minor landscape and hardscape modifications, addition of a perimeter screen for the roof antennas, addition of plaza signage, and minor redesign of a portion of the office podium.

A notice of the subject site plan amendment was sent to all required parties by the Applicant on November 9, 2017. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence regarding the application.

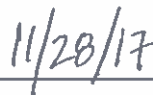
The proposed amendment is consistent with the provisions of Section 59.7.3.4.J.2 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements of the Planning Board in approving the site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59.7.3.4.H. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

A handwritten signature in cursive script, reading "Gwen Wright", is written over a horizontal line.

Gwen Wright, Planning Director

A handwritten date "11/28/17" is written over a horizontal line.

Date Approved



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

MCPB No. 16-141  
Site Plan No. 820160200  
7272 Wisconsin Avenue  
Date of Hearing: January 5 & 19, 2017

**JAN 25 2017**

**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 July 11, 2016, CP 7272 Wisconsin Avenue, LLC c/o Carr Properties ("Applicant") filed an application for approval of a site plan for up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units (including 12.5% MPDUs), and accommodate the Bethesda Purple Line Station, access to the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail, on 2.69 acres of CR 8.0, C 7.5, R 7.5, H 250-zoned-land, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property"), in the Bethesda CBD Policy Area and *Bethesda Purple Line Station Minor Master Plan Amendment* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820160200, 7272 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 December 23, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 5 and 19, 2017, 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.

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Suite 100, Bethesda, MD 20814-4000  
M-NCPPC Legal Department Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170200 for up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to 480 multi-family dwelling units (including 12.5% MPDUs), and accommodate the Bethesda Purple Line Station, access to the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail, on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Conformance with Previous Approvals & Agreements**

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320160040 as listed in the MCPB Resolution No. 16-17 dated February 12, 2016, as amended.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160380, being reviewed concurrently with this Site Plan.

### **Environment**

3. Forest conservation

- a. The Final Forest Conservation Plan (FFCP) must be consistent with the Preliminary FCP.
- b. The fee-in-lieu amount on the approved FFCP must be executed prior to any clearing, grading or demolition associated with the project.
- c. The Applicant shall coordinate with the Planning Department Forest Conservation Inspector to review the LOD and any tree save measures and/or other items that may be required prior to the start of any clearing, grading, or demolition.

4. Noise Attenuation

- a. Prior to issuance of a building permit for new construction, 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 these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.

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<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.

- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. 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.

5. Historic Preservation

The Applicant must relocate the Wilson Store Historic Resource, consistent with the Historic Area Work Permit as recommended by the Historic Preservation Commission (HPC) in its letter dated December 7, 2016, the recommendations of which the Planning Board hereby incorporates as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter.

**Public Use Space, Facilities and Amenities**

6. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 7,500 square feet of Public Open Space (8% of lot area) on-site.
- b. The Applicant must construct the streetscape improvements along the Property's frontage on Wisconsin Avenue and Elm Street, consistent with the Bethesda Streetscape Standards, including undergrounding of utilities, if any.
- c. Before the issuance of the final use and occupancy certificate for the development, all public open space areas on the Subject Property must be completed.

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. Major Public Facilities – The Applicant must construct the space for the Bethesda Purple Line station, access to the Red Line station, the Capital Crescent Trail, and a bicycle storage and maintenance facility, as illustrated on the Certified Site Plan.
- b. Transit Proximity – The development is located on top of the Bethesda Purple Line station and immediately adjacent to the southern Bethesda Red Line station entrance.

- c. **Connectivity between Uses, Activities, and Mobility Options**  
 Transit Access Improvement – The Applicant must construct new access to the future Purple Line station and improve access to the new Red Line Station south portal entrances, as illustrated on the Certified Site Plan.
  - d. **Quality Building and Site Design**
    - i. **Exceptional Design** –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.
    - ii. **Structured Parking** –The Applicant must provide a minimum of 700 parking spaces within the above- and below-grade structure.
  - e. **Protection and Enhancement of the Natural Environment**
    - i. **Building Lot Terminations (BLTs)** – Before issuance of any building permit for new construction, the Applicant must provide proof of purchase and/or payment of 2.09 BLTs to the MCDPS.
    - ii. **Vegetated Roof** – The Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment.
8. **Recreation Facilities**  
 Before Certified Site Plan approval, the Applicant must meet the requirements for the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
9. **Maintenance of Public Amenities**  
 The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the open space at the intersection of Wisconsin Avenue and Elm Street and all public open space onsite.

## **Transportation & Circulation**

### **10. Bicycle Parking**

- a. Exclusive of the bicycle parking required by Condition 11.e., the Applicant must provide bike parking as follows:
  - i. for the office use a minimum of 63 bicycle parking spaces for long-term use and 10 bicycle parking spaces for short-term use;
  - ii. for the retail use a minimum of 2 bicycle parking spaces for short-term use; and
  - iii. for the multi-family residential use a minimum of 95 bicycle parking spaces for long-term use and 5 bicycle parking spaces for short-term use.
- b. The specific location(s) of the short term and long-term bicycle parking must be identified on the Certified Site Plan.

- c. Short term public bicycle parking must be installed near the main entrances to the multifamily building, office building, retail, and open space.
- d. Secure long term bicycle parking must be installed, internal to the proposed high rise residential building and office building, for resident and employee use.

**11. Capital Crescent Trail**

- a. The Applicant must construct the segment of Capital Crescent Trail within the project limits, adjacent to the Purple Line light rail.
- b. The final trail design and section must be shown on the Certified Site Plan. Subsequent minor modifications in trail design and section may be approved by Planning Department staff without Site Plan Amendment.
- c. Through the building, the Capital Crescent Trail must have a minimum clear width of 15'; at the entrance from Woodmont Plaza the minimum clear width may be a minimum of 14'. Planning Department staff may approve an alternative width after Certified Site Plan without a Site Plan Amendment.
- d. The Capital Crescent Trail improvements, as shown on the Certified Site Plan, must be completed prior to issuance of the final residential Use and Occupancy Certificate.
- e. The Applicant must construct the space for bicycle parking and maintenance area, as illustrated on the Certified Site Plan, with final fit-out to be provided by the Montgomery County Department of Transportation or their designee before the Purple Line Station is open for use. The Applicant must provide water, sewer, electrical, and fiber-optic utility connections available for use by the bicycle parking and maintenance area.

**12. Fire and Rescue**

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated October 31, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

**Density & Housing**

**13. Moderately Priced Dwelling Units (MPDUs)**

- a. The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated December 21, 2016, and hereby 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 DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.



- b. The development must provide 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c. Before issuance of any residential building permit, the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

## **Site Plan**

### **14. Building Design**

The exterior architectural character, proportion, step-backs, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.

### **15. Landscaping**

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

### **16. Lighting**

- a. Before issuance of any building permit for new construction, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for this type of development.
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures causing potential glare or excess illumination.
- d. The light pole height must not exceed the height illustrated on the Certified Site Plan, including the mounting base.

### **17. Site Plan Surety and Maintenance Agreement**

- a. Prior to issuance of any building permit for new construction, 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 as required by Section 59-7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:

- i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- ii. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, paving, outdoor furniture, outdoor recreational facilities, and other improvements associated with the public open space.
- iii. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- iv. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

**18. Development Program**

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

**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 final forest conservation approval letter, stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 7272 Wisconsin Avenue, 820160200, 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 bindings elements and conditions of Sketch Plan Amendment No. 320160040, as amended, regarding density, the general location of vehicular access points, and the public benefit schedule. Furthermore, as conditioned, the Site Plan satisfies the requirements of Preliminary Plan 120160380.

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. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Subject Property is approximately 2.69 gross acres zoned CR 8.0 C 7.5 R 7.5 H 250. The following table shows the Application's conformance to the development standards of the zone and the approved Sketch Plan, as amended. As illustrated on the Certified Site Plan, the project meets the requirements of Section 4.5.4.B.4, regarding transparency, blank walls, and active entrances, by providing attractive, varied, and activated street-level facades. Along Wisconsin Avenue, Elm Street, and the open space, the design includes retail and restaurant entrances and outdoor café seating, clerestory views into the Purple Line station and attractive materials implemented to create continuous visual interest.

**Height**

Under Section 4.5.2.A.2.e, with Planning Board approval, any Optional Method project in a CR zone that includes the provision of a major public facility under Section 4.7.3.A may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the major public facility diminishes the ability of the Applicant to provide parking at or below grade.

The Planning Board approves the application of Section 4.5.2.A.2.e in this case. As discussed in more detail below, the Applicant will provide a Purple Line Station, a section of the Capital Crescent Trail, and access to the Red Line (south portal) below ground on the Subject Property. These major public improvements clearly diminish the Applicant's ability to provide parking at or below grade.

Section 5.2 - 4	Development Standard	Approved Sketch Plan 32016004A	Approved
	<b>Tract Area (sf)</b> Previous Dedication (sf) Proposed Dedication (sf) Lot Area (sf)	117,148   	117,148 34,259 632 82,257
4.5.4.B.2.b	<b>Density (CR8.0, C7.5, R7.5, H250)</b> Commercial FAR/GFA, Max. Residential FAR/GFA, Max.  <b>Total FAR/GFA, Max.</b>	7.5/878,610 7.5/878,610  8.0/937,184	3.2/375,372 4.8/561,812  8.0/937,184
	<b>Dwelling Units</b>	-	480
	<b>MPDUs (% / units)</b>	12.5%	12.5%/60
4.5.4.B.2.b 4.5.2.A.2.e.	<b>Building Height (feet)</b> <b>Height of floors mostly used for above-grade parking (feet)<sup>2</sup>, max.</b> <b>Total Building Height (feet), max.</b>	250  	250 45  295
4.5.4.B.3	<b>Minimum Setback</b> From adjacent properties From R.O.W.	0' 0'	0' 0'
4.5.4.B.1	<b>Public Open Space (%/sq. ft.)</b>	5/4,076	8/7,500
6.2	<b>Parking spaces, minimum-maximum<sup>3</sup></b>	-	700

b. *Division 4.7 Optional Method Public Benefits*

Consistent with Sketch Plan 320160040, the project will provide the following Public Benefits:

<sup>2</sup> Per Section 4.5.2.A.2.e.

<sup>3</sup> The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

Major Public Facilities

The Applicant will incorporate the space for the proposed Purple Station, construct a section of the Capital Crescent Trail, and provide access to the Red Line (south portal) on the Subject Property as part of the Application. The Application advances the “Better Alternative” described in the Bethesda Purple Line Station Minor Master Plan and describes the planning, construction and operation of the major public facility as “the top priority benefit for this Plan area.” The Planning Board supports the Applicant’s request for 70 points.

Transit Proximity

The Subject Property is located directly on top of the proposed Purple Line station and Red Line (south portal) connection, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board supports the Applicant’s request for 50 points.

Connectivity and Mobility

*Transit Access Improvements:* The Applicant is constructing new access to the future Purple Line Station and improving access to the Red Line Station through access to a new south portal entrance. The Planning Board supports the Applicant’s request for 10 points.

Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria and 10 points is appropriate for development that meets all six criteria. The development meets the following four criteria, and the Planning Board supports the Applicant’s request for 5 points.

*Providing innovative solutions in response to the immediate context*

The Application leverages the development potential afforded by the newly adopted Zoning Ordinance and the rezoning of the Subject Property to transform an outdated, underutilized commercial site in a transit-oriented location into a more modern, efficient development. The Application introduces true mixed use onto the Subject Property comprising residential, commercial office, retail, theatres, and restaurants, all served by the Purple and Red Line portals which are integrated into the building design.

*Creating a sense of place and serving as a landmark*

The Application's architectural elements will be distinctly modern and will contribute to the establishment of a new sense of place within the Bethesda CBD at this transit focal point. A variety of colors and materials such as masonry, architectural panels and glass are contemplated for the building façade, to create visual interest. The building will have a distinguishable massing approach that will establish a unique presence in the Bethesda skyline, while articulating the building base in a way that provides human scale to the block.

*Enhancing the public realm in a distinct and original manner.*

The Application will provide access to two transit stations and accommodate a portion of the CCT. The Application improves pedestrian conditions by providing a much wider sidewalk of 20 feet along Wisconsin connected to an open space plaza at the corner of Elm and Wisconsin, and new streetscaping along both Elm Street and Wisconsin. The plaza includes a series of planes that are navigated by sculptural stairs, ramps and a fountain flanked by plantings that cascade into the plaza. Permanent seating is provided along the planted areas and extend into the plaza.

*Using design solutions to make compact infill development living, working and shopping environments more pleasurable or desirable.*

The Application includes unique design solutions to accommodate all of the development components on the Subject Property. The design includes the access portals for the Red and Purple Lines, an integrated yet workable residential and commercial development with a public plaza, retail, and restaurants. Through excellent, innovative design, the project addresses the complexities of this site and provides a quality private and public space that will enhance the lifestyle of the Bethesda community.

**Structured Parking:** The Applicant requests 15 points for structured parking for parking above and below grade. The Applicant will provide all the parking spaces in structured garages, half above-grade and half below-grade. The Planning Board supports 15 points.



**Protection and Enhancement of the Natural Environment**

*Building Lot Termination:* The Applicant requests 18.8 points for the for the purchase of 2.09 Building Lot Terminations (BLTs) easements. Section 59.4.7.3.F requires the Applicant to purchase BLT easements equal to 7.5 percent of the incentive density for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. The Applicant is required to purchase 2.09 BLTs under the following calculation:  $937,184 \text{ sf. (8.0 FAR)} - 58,574 \text{ sf. (.5 FAR)} = 878,610 \text{ sf.}$   $/31,500 = 27.89 \times .075 = 2.09$ . The Applicant is permitted 9 points for each required BLT resulting in 18.8 points. The Planning Board supports this request.

*Vegetated Roof:* The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on the multi-family building. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements. The Planning Board supports the 7.5 points as recommended in the CR Guidelines because the Project meets the requirement of the Zoning Ordinance.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Sketch Plan	Site Plan
<b>59.4.7.3.A: Major Public Facility</b>	<b>70</b>	<b>57</b>	<b>70</b>
<b>59.4.7.3.B: Transit Proximity</b>	<b>50</b>	<b>50</b>	<b>50</b>
<b>59.4.7.3.C: Connectivity and Mobility</b>			
Transit Access Improvement	20	20	10
<b>59.4.7.3.E: Quality of Building and Site Design</b>			
Exceptional Design	10	5	5
Structured Parking	20	15	15
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>			
Building Lot Terminations (BLTs)	30	18	18.8
Vegetated Roof	15	5	7.5
<b>TOTAL</b>		<b>170</b>	<b>176.3</b>

c. General Requirements

i. *Division 6.1. Site Access*

The development will have ample site access. Pedestrian access to the buildings and transit stations will be afforded from Wisconsin Avenue, Elm Street, and Woodmont Plaza. Vehicular access for parking and loading will be provided from Elm Street and Wisconsin Avenue. Transit access to the Subject Property is provided by the Purple Line station beneath the development and the Red Line station access point along Elm Street. The development will also include a section of the Capital Crescent Trail beneath the building, connecting to the surrounding street grid and along the Trail to Georgetown and Silver Spring beyond.

ii. *Division 6.2. Parking, Queuing, and Loading*

Parking will be provided in above- and below-ground structures within the development, with access from Wisconsin Avenue and Elm Street. Loading will be provided from Wisconsin Avenue.

iii. *Division 6.3. Open Space and Recreation*

The development has a 5 percent Public Open Space requirement. The Application includes 8 percent, totaling 7,500 square feet of public open space, at the corner of Elm Street and Wisconsin Avenue. The Public Open Space accommodates public access to the Purple Line station, as well as inviting places to sit and watch or meet people.

The Application meets the active and passive recreation space required by the zone. The Application will provide the following on-site recreation facilities: the Capital Crescent Trail, and indoor fitness facility, swimming pool, and an indoor community space. The development can also take advantage of the off-site bike system and nature trails. The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

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

As a central development at the intersection of two major transit lines in an urban area, the project's landscaping and lighting will be consistent with the Bethesda Streetscape Standards and the needs of the transit stations.

*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 on October 31, 2016. The plan proposes to meet stormwater management requirements using a green roof and micro-bioretenment with a partial quantity waiver.

*b. Chapter 22A, Forest Conservation*

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420160820 for the project was approved on December 22, 2015. The urban site is located within the Little Falls watershed, a use-class I-P watershed. There are several existing street trees and minor landscape plantings fronting the site; the tree sizes range up to approximately 18" diameter at breast height (DBH). The Subject Property is not associated with any significant or specimen trees, nor any forest areas or other environmentally sensitive resources such as highly erodible soils, steep slopes, streams, floodplains or associated buffers.

The project is subject to a Forest Conservation Plan (FCP). Although there is no forest to be cleared in association with the project, there is an afforestation requirement. Given the dense urban setting over the existing Metro and future Purple Line, the afforestation credits will be met offsite by a payment of fee-in-lieu per Sec. 22A-12(g)(2)(D) of the Forest Conservation Law.

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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

The parking is located in above- and below-ground structures within the development. The circulation patterns take advantage of the Subject Property's central location within downtown Bethesda and is easily accessed by foot, bike, transit, and car. The building massing consists of several towers of differing heights, with the tallest towers at the center of the site and the rest stepping down to Woodmont Plaza and to Wisconsin Avenue. The open space, concentrated at the corner of Wisconsin Avenue and Elm Street is well designed to integrate the needs of commuters as well as for people who want to sit and people-watch or meet a friend. The parking, circulation patterns, building massing, and open spaces are safe and well-integrated.

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.*

#### Planning Vision of the Sector Plan

The Application is consistent with, and furthers, the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Application realizes the "Better Alternative" which incorporates the alternative station design that improves the quality of service provided by a new station as follows:

- The Purple Line platform would be larger and, without interrupting columns, would provide more room for riders and trains;
- The Purple Line station platform would be straight, eliminating gaps between the train and the platform;
- The Red Line Metro south entrance would be located within the new building with access to high-speed elevators directly from the street;
- CCT users would have a choice to cross Wisconsin Avenue either in a new tunnel or at street level;
- The 90-foot-tall ventilation tower would be incorporated into a new building and the over-run tracks would be significantly shortened, leaving more of Woodmont Plaza available for public enjoyment;
- The station area can accommodate space for full-service bike storage (i.e., a "bike station").

The Application is consistent with the Sector Plan's recommendation to encourage coordinated redevelopment of the site, especially as it relates to realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the

downtown. The Application promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities. The Site Plan's streetscape enhancements, including new sidewalks, streetlights and street trees allows for increased pedestrian access and connectivity, provides access to shared roadways and shared use paths recommended in the Sector Plan, and provides a human-scaled streetscape.

#### Land Use and Zoning

The Application continues to take full advantage of the density and height provisions promoted by the Sector Plan, which increased the density from a 5.0 FAR to an 8.0 FAR and a height increase from 143 feet to 250 feet. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail. The additional height allowed by ZTA 16-08, from 250 feet to 295 feet, continues to meet this intent with a design that uses vertically and horizontally shifting massing and materials to break up the overall perceived mass of the building from a distance, and a well-defined building podium base to help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating.

#### Infrastructure

The Sector Plan emphasizes that "the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the 'major public facilities' of the improved transit station and the CCT tunnel." With the increased height and density, the Applicant proposes to accommodate the new Purple Line Station, which includes access to the Red Line Metro south entrance and the CCT trail through the building. The infrastructure is consistent with Sector Plan recommendations.

#### Public Open Space

The public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances, at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

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. 120160380 findings, the development in the Site Plan will be served by adequate public facilities, including schools,

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police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

9. *The development is compatible with existing and 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 development will create a new center of activity with two transit stations located between the existing Bethesda Row and Bethesda Lane developments to the west and the existing mid- and high-rise office and residential uses along Wisconsin Avenue. As the design transitions between these surrounding developments, the 295' building height will be articulated using vertically and horizontally shifting massing and materials that break up the overall perceived mass of the building from a distance, while the well-defined building podium base will help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating. The building design will also help ensure that the approved structures will not unnecessarily block air and light from nearby developments.

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 JAN 25 2017 (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).

\* \* \* \* \*

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### **CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, January 19, 2017, in Silver Spring, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board

Statement of Justification  
Limited Site Plan Amendment and Limited Preliminary Plan Amendment  
7272 Wisconsin Avenue  
Site Plan No. 820160200B  
Preliminary Plan No. 120160380A

This application seeks a Limited Amendment to the Site Plan and the Preliminary Plan for 7272 Wisconsin Avenue, approved by the Montgomery County Planning Board on November 27, 2017 and January 25, 2017 respectively. The purpose of the amendment is to modify non-physical features with respect to a portion of the approved dwelling units.

## I. Background

CP 7272 Wisconsin Avenue LLC (hereinafter "Applicant") obtained approval in 2017 for the construction of a major, mixed-use development project at 7272 Wisconsin Avenue above the planned Bethesda Purple Line Station. That approval includes up to 937,184 sq. ft. of total development, including up to 360,800 sq. ft. of office use, up to 14,572 sq. ft. of retail use and up to 480 multi-family dwelling units (including 12.5% MPDUs). The project also accommodates construction of a new Bethesda Purple Line Station, a southern entrance to the Bethesda Red Line station and the Capital Crescent Trail. The project is well under construction at this time and delivery of the first phase is anticipated in the fall of 2020. As discussed below, Applicant has determined that there is a need for variable term housing unit rentals, sometimes referred to as corporate or executive housing units, and is filing this application to confirm that a portion of the approved multi-family units can be rented for terms shorter than 30 days.



## II. Proposed Use

Applicant now proposes to limit the total number of units to 456 (including 12.5% MPDUs) and to rent up to 80 of them for variable periods of time, with some rented for periods less than 30 days. These units will continue to be full dwelling units comparable to all of the units in the building but may be classified as hotel units from a zoning standpoint when rented for less than 30 days. Furnished dwelling units like this have been provided for many years in multi-family buildings in Washington DC, Montgomery County and elsewhere, under either the multi-family use or under older provisions for "apartment hotels." Recently, with the evolution of housing choices, the demand for such furnished dwelling units has grown with the number of multi-family buildings in Montgomery County and elsewhere. Such rental units exist today in Bethesda, Chevy Chase, Silver Spring and Rockville. These units are typically rented by residents who are being relocated, may have long-term consulting engagements with their employer, are present in the area for temporary medical or educational purposes, are renovating their own home, are in the process of separation or divorce, or otherwise want to move to or remain in Montgomery County but do not want a long term lease. The nearby presence of NIH and the Walter Reed Medical Center, as well numerous government contractors with employees working in multiple locations, help drive the demand for such rentals.

Applicant will be making a significant investment in furniture, other physical features and operational arrangements including management services to accommodate these residents.

Therefore, the purpose of these limited amendments is to document this intended use prior to making those investments.

Applicant has prepared a Traffic Statement (attached as Exhibit 1) documenting that the trip generation for these units will be no greater than the traffic for the 480 units as approved. In fact, it is likely that more of these limited term residents will take advantage of the urban location of this building, directly above both the Purple Line and the Red Line, and convenient to all types of services in downtown Bethesda, and will drive less. Similarly, the student generation will be no greater and, in almost all certainty, will be significantly less than the student generation for longer term rentals. As such, the allocation of up to 80 of the approved units for these shorter term rentals will have no adverse effect on public infrastructure and will be directly responsive to a defined housing need.

### III. Additional Information

There are no planned design or other physical changes to the project. Applicant is requesting that the approval be amended to allow up to 456 multi-family dwelling units including MPDUs, of which 80 may be used for hotel units, to allow short term rental periods. Attached as Exhibits 2 and 3 are annotated versions of the Site Plan and Preliminary Plan Resolutions reflecting this change.



January 14, 2020

Matthew Folden, AICP  
Planning Coordinator  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Traffic Statement for 7272 Wisconsin Avenue  
Montgomery County, Maryland

Dear Mr. Folden:

This letter serves as a Traffic Statement for a proposed change in use to the 7272 Wisconsin Avenue development. Carr Properties recently submitted an application to amend the approval to permit 80 hotel rooms in place of 80 dwelling units.

The site, located at 7272 Wisconsin Avenue in the Bethesda CBD policy area of Montgomery County, Maryland, was approved with the following development program:

- Office: 360,800 SF
- Residential: 480 DUs – High Rise
- Retail: 14,572 SF

Since the preliminary and site plan approvals, the number of dwelling units has been reduced to 456. With the proposed amendment, the develop program would be:

- Office: 360,800 SF
- Residential: 376 DUs – High Rise
- Business Hotel: 80 Rooms
- Retail: 14,572 SF

The number of trips generated by the 376 dwelling units and 80 hotel rooms was compared to the trips generated by the approved 480 dwelling units to determine if the change in program would warrant a local area transportation review. Based on the trip generation analysis attached in Table 1, the proposed use will generate 222 AM peak hour and 243 PM peak hour person trips. By contrast, the approved development is estimated to generate 228 AM peak hour and 267 PM peak hour person trips,

with the proposed use. Therefore, the proposed change will generate 6 fewer AM peak hour and 24 fewer PM peak hour person trips.

Since the proposed change generates fewer person trips compared to the approved program, this application is exempt from a transportation review of adequate public facilities.

If you have any questions regarding the above revised Traffic Statement please call me at (301) 971-3416 or email me at [ckabatt@wellsandassociates.com](mailto:ckabatt@wellsandassociates.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Kabatt", written over a light gray rectangular background.

Chris Kabatt, PE  
Principal Associate

Table 1  
Trip Generation Comparison  
7272 Wisconsin Avenue

				ITE Trip Generation <sup>1</sup>						SSP 2016-2020 Trip Generation <sup>2</sup>													
Land Use	Land Use	Size	Units	AM Peak Hour			PM Peak Hour			AM Peak Hour						PM Peak Hour							
	Category			IN	OUT	TOTAL	IN	OUT	TOTAL	Auto Driver	Auto Passenger	Transit Trips	Bicycle Trips	Pedestrian Trips	Total Person Trips	Auto Driver	Auto Passenger	Transit Trips	Bicycle Trips	Pedestrian Trips	Total Person Trips		
<u>Approved</u>																							
High-rise residential	222	480	DU	35	112	147	105	67	172	116	47	27	38	65	228	136	56	31	44	75	267		
<u>Proposed</u>																							
High-rise residential	222	376	DU	28	90	118	83	53	136	93	38	21	30	51	183	108	44	25	35	60	212		
<u>Hotel (Business)</u>	<u>312</u>	<u>80</u>	<u>Rooms</u>	<u>13</u>	<u>19</u>	<u>32</u>	<u>14</u>	<u>12</u>	<u>26</u>	<u>20</u>	<u>5</u>	<u>9</u>	<u>6</u>	<u>15</u>	<u>39</u>	<u>16</u>	<u>4</u>	<u>7</u>	<u>5</u>	<u>12</u>	<u>31</u>		
Total Trip Generation		456	DU + Rooms	41	109	150	97	65	162	113	43	30	36	66	222	124	48	32	40	72	243		
Total Difference (Proposed - Approved)				6	-3	3	-8	-2	-10	-3	-4	3	-2	1	-6	-12	-8	1	-4	-3	-24		

1. Trip generation based on ITE Trip Generation Manual 10th Edition  
2. Mode Split assumptions based on the Bethesda CBD Policy



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 16-141  
 Site Plan No. 820160200  
 7272 Wisconsin Avenue  
 Date of Hearing: January 5 & 19, 2017

JAN 25 2017

## 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 July 11, 2016, CP 7272 Wisconsin Avenue, LLC c/o Carr Properties ("Applicant") filed an application for approval of a site plan for up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to ~~480~~456 multi-family dwelling units ~~(including 12.5% MPDUs)~~MPDUs, of which 80 may be used for hotel units, to allow short term rental periods, and accommodate the Bethesda Purple Line Station, access to the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail, on ~~2.69~~ — acres of CR 8.0, C 7.5, R 7.5, H 250-zoned-land, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property"), in the Bethesda CBD Policy Area and *Bethesda Purple Line Station Minor Master Plan Amendment* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820160200, 7272 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 December 23, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 5 and 19, 2017, 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.

Approved as to  
 Legal Sufficiency:

8787 Georgia Avenue Chairman's Office: 301.495.4605

Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170200 for up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to ~~480~~456 multi-family dwelling units (~~including 12.5% MPDUs~~), of which 80 may be used for hotel units, to allow short term rental periods, and accommodate the Bethesda Purple Line Station, access to the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail, on the Subject Property, subject to the following conditions: <sup>1</sup>

### **Conformance with Previous Approvals & Agreements**

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320160040 as listed in the MCPB Resolution No. 16-17 dated February 12, 2016, as amended.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160380, being reviewed concurrently with this Site Plan.

### **Environment**

3. Forest conservation

- a. The Final Forest Conservation Plan (FFCP) must be consistent with the Preliminary FCP.
- b. The fee-in-lieu amount on the approved FFCP must be executed prior to ' any clearing, grading or demolition associated with the project.
- c. The Applicant shall coordinate with the Planning Department Forest Conservation Inspector to review the LOD and any tree save measures and/or other items that may be required prior to the start of any clearing, grading, or demolition.

4. Noise Attenuation

- a. Prior to issuance of a building permit for new construction, 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 these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.

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<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.

- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. 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.

5. Historic Preservation

The Applicant must relocate the Wilson Store Historic Resource, consistent with the Historic Area Work Permit as recommended by the Historic Preservation Commission (HPC) in its letter dated December 7, 2016, the recommendations of which the Planning Board hereby incorporates as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter.

**Public Use Space, Facilities and Amenities**

6. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 7,500 square feet of Public Open Space (8% of lot area) on-site.
- b. The Applicant must construct the streetscape improvements along the Property's frontage on Wisconsin Avenue and Elm Street, consistent with the Bethesda Streetscape Standards, including undergrounding of utilities, if any.
- c. Before the issuance of the final use and occupancy certificate for the development, all public open space areas on the Subject Property must be completed.

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. Major Public Facilities - The Applicant must construct the space for the Bethesda Purple Line station, access to the Red Line station, the Capital Crescent Trail, and a bicycle storage and maintenance facility, as illustrated on the Certified Site Plan.
- b. Transit Proximity - The development is located on top of the Bethesda Purple Line station and immediately adjacent to the southern Bethesda Red Line station entrance.



- c. Connectivity between Uses, Activities, and Mobility Options  
Transit Access Improvement - The Applicant must construct new access to the future Purple Line station and improve access to the new Red Line Station south portal entrances, as illustrated on the Certified Site Plan.
- d. Quality Building and Site Design
  - i. Exceptional Design -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.
  - 11. Structured Parking -The Applicant must provide a minimum of 700 parking spaces within the above- and below-grade structure.
- e. Protection and Enhancement of the Natural Environment
  - i. Building Lot Terminations (BLTs) - Before issuance of any building permit for new construction, the Applicant must provide proof of purchase and/or payment of 2.09 BLTs to the MCDPS.
  - 11. Vegetated Roof - The Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment.
- 8. Recreation Facilities  
Before Certified Site Plan approval, the Applicant must meet the requirements for the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- 9. Maintenance of Public Amenities  
The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the open space at the intersection of Wisconsin Avenue and Elm Street and all public open space onsite.

## **Transportation & Circulation**

### **10. Bicycle Parking**

- a. Exclusive of the bicycle parking required by Condition 11.e., the Applicant must provide bike parking as follows:
  - i. for the office use a minimum of 63 bicycle parking spaces for long-term use and 10 bicycle parking spaces for short-term use;
  - ii. for the retail use a minimum of 2 bicycle parking spaces for short-term use; and
  - iii. for the multi-family residential use a minimum of 95 bicycle parking spaces for long-term use and 5 bicycle parking spaces for short-term use.
- b. The specific location(s) of the short term and long-term bicycle parking must be identified on the Certified Site Plan.

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- c. Short term public bicycle parking must be installed near the main entrances to the multifamily building, office building, retail, and open space.
- d. Secure long term bicycle parking must be installed, internal to the proposed high rise residential building and office building, for resident and employee use.

#### 11. Capital Crescent Trail

- a. The Applicant must construct the segment of Capital Crescent Trail within the project limits, adjacent to the Purple Line light rail.
- b. The final trail design and section must be shown on the Certified Site Plan. Subsequent minor modifications in trail design and section may be approved by Planning Department staff without Site Plan Amendment.
- c. Through the building, the Capital Crescent Trail must have a minimum clear width of 15'; at the entrance from Woodmont Plaza the minimum clear width may be a minimum of 14'. Planning Department staff may approve an alternative width after Certified Site Plan without a Site Plan Amendment.
- d. The Capital Crescent Trail improvements, as shown on the Certified Site Plan, must be completed prior to issuance of the final residential Use and Occupancy Certificate.
- e. The Applicant must construct the space for bicycle parking and maintenance area, as illustrated on the Certified Site Plan, with final fit-out to be provided by the Montgomery County Department of Transportation or their designee before the Purple Line Station is open for use. The Applicant must provide water, sewer, electrical, and fiber-optic utility connections available for use by the bicycle parking and maintenance area.

#### 12. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated October 31, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

### **Density & Housing**

#### 13. Moderately Priced Dwelling Units (MPDUs)

- a. The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated December 21, 2016, and hereby 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 DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- b. The development must provide 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c. Before issuance of any residential building permit, the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

## Site Plan

### 14. Building Design

The exterior architectural character, proportion, step-backs, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.

### 15. Landscaping

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

### 16. Lighting

- a. Before issuance of any building permit for new construction, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for this type of development.
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures causing potential glare or excess illumination.
- d. The light pole height must not exceed the height illustrated on the Certified Site Plan, including the mounting base.

### 17. Site Plan Surety and Maintenance Agreement

- a. Prior to issuance of any building permit for new construction, 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 as required by Section 59-7.3.4.G.I. of the Montgomery County Zoning Ordinance, with the following provisions:

- i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- ii. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, paving, outdoor furniture, outdoor recreational facilities, and other improvements associated with the public open space.
- iii. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- iv. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

#### 18. Development Program

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

#### 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 final forest conservation approval letter, stormwater management concept approval letter, development program, and Site Plan / resolution (and other applicable resolutions) on the approval or cover sheet(s).
- 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 7272 Wisconsin Avenue, 820160200, 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 bindings elements and conditions of Sketch Plan Amendment No. 320160040, as amended, regarding density, the general location of vehicular access points, and the public benefit schedule. Furthermore, as conditioned, the Site Plan satisfies the requirements of Preliminary Plan 120160380.

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. *Division 4.5. Commercial/Residential Zones*

**Development Standards**

The Subject Property is approximately 2.69 gross acres zoned CR 8.0 C 7.5 R 7.5 H 250. The following table shows the Application's conformance to the development standards of the zone and the approved Sketch Plan, as amended. As illustrated on the Certified Site Plan, the project meets the requirements of Section 4.5.4.B.4, regarding transparency, blank walls, and active entrances, by providing attractive, varied, and activated street-level facades. Along Wisconsin Avenue, Elm Street, and the open space, the design includes retail and restaurant entrances and outdoor cafe seating, clerestory views into the Purple Line station and attractive materials implemented to create continuous visual interest.

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### Height

Under Section 4.5.2.A.2.e, with Planning Board approval, any Optional Method project in a CR zone that includes the provision of a major public facility under Section 4.7.3.A may add the height of any floor mostly used for above grade parking to the maximum height otherwise allowed, when the major public facility diminishes the ability of the Applicant to provide parking at or below grade.

The Planning Board approves the application of Section 4.5.2.A.2.e in this case. As discussed in more detail below, the Applicant will provide a Purple Line Station, a section of the Capital Crescent Trail, and access to the Red Line (south portal) below ground on the Subject Property. These major public improvements clearly diminish the Applicant's ability to provide parking at or below grade.

	<b>Tract Area (sf)</b> Previous Dedication (sf) Proposed Dedication (sf) Lot Area (sf)	117,148   117,148	117,148 34,259 632 82,257
<b>4.5.4.B.2.b</b>	<b>Density (CR8.0, C7.5, R7.5, H250)</b> Commercial FAR/GFA, Max. Residential FAR/GFA, Max.  <b>Total FAR/GFA, Max.</b>	7.5/878,610 7.5/878,610  8.0/937,184	3.2/375,372 4.8/561,812  8.0/937,184
	<b>Dwelling Units</b>	-	<del>480</del> 456
	<b>MPDUs (% / units)</b>	12.5%	12.5%/ <del>60</del> 57
<b>4.5.4.B.2.b</b> 4.5.2.A.2.e.	<b>Building Height (feet)</b> <b>Height of floors mostly used for above-grade parking (feet)<sup>2</sup>, max.</b> <b>Total Building Height (feet), max.</b>	250   250	250 45  295
<b>4.5.4.B.3</b>	<b>Minimum Setback</b> From adjacent properties From R.O.W.	0' 0'	0' 0'
<b>4.5.4.B.1</b>	<b>Public Open Space (%/sq. ft.)</b>	5/4,076	8/7,500
<b>6.2</b>	<b>Parking spaces, minimum-maximum<sup>3</sup></b>	-	700

*b. Division 4.7 Optional Method Public Benefits*

Consistent with Sketch Plan 320160040, the project will provide the following Public Benefits:

<sup>2</sup> Per Section 4.5.2.A.2.e.

<sup>3</sup> The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.



#### Major Public Facilities

The Applicant will incorporate the space for the proposed Purple Station, construct a section of the Capital Crescent Trail, and provide access to the Red Line (south portal) on the Subject Property as part of the Application. The Application advances the "Better Alternative" described in the Bethesda Purple Line Station Minor Master Plan and describes the planning, construction and operation of the major public facility as "the top priority benefit for this Plan area." The Planning Board supports the Applicant's request for 70 points.

#### Transit Proximity

The Subject Property is located directly on top of the proposed Purple Line station and Red Line (south portal) connection, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board supports the Applicant's request for 50 points.

#### Connectivity and Mobility

*Transit Access Improvements:* The Applicant is constructing new access to the future Purple Line Station and improving access to the Red Line Station through access to a new south portal entrance. The Planning Board supports the Applicant's request for 10 points.

#### Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria and 10 points is appropriate for development that meets all six criteria. The development meets the following four criteria, and the Planning Board supports the Applicant's request for 5 points.

#### *Providing innovative solutions in response to the immediate context*

The Application leverages the development potential afforded by the newly adopted Zoning Ordinance and the rezoning of the Subject Property to transform an outdated, underutilized commercial site in a transit-oriented location into a more modern, efficient development. The Application introduces true mixed use onto the Subject Property comprising residential, commercial office, retail, theatres, and restaurants, all served by the Purple and Red Line portals which are integrated into the building design.



*Creating a sense of place and serving as a landmark*

The Application's architectural elements will be distinctly modern and will contribute to the establishment of a new sense of place within the Bethesda CBD at this transit focal point. A variety of colors and materials such as masonry, architectural panels and glass are contemplated for the building façade, to create visual interest. The building will have a distinguishable massing approach that will establish a unique presence in the Bethesda skyline, while articulating the building base in a way that provides human scale to the block.

*Enhancing the public realm in a distinct and original manner.*

The Application will provide access to two transit stations and accommodate a portion of the CCT. The Application improves pedestrian conditions by providing a much wider sidewalk of 20 feet along Wisconsin connected to an open space plaza at the corner of Elm and Wisconsin, and new streetscaping along both Elm Street and Wisconsin. The plaza includes a series of planes that are navigated by sculptural stairs, ramps and a fountain flanked by plantings that cascade into the plaza. Permanent seating is provided along the planted areas and extend into the plaza.

*Using design solutions to make compact infill development living, working and shopping environments more pleasurable or desirable.*

The Application includes unique design solutions to accommodate all of the development components on the Subject Property. The design includes the access portals for the Red and Purple Lines, an integrated yet workable residential and commercial development with a public plaza, retail, and restaurants. Through excellent, innovative design, the project addresses the complexities of this site and provides a quality private and public space that will enhance the lifestyle of the Bethesda community.

*Structured Parking:* The Applicant requests 15 points for structured parking for parking above and below grade. The Applicant will provide all the parking spaces in structured garages, half above-grade and half below-grade. The Planning Board supports 15 points.

**Protection and Enhancement of the Natural Environment**

*Building Lot Termination:* The Applicant requests 18.8 points for the for the purchase of 2.09 Building Lot Terminations (BLTs) easements. Section 59.4.7.3.F requires the Applicant to purchase BLT easements equal to 7.5 percent of the incentive density for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. The Applicant is required to purchase 2.09 BLTs under the following calculation:  $937,184 \text{ sf. (8.0 FAR)} - 58,574 \text{ sf. (.5 FAR)} = 878,610 \text{ sf.} / 31,500 = 27.89 \times .075 = 2.09$ . The Applicant is permitted 9 points for each required BLT resulting in 18.8 points. The Planning Board supports this request.

*Vegetated Roof:* The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on the multi-family building. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements. The Planning Board supports the 7.5 points as recommended in the CR Guidelines because the Project meets the requirement of the Zoning Ordinance.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Sketch Plan	Site Plan
<b>59.4.7.3.A: Major Public Facility</b>	<b>70</b>	<b>57</b>	<b>70</b>
<b>59.4.7.3.B: Transit Proximity</b>	<b>50</b>	<b>50</b>	<b>50</b>
<b>59.4.7.3.C: Connectivity and Mobility</b>	<b>20</b>		
<b>Transit Access Improvement</b>			
<b>59.4.7.3.D: Quality of Building and Site Design</b>	<b>10</b>	<b>5</b>	<b>5</b>
<b>Structured Parking:</b>	<b>20</b>	<b>15</b>	<b>15</b>
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>			
<b>Building: Lot Terminations (BLTs)</b>	<b>30</b>	<b>18</b>	<b>18.8</b>
<b>Vegetated Roof</b>	<b>15</b>	<b>5</b>	<b>7.5</b>
<b>TOTAL</b>		<b>170</b>	<b>176.3</b>

c. General Requirements

i. *Division 6.1. Site Access*

The development will have ample site access. Pedestrian access to the buildings and transit stations will be afforded from Wisconsin Avenue, Elm Street, and Woodmont Plaza. Vehicular access for parking and loading will be provided from Elm Street and Wisconsin Avenue. Transit access to the Subject Property is provided by the Purple Line station beneath the development and the Red Line station access point along Elm Street. The development will also include a section of the Capital Crescent Trail beneath the building, connecting to the surrounding street grid and along the Trail to Georgetown and Silver Spring beyond.

ii. *Division 6.2. Parking, Queuing, and Loading*

Parking will be provided in above- and below-ground structures within the development, with access from Wisconsin Avenue and Elm Street. Loading will be provided from Wisconsin Avenue.

iii. *Division 6.3. Open Space and Recreation*

The development has a 5 percent Public Open Space requirement. The Application includes 8 percent, totaling 7,500 square feet of public open space, at the corner of Elm Street and Wisconsin Avenue. The Public Open Space accommodates public access to the Purple Line station, as well as inviting places to sit and watch or meet people.

The Application meets the active and passive recreation space required by the zone. The Application will provide the following on-site recreation facilities: the Capital Crescent Trail, and indoor fitness facility, swimming pool, and an indoor community space. The development can also take advantage of the off-site bike system and nature trails. The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

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

As a central development at the intersection of two major transit lines in an urban area, the project's landscaping and lighting will be consistent with the Bethesda Streetscape Standards and the needs of the transit stations.

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 on October 31, 2016. The plan proposes to meet stormwater management requirements using a green roof and micro-bioretenment with a partial quantity waiver.

b. Chapter 22A Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420160820 for the project was approved on December 22, 2015. The urban site is located within the Little Falls watershed, a use-class I-P watershed. There are several existing street trees and minor landscape plantings fronting the site; the tree sizes range up to approximately 18" diameter at breast height (DBH). The Subject Property is not associated with any significant or specimen trees, nor any forest areas or other environmentally sensitive resources such as highly erodible soils, steep slopes, streams, floodplains or associated buffers.

The project is subject to a Forest Conservation Plan (FCP). Although there is no forest to be cleared in association with the project, there is an afforestation requirement. Given the dense urban setting over the existing Metro and future Purple Line, the afforestation credits will be met offsite by a payment of fee-in-lieu per Sec. 22A-12(g)(2)(D) of the Forest Conservation Law.

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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

The parking is located in above- and below-ground structures within the development. The circulation patterns take advantage of the Subject Property's central location within downtown Bethesda and is easily accessed by foot, bike, transit, and car. The building massing consists of several towers of differing heights, with the tallest towers at the center of the site and the rest stepping down to Woodmont Plaza and to Wisconsin Avenue. The open space, concentrated at the corner of Wisconsin Avenue and Elm Street is well designed to integrate the needs of commuters as well as for people who want to sit and people-watch or meet a friend. The parking, circulation patterns, building massing, and open spaces are safe and well-integrated.

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.*

#### Planning Vision of the Sector Plan

The Application is consistent with, and furthers, the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Application realizes the "Better Alternative" which incorporates the alternative station design that improves the quality of service provided by a new station as follows:

- The Purple Line platform would be larger and, without interrupting columns, would provide more room for riders and trains;
- The Purple Line station platform would be straight, eliminating gaps between the train and the platform;
- The Red Line Metro south entrance would be located within the new building with access to high-speed elevators directly from the street;
- CCT users would have a choice to cross Wisconsin Avenue either in a new tunnel or at street level;
- The 90-foot-tall ventilation tower would be incorporated into a new building and the over-run tracks would be significantly shortened, leaving more of Woodmont Plaza available for public enjoyment;
- The station area can accommodate space for full-service bike storage (i.e., a "bike station").

The Application is consistent with the Sector Plan's recommendation to encourage coordinated redevelopment of the site, especially as it relates to realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the

downtown. The Application promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities. The Site Plan's streetscape enhancements, including new sidewalks, streetlights and street trees allows for increased pedestrian access and connectivity, provides access to shared roadways and shared use paths recommended in the Sector Plan, and provides a human-scaled streetscape.

#### Land Use and Zoning

The Application continues to take full advantage of the density and height provisions promoted by the Sector Plan, which increased the density from a 5.0 FAR to an 8.0 FAR and a height increase from 143 feet to 250 feet. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail. The additional height allowed by ZTA 16-08, from 250 feet to 295 feet, continues to meet this intent with a design that uses vertically and horizontally shifting massing and materials to break up the overall perceived mass of the building from a distance, and a well-defined building podium base to help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor café seating.

#### Infrastructure

The Sector Plan emphasizes that "the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the 'major public facilities' of the improved transit station and the CCT tunnel." With the increased height and density, the Applicant proposes to accommodate the new Purple Line Station, which includes access to the Red Line Metro south entrance and the CCT trail through the building. The infrastructure is consistent with Sector Plan recommendations.

#### Public Open Space

The public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances, at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

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. 120160380 findings, the development in the Site Plan will be served by adequate public facilities, including schools,

police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

9. *The development is compatible with existing and 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 development will create a new center of activity with two transit stations located between the existing Bethesda Row and Bethesda Lane developments to the west and the existing mid- and high-rise office and residential uses along Wisconsin Avenue. As the design transitions between these surrounding developments, the 295' building height will be articulated using vertically and horizontally shifting massing and materials that break up the overall perceived mass of the building from a distance, while the well-defined building podium base will help ensure the pedestrian scale experienced closer to the development, with retail and building entries and outdoor cafe seating. The building design will also help ensure that the approved structures will not unnecessarily block air and light from nearby developments.

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 January 25, 2017(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).

\* \* \* \* \*



MCPB No. 16-141  
Site Plan No. 820170200  
7272 Wisconsin Avenue  
Page 19

### **CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with Chair Anderson, and Commissioners Dreyfuss, Fani-Gonzalez, and Cichy voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, January 19, 2017, in Silver Spring, Maryland.

Casey Anderson, Chair  
Montgomery County Planning Board



Document comparison by Workshare 9.5 on Thursday, January 9, 2020 3:09:31 PM

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Moved to	0
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Format changed	0

Total changes	68
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~~<sup>†</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.~~



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

MCPB No. 16-140  
Preliminary Plan No. 120160380  
7272 Wisconsin Avenue  
Date of Hearing: January 5, 2017

JAN 25 2017

**RESOLUTION**

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

WHEREAS, on October 22, 1987, the Planning Board approved Preliminary Plan No. 119851780, for one lot with 118,395 square feet of office uses and 61,404 square feet of retail uses on 2.69 acres of CR8.0, C7.5, R7.5, H250 zoned-land, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property"), in the *Bethesda Central Business District Sector Plan* ("Sector Plan") area; and

WHEREAS, on July 11, 2016, CP 7272 Wisconsin Avenue, LLC c/o Carr Properties ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 2.69 acres of land in the CR8.0, C7.5, R7.5, H250 zone, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property"), in the Bethesda CBD Policy Area and the *Bethesda Purple Line Station Minor Master Plan Amendment* ("Master Plan") area, which will completely supersede Preliminary Plan 119851780; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120160380, 7272 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 December 23, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 5, 2017, 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

Approved as to \_\_\_\_\_  
Legal Sufficiency:

8787 Georgia Avenue Chairman's Office: 301.495.4605 Fax: 301.495.1320  
[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

~~3538769.1~~ [3538769.2](#)  
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85269.004

MCPB No. 16-140  
 Preliminary Plan No. 120160380  
 7272 Wisconsin Avenue  
 Page 2

WHEREAS, on January 5, 2017, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 3-0; Commissioners Anderson, Cichy, and Fani-Gonzales voting in favor, and Commissioners Dreyfuss and Wells-Harley being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120160380 to create one lot on the Subject Property, subject to the following conditions: <sup>1</sup>

1. This Preliminary Plan is limited to one lot with up to 937,184 square feet of total development, including up to 360,800 square feet of office uses, up to 14,572 square feet of retail uses, and up to ~~480~~456 multi-family dwelling units including MPDUs, of which 80 may be used for hotel units, to allow short term rental periods.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 20, 2016, and hereby 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 provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated December 19, 2016, and hereby 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 MOSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MD.SHA and MCDOT.
5. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of frontage improvements, on both the Elm Street and Wisconsin Avenue frontages, as shown on the Certified Site Plan. These improvements may be modified by MCDPS and MD SHA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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<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.

MCPB No. 16-140  
Preliminary Plan No. 120160380  
7272 Wisconsin Avenue  
Page 3

6. Prior to the release of any building permit for above-grade construction on the Subject Property, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT. The TMAg must include trip mitigation measures recommended by MCDOT in its letter dated September 20, 2016.
7. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") - Water Resources Section in its stormwater management concept letter dated October 31, 2016, and hereby 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 provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Applicant must dedicate and show on the record plat(s) dedication along Wisconsin Avenue from the right-of-way centerline to the surface Public Improvement Easement above the existing underground parking structure to remain, as illustrated on the Certified Preliminary Plan.
10. Prior to record plat, the Applicant must record and provide a public use and access easement on the Subject Property for the full width and extent of the Capital Crescent Trail (CCT), as shown on the Certified Site Plan, granted to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following:
  - a. Entitlement for open and unobstructed public use of the easement for all necessary pedestrian, bicycle, general public, and emergency access;
  - b. Obligation for the Applicant to design and construct the on-site portion of the CCT, as shown on the Certified Site Plan pursuant to comparable MCDOT structural construction standards, at the Applicant's expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
  - c. Obligation for the Applicant to maintain and repair the structural components, including the trail surface, of the on-site portion of the CCT in a condition acceptable to MCDOT for all access, at the Applicant's expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
  - d. Obligation for the Applicant to keep the on-site portion of the CCT free of snow, litter and other obstructions and hazards at all reasonable times, at

MCPB No. 16-140  
 Preliminary Plan No. 120160380  
 7272 Wisconsin Avenue  
 Page 4

its expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;

- e. Entitlement for the Applicant or its designee to close the on-site portion of the CCT for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public.
11. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By \_\_\_\_" are excluded from this condition.
  12. 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 issuance 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. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
  13. The Applicant must submit a revised Final FCP to correctly identify the afforestation requirements.
  14. The record plat must show all easements.
  15. Prior to recordation of any plat, Site Plan No. 820160200 must be certified by M-NCPPC Staff.
  16. No clearing or grading of the site for new construction, or recording of plats prior to Certified Site Plan approval. Upon Final Forest Conservation Plan approval, and before Certified Site Plan approval, the Applicant may obtain Erosion and Sediment Control and demolition permits for the existing building.

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:

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 Preliminary Plan No. 120160380  
 7272 Wisconsin Avenue  
 Page 5

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

**Planning Vision of the Sector Plan**

The Preliminary Plan is consistent with, and furthers, the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Preliminary Plan conforms to the Sector Plan's recommendation to encourage coordinated redevelopment of the Subject Property, especially in realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the downtown. The Application also promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities.

**Land Use and Zoning**

The Application takes full advantage of the density and height provisions promoted by the Sector Plan and allowed under the Zoning Ordinance. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail.

**Infrastructure**

The Sector Plan emphasizes that "the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the 'major public facilities' of the improved transit station and the CCT tunnel." With the increased height and density, the Preliminary Plan will accommodate the new Purple Line Station, which includes access to the Red Line Metro south entrance and the CCT trail through the building. The Application's infrastructure is consistent with Sector Plan recommendations.

**Public Open Space**

The public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

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

**Access and Circulation**

Vehicular access to the Subject Property is from both Elm Street and Wisconsin Avenue. The Preliminary Plan includes automobile garage access from both streets, with truck loading access only from a full-movement driveway on Wisconsin Avenue. All vehicular parking will be contained within a structured subgrade garage beneath the building.

Bicycle access to the site will be via the Capital Crescent Trail (CCT), which will run through a lower level of the building, providing a regional connection. The Preliminary Plan is providing space for a public bicycle storage facility adjacent to both the proposed Purple Line station and Capital Crescent Trail tunnel. Pedestrian access will be provided from the Wisconsin Avenue and Elm Street sidewalks, as well as on the CCT from Woodmont Plaza. The Preliminary Plan will maximize pedestrian entrances along the two streets to help activate the ground floor.

#### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station, Metrobus, RideOn, and the Bethesda Circulator. Future transit in the area includes a proposed Purple Line station beneath the building. Specific transit routes near the Site include:

1. RideOn Bus Routes 1, 2, 3, **4**, 5, 8, 9, 11, 29, 30, 32, 34, 36, 47, 70
2. WMATA Metrobus Routes J2, J3, J4, J7, J9

#### *Master Plan Roadways and Pedestrian/ Bikeway Facilities*

The following recommendations are included in the **1994 Bethesda Central Business District Sector Plan** and the *2005 Countywide Bikeways Functional Master Plan*:

1. Wisconsin Avenue (MD 355), along the Subject Property's eastern frontage, as major highway (M-6) within a minimum right-of-way width of 114 feet.
2. Elm Street, along the Subject Property's northern frontage, as a business district roadway within a minimum right-of-way width of 60 feet.
3. Capital Crescent Trail (SP-6), a tunnel through the Subject Property and adjacent to the Purple Line, as a regionally-important shared use path between Georgetown and Union Station in the District of Columbia via Bethesda and Silver Spring.

#### *Sector-Planned Transportation Demand Management*

As a mixed-use development within the Bethesda Transportation Management District (TMD) that has more than 25 employees on the largest shift and more than 100 dwelling units, the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Bethesda TMD.

#### *Adequate Public Facilities*

A traffic study, dated July 1, 2016, and revised November 11, 2016, was submitted for the subject application per the *LATRITPAR Guidelines* since the proposed development was estimated to generate more than 30 peak-hour trips



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 Preliminary Plan No. 120160380  
 7272 Wisconsin Avenue  
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during the typical weekday morning (6:30 a.m. - 9:30 a.m.) and evening (4:00 p.m. - 7:00 p.m.) peak periods.

A site trip generation summary for the proposed development shows that the project will generate 313 net new peak-hour trips during the weekday morning peak period and 306 net new peak-hour trips during the weekday evening peak period. This trip generation estimate is based on the addition of up to 360,800 square feet of General Office Space, ~~480 high-rise~~ 456 multi-family dwelling units including MPDUs, of which 80 may be used for hotel units, to allow short term rental periods, and up to 14,572 square feet of General Retail.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the subject application will satisfy the LATR requirements of the APF test.

Since the proposed development is within the Bethesda CBD Policy Area, the Application is exempt from both the roadway and transit tests set forth in the 2012-2016 *Subdivision Staging Policy*. As a result, the proposed development is not required to pay the transportation impact tax to satisfy the TPAR requirement.

### **Other Public Facilities**

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

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of

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 Preliminary Plan No. 120160380  
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development or use contemplated. The Application substantially conforms to the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the proposed mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of subsequent site plans.

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

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420160820 for the project was approved on December 22, 2015. The urban site is located within the Little Falls watershed, a use-class I-P<sup>2</sup> watershed. There are several existing street trees and minor landscape plantings fronting the site; the tree sizes range up to approximately 18" diameter at breast height (DBH). The Subject Property is not associated with any significant or specimen trees, nor any forest areas or other environmentally sensitive resources such as highly erodible soils, steep slopes, streams, floodplains or associated buffers.

The project is subject to a Forest Conservation Plan (FCP). Although there is no forest to be cleared in association with the Application, there is an afforestation requirement. Given the dense urban setting over the existing Metro and future Purple Line, the afforestation credits will be met offsite by a payment of fee-in-lieu per Sec. 22A-12(g)(2)(D) of the Forest Conservation Law.

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<sup>2</sup> Use I-P: Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.

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5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The MCDPS Stormwater Management Section approved the stormwater management concept by letter dated October 31, 2016.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 85 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), 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 January 25, 2017 (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 Fani-Gonzalez, seconded by Commissioner Cichy, with Chair Anderson, and Commissioners Dreyfuss, Fani-Gonzalez, and Cichy voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, January 19, 2017, in Silver Spring, Maryland.

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

Document comparison by Workshare 9.5 on Thursday, January 9, 2020 3:28:10 PM

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Total changes	28

## Folden, Matthew

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**From:** Govoni, Lisa  
**Sent:** Tuesday, March 3, 2020 5:21 PM  
**To:** Amanda Farber  
**Subject:** 7272 Wisconsin

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Amanda,

Unfortunately, I have no idea what the vacancy rate is without STRs. Hoping that as STRs become more common, we can get better data to understand the full impact.

The 2019 vacancy rate for the downtown Bethesda CoStar market for 2020 YTD is 5.1%, last year it was 5.0%. I will say that CoStar's estimation is that by year end there will be a higher vacancy rate due to the amount of inventory increase they are expecting to come online (it looks like they're expecting about 800 units to be delivered by year end). The 2020 estimated vacancy rate for year end is around 21%, which they expect will decline to 12% by 2021 (even with an additional 200 units delivered in 2021). By 2024 it's predicted to be fully absorbed with a vacancy of 7.5% (but we'll see if this actually holds true, especially if other projects move forward that are currently not being counted!).

It looks like in 7272's SOJ, they are decreasing the residential units, so I would imagine MPDUs are being decreased also. - <https://eplans.montgomeryplanning.org/UFS/31546/88622/01-SOJ-12016038A.pdf/01-SOJ-12016038A.pdf>

Since the preliminary and site plan approvals, the number of dwelling units has been reduced to 456.  
 With the proposed amendment, the development program would be:

- Office: 360,800 SF
- Residential: 376 DUs – High Rise
- Business Hotel: 80 Rooms
- Retail: 14,572 SF

The number of trips generated by the 376 dwelling units and 80 hotel rooms was compared to the trips generated by the approved 480 dwelling units to determine if the change in program would warrant a local area transportation review. Based on the trip generation analysis attached in Table 1, the proposed use will generate 222 AM peak hour and 243 PM peak hour person trips. By contrast, the approved development is estimated to generate 228 AM peak hour and 267 PM peak hour person trips,

Lisa

---

**From:** Amanda Farber <amandafarber@hotmail.com>  
**Sent:** Tuesday, March 3, 2020 4:43 PM  
**To:** Govoni, Lisa <Lisa.Govoni@montgomeryplanning.org>  
**Subject:** Re: MD Nat'l Capital Park & Planning--CoStar--Sean Mathews

Thank you Lisa!!

So I wonder what the vacancy rate is without those STRs or even without the corporate apartments in those buildings?

And I'm not surprised they are finding a way to let the 7272 units change to a "hotel." Does that change effect the number of MPDUs they must provide? Ironically even if the number of MPDUs stays the same, then there will be more short term rental units than MPDUs in that project.

And lastly is there a general trend towards more vacancy in Bethesda between 2019 and 2020 YTD?

Thank you again! Amanda

Sent from my iPhone  
240-271-9033

On Mar 3, 2020, at 3:56 PM, Govoni, Lisa <[Lisa.Govoni@montgomeryplanning.org](mailto:Lisa.Govoni@montgomeryplanning.org)> wrote:

Hi Amanda,

I asked our CoStar rep about AirBNBs. Those units are classified as occupied in their system.

Here are the vacancy rates for the apartments you asked me to look up:

8300 Flats – vacancy 2020 YTD: 5.8%, 2019: 6.1%

Gallery II – vacancy 2020 YTD: 12.8%, 2019: 20.5%

Gallery I – vacancy 2020 YTD: 5.6%, 2019: 4.3%

The Brody - vacancy 2020 YTD: 11.6%, 2019: 8%

I also checked with the area 1 regulatory folks and it seems as though for the regulatory purposes, those 80 short-term units will be under a hotel use, not residential.

Lisa

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**From:** Sean Mathews <[smathews@costar.com](mailto:smathews@costar.com)>

**Sent:** Monday, March 2, 2020 4:41 PM

**To:** Govoni, Lisa <[Lisa.Govoni@montgomeryplanning.org](mailto:Lisa.Govoni@montgomeryplanning.org)>

**Cc:** Michael Horwitz <[mhorwitz@costar.com](mailto:mhorwitz@costar.com)>

**Subject:** RE: MD Nat'l Capital Park & Planning--CoStar--Sean Mathews

Hi Lisa,

We do not yet track whether a tenant is renting out their unit as an Airbnb. Those units would simply be classified as occupied in our system. CoStar did however just buy STR-the largest provider of data on the hospitality industry, so it's possible that we will have this data available in the near future.

I marked down a reminder to keep you updated of any new releases pertaining to airbnbs. Let us know if you have any other questions or if you'd like a refresher on CoStar.

Best regards,

Sean Mathews  
Washington DC Market  
CoStar Group

202-313-1590 Cell  
202-312-8411 Direct  
[smathews@costar.com](mailto:smathews@costar.com)

Costar Headquarters  
1331 L Street NW  
Washington, DC 20005

[CoStar](#) | [LoopNet](#) | [Apartments.com](#)

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**From:** Govoni, Lisa <[Lisa.Govoni@montgomeryplanning.org](mailto:Lisa.Govoni@montgomeryplanning.org)>  
**Sent:** Monday, March 2, 2020 2:46 PM  
**To:** Sean Mathews <[smathews@costar.com](mailto:smathews@costar.com)>  
**Cc:** Michael Horwitz <[mhorwitz@costar.com](mailto:mhorwitz@costar.com)>  
**Subject:** RE: MD Nat'l Capital Park & Planning--CoStar--Sean Mathews

**EXTERNAL EMAIL**

Hi Sean and Michael,

I have planning board on Thursday and will unfortunately but unable to attend but wanted to ask one question – are rental units occupied as airbnbs counted toward to the vacancy rate/absorption? We have a couple of apartment buildings in downtown Bethesda that residents have said have a number of units being used as airbnbs and wanted to know if for CoStar, those units count as vacant or occupied?

Lisa

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**From:** Sean Mathews <[smathews@costar.com](mailto:smathews@costar.com)>  
**Sent:** Monday, March 2, 2020 1:26 PM  
**To:** Govoni, Lisa <[Lisa.Govoni@montgomeryplanning.org](mailto:Lisa.Govoni@montgomeryplanning.org)>  
**Cc:** Michael Horwitz <[mhorwitz@costar.com](mailto:mhorwitz@costar.com)>  
**Subject:** MD Nat'l Capital Park & Planning--CoStar--Sean Mathews

Hi Lisa,

I'm just reaching out to let you know we'll be in your office meeting with Todd on Thursday at 3pm to give him a refresher and go over some new CoStar tools that we have coming out this month. Wanted to extend the invite to you as well.

If you can't make it no problem, we're in Silver Spring all the time just let us know when a good time would be to take a look at CoStar.

Best regards,

Sean Mathews  
Washington DC Market



CoStar Group

202-313-1590 Cell  
202-312-8411 Direct  
[smathews@costar.com](mailto:smathews@costar.com)

Costar Headquarters  
1331 L Street NW  
Washington, DC 20005

**CoStar | LoopNet | Apartments.com**

**Folden, Matthew**

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**Subject:** 7272 Wisconsin short-term rentals

**From:** Naomi Spinrad <[nspinrad@gmail.com](mailto:nspinrad@gmail.com)>

**Date:** March 1, 2020 at 10:50:33 PM EST

**To:** "Howerton, Leslye" <[Leslye.Howerton@montgomeryplanning.org](mailto:Leslye.Howerton@montgomeryplanning.org)>, "Dickel, Stephanie" <[Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org)>, "Emily J. Vaias - Linowes and Blocher LLP ([VaiasE@ballardspahr.com](mailto:VaiasE@ballardspahr.com))" <[VaiasE@ballardspahr.com](mailto:VaiasE@ballardspahr.com)>

**Subject:** 7272 Wisconsin short-term rentals

Hi Leslye and Stephanie,

I'm just back from vacation and getting caught up. One item that I hope you can help with is the application from 7272 Wisconsin to allow short-term rentals.

What part of the zoning code allows short-term rentals (less than 30 days, which is apparently what they're asking for) in commercial residential multifamily buildings, where the property owner doesn't live in the building or unit?

What is the mechanism for arranging rental of these 80 units? Are they leased to third party companies like Churchill Living that make them available for short-term use? If so, for how long are they leased to such companies?

How are they taxed? Hotel tax? Impact taxes? Can they be converted back into long-term rentals , if so how (site plan amendment?) and what are the tax implications?

Do they count toward the 12.5% MPDU requirement here, or is the number of MPDUs now reduced as a result of the reduction in long-term rental units?

How does this potentially impact the availability of housing in general and affordable housing in particular?

What government agency would have jurisdiction to ensure compliance with relevant taxes and occupancy requirements? DHCA?

I intend to raise this at the IAC meeting on Friday, if only to get discussion started. I think since the application has just been submitted, it will take a couple of weeks to be accepted and there is time for full discussion later, correct?

Thanks,  
Naomi



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

Aseem K. Nigam  
*Director*

May 29, 2020

Mr. Matthew Folden  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 7272 Wisconsin Avenue  
Site Plan Amendment No. 82016020B

Dear Mr. Folden:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval. Because the proposed amendment does not change the required number of MPDUs (57), an amendment to the MPDU Agreement to Build will not be required.

Sincerely,

*Lisa Schwartz*

Lisa Schwartz, Manager  
Affordable Housing Programs Section

cc: Robert R. Harris, Lerch Early & Brewer

[https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/7272 Wisconsin/7272 Wisconsin Ave DHCA Letter\\_5-29-2020.docx](https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/7272 Wisconsin/7272 Wisconsin Ave DHCA Letter_5-29-2020.docx)

**Division of Housing**

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

Subdivision or Development Name: 7272 Wisconsin Avenue  
(Also known as: Apex)

MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
1401 Rockville Pike, 4th Floor, Rockville, Maryland 20852

**AGREEMENT TO BUILD MODERATELY PRICED DWELLING  
UNITS FOR A PERMIT OF 20 OR MORE DWELLING UNITS**

**THIS AGREEMENT**, by and between CP 7272 WISCONSIN AVE LLP (**Applicant**)  
and MONTGOMERY COUNTY, MARYLAND (**County**).

**RECITALS**

**WHEREAS**, the Applicant plans to construct twenty (20) or more dwelling units in the subdivision or development known as 7272 Wisconsin Avenue with a site plan number 820160200 located in Bethesda 20814 (town and zip code) in Montgomery County, Maryland (**Property**), and is eligible to receive benefits of the optional bonus density provision afforded by the Zoning Ordinance for Montgomery County, Maryland, Chapter 59, as amended; and

**WHEREAS**, the provisions of Chapter 25A of the Montgomery County Code, 2014, as amended, and all applicable Executive Regulations (**Chapter 25A** or **Code**), require that a percentage of the total number of dwelling units in a residential development project containing 20 or more units be moderately priced dwelling units (**MPDUs**); and

**WHEREAS**, Section 25A-5 of the Code requires, among other things, that a written MPDU Agreement accompany the Applicant's application for a building permit; and

**WHEREAS**, the County is willing to issue building permits for the construction of the Property under the terms stated in this Agreement and pursuant to the provisions of Chapter 25A provided that the first building permit is issued within three years of the **Effective Date** (as defined below) of this Agreement; and

**WHEREAS**, if the first building permit has not been issued pursuant to the provisions of this Agreement within three years of the **Effective Date**, this Agreement is of no further force or effect, and no building permits may be obtained without entering into a new Agreement.

**NOW, THEREFORE**, the parties hereto agree that this Agreement is not contractual but is an administrative document for the purpose of meeting the requirements of Section 25A-5 of the Code, assisting the County's Department of Housing and Community Affairs (**DHCA**) in administering the requirements of Chapter 25A and ensuring the Applicant's compliance with the requirements of Chapter 25A:

1. Applicant agrees to construct 456 total dwelling units on the Property, including 57 MPDUs (12.5% of the total dwelling units, rounded up), in strict accordance with the construction schedule attached hereto and made a part hereof as **Exhibit A**.

2. All land owned by the Applicant in whole or in part, or which is under contract to the Applicant in Montgomery County, Maryland, which is available for residential building development is shown on the Statement of Land Owned, attached hereto, and made a part hereof as **Exhibit B**.

3. The Applicant must construct MPDUs along with or preceding market rate dwelling units on the Property, and the County agrees that compliance with the construction schedule in **Exhibit A** shall satisfy the MPDU staging requirement and the provisions of Section 25A-5(i) of the Code. The Applicant agrees that, at the request of DHCA from time to time, the Applicant will provide a report to DHCA, in a form acceptable to DHCA, on the progress of the construction of the MPDUs in relation to the construction of the market rate units.

4. The County will issue building permits as requested by the Applicant for the individual units listed in **Exhibit C** located on the Property. Applicant acknowledges County's authority to suspend or revoke any or all building or occupancy permits issued to Applicant for this Property, and/or to suspend or deny the issuance of all subsequent permit requests by Applicant for this subdivision or development, and/or invoke any other of the enforcement measures authorized by Chapter 25A, for failure to comply with this Agreement.

5.

- A. Applicant must offer MPDUs for sale or rental in accordance with the requirements of Chapter 25A. Applicant agrees to offer the MPDUs for sale or rent by completing fully and truthfully the Offering Agreement form provided by DHCA. Applicant must obtain FHA approval for condominium developments before the Offering Agreement is approved.
- B. Applicant must, at the time that the first Contract of Sale or Lease Agreement is executed or otherwise agreed to, or entered into, by Applicant, whether written or oral, or at such other time as may be requested by the County, execute a separate Declaration of Covenants, to run with the land, subjecting the MPDUs to the requirements of Chapter 25A.
- C. At the time the Declaration of Covenants is executed, which shall occur when the MPDUs are first offered for sale or rent, the Declaration of Covenants must contain the language set out in **Exhibit D** (the unexecuted Declaration of Covenants form) attached hereto, and made a part hereof. **The duly recorded two-party Deeds or executed Lease Agreements for all MPDUs must contain specific language, in conspicuous form, subjecting the Property to the Declaration of Covenants, which language shall contain the recordation information for the Declaration of Covenants, including the date of recordation and the Book and Page reference.** This provision is not to be construed as granting the rental option to those Applicants who are not eligible to rent their MPDUs according to the provisions of Chapter 25A.

- D. The Declaration of Covenants contained in **Exhibit D** must be fully executed by the Applicant prior to the time the MPDUs are offered for sale or rent and must contain the necessary jurat for signatures of either individuals or business entities, as the case may be, in such form as may be required to properly record the Declaration of Covenants among the Land Records of Montgomery County, Maryland. Once the Applicant executes the Declaration of Covenants, it must be returned to the County for approval, execution and recordation by the County among the Land Records.
6. Attached hereto and made a part hereof are the following Exhibits:
- A. Construction Schedule (Exhibit A);
  - B. Statement of Land Owned for Compliance with the Moderately Priced Housing Law (Exhibit B) and attachment (Schedule A);
  - C. Specific Listing of MPDUs and Market Rate Units, including development phase, lot, block, street address, number of bedrooms, property tax identification number, and (for multi-family units) building designation and unit number (Exhibit C);
  - D. Declaration of Covenants (sale or rental) (Exhibit D) (if necessary, and with the County's prior approval, at the time that the Declaration of Covenants is executed by the Applicant, Exhibit 1 to the Declaration of Covenants must contain a revised MPDU list, including but not limited to: address, unit number and property tax identification number, if they vary from those provided by the Applicant in Exhibit D hereto);
  - E. Certified Site Plan (or approved preliminary plan if no site plan is required) – one civil set reduced to 8½" x 11" and one full-size civil set (Exhibit E); and
  - F. Floor Plans and Summary Chart – for single family dwellings (including townhouses), a floor plan of each MPDU type with dimensions and square footage. For garden and high-rise buildings, a floor plan of each MPDU type with dimensions and square footage, and a typical floor plan of the building(s) showing locations of MPDUs and market rate units on each floor, with a summary chart of location and bedroom composition of MPDUs and market rate units. (Exhibit F).

Applicant must execute such additional documents as may be necessary or required to effectuate the intent and purpose of this Agreement and Chapter 25A.

7. Applicant, its agents, heirs, assigns or successors, hereby irrevocably assigns to the County all its right, title, interest and obligation to enforce the provisions of the Declaration of Covenants referred to herein during the term the Covenants are in effect; to institute any proceeding at law or in equity for the collection of such sums as may be in excess of those allowed by law; or to enjoin any violation or attempted violation of said Covenants or the provisions of Chapter 25A.

8. Applicant must provide a copy of the final Contract of Sale and two-party Deed or Lease Agreement for each MPDU covered by the building permits issued under this Agreement to the County, as well as settlement sheets and such other documents and information as may be

required by Chapter 25A.

9. The County shall be entitled to enter upon the Property and/or into the MPDUs for purposes of inspection at all reasonable times to determine the Applicant's compliance with this Agreement.

10. The number, type, location and development phases of the MPDUs to be constructed by Applicant are shown on the certified site plan (or approved preliminary plan if no site plan is required) attached hereto and made a part hereof as **Exhibit E**. By executing this Agreement, the Applicant certifies that: a) in single-family dwelling unit subdivisions each MPDU must have 3 or more bedrooms; and b) in multi-family unit subdivisions, the number of efficiency and one-bedroom MPDUs each must not exceed the ratio that market-rate efficiency and one-bedroom units respectively bear to the total number of market-rate units in the subdivision.

11. A waiver by the County of a specific default must be in writing from the County, and shall not be a waiver of any other or subsequent default of similar or different nature.

12. No failure on the part of the County to exercise, and no delay in exercising, any right to remedy permitted by law or pursuant to this Agreement will operate as a waiver thereof.

13. Applicant may make written application to the County for a modification of the construction schedule set forth in **Exhibit A**, describing the basis for such change. Applicant may not depart from the schedule set forth in **Exhibit A** without the prior written approval of the County. Failure to meet the MPDU construction deadlines contained in **Exhibit A** constitutes a violation of this Agreement.

14. Any notices sent pursuant to this Agreement must be delivered in writing to:

Montgomery County:  
Department of Housing and Community Affairs  
1401 Rockville Pike, 4<sup>th</sup> Floor  
Rockville, Maryland 20852  
Attn: Stephanie Killian, Acting Division Chief

With a copy to:

Office of the County Attorney  
101 Monroe Street, 3<sup>rd</sup> Floor  
Rockville, Maryland 20850

Applicant: (please provide contact information)

CP 7272 WISCONSIN AVE LLP  
c/o Carr Properties  
1615 L Street NW, Suite 650  
Washington, DC 20036  
Attn: Alison Wertzler

15. This Agreement is binding upon the agents, successors, heirs and assigns of the Applicant.

16. The provisions of this Agreement will survive the execution and delivery of any deeds or leases, and shall not merge therein.

17. Applicant agrees to abide by and comply with all applicable laws and regulations regarding the subject matter of this Agreement, whether or not such laws or regulations are herein specifically enumerated or referred to and Applicant agrees to sign such documents as may be required to effectuate the intent and purpose of this Agreement.

18. The term of this Agreement is three (3) years from the Effective Date, as defined in Paragraph 19, below. Notwithstanding the preceding sentence, so long as the Applicant has obtained the first building permit within the three (3) year term, and so long as DHCA determines that the Applicant is in substantial ongoing compliance with the Construction Schedule contained in Exhibit A, the Agreement shall remain in effect until the construction completion date contained in said Exhibit. Additionally, DHCA shall notify the Applicant in writing of any unacceptable variation or delays from the Construction Schedule, and the Applicant shall be given an opportunity to correct the deficiency within 90 days (which may include executing an amendment to this Agreement). Should DHCA determine that the Applicant has failed to adequately correct the deficiency, this Agreement shall be of no further force or effect. No additional building permits may be obtained until DHCA and the Applicant enter into a new Agreement, and the County may suspend or revoke any or all building or occupancy permits issued to the Applicant for the Property, and/or invoke any other of the enforcement measures authorized by Chapter 25A.

19. The Effective Date of this Agreement is the date of the signature of the Director of DHCA, or his authorized designee.

**SIGNATURES APPEAR ON THE FOLLOWING PAGES**



IN WITNESS WHEREOF, Applicant has caused these presents to be executed by Oliver Carr (name), its CEO (title), and does hereby appoint the said Oliver Carr (name) its authorized agent to acknowledge and deliver these presents, and Montgomery County, Maryland has on the day and year written below caused these presents to be signed by Clarence J. Snuggs, Director of the Department of Housing and Community Affairs on behalf of the County, and does hereby appoint the said Clarence J. Snuggs its authorized agent to acknowledge and deliver these presents.

**APPLICANT:**

CP 7272 WISCONSIN AVE LLP

(Insert typed name of business entity)

BY: Name: Oliver CarrTitle: CEOSTATE OF District of

)

)ss:

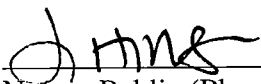
COUNTY OF Columbia

)

I HEREBY CERTIFY that on this 18<sup>th</sup> day of April, 2018, before me, a Notary Public in and for the aforesaid jurisdiction, personally appeared Oliver Carr (name), CEO (title) of CP 7272 Wisconsin Ave LLP Applicant, and that he/she did acknowledge that he/she executed the foregoing instrument on behalf of CP 7272 Wisconsin Ave LLP for the purposes therein contained, and further acknowledged the foregoing instrument to be the act of CP 7272 Wisconsin Ave LLP

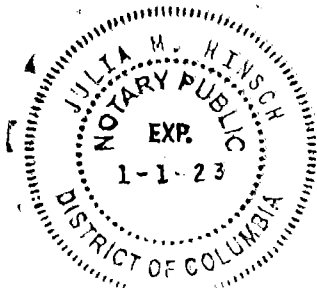
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

JULIA M. HINSCH  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires January 1, 2023

 Julia Hinsch  
Notary Public (Please Print Name After Signature)

My Commission Expires: 1/1/2023

SIGNATURES CONTINUE ON THE FOLLOWING PAGE



**MONTGOMERY COUNTY, MARYLAND:**

BY: Clarence J. Snuggs  
 Clarence J. Snuggs, Director  
 Department of Housing and Community Affairs

STATE OF MARYLAND )  
 )ss:  
 COUNTY OF MONTGOMERY )

I HEREBY CERTIFY that on this 1<sup>st</sup> day of May, 2018, before me, a Notary Public in and for the aforesaid jurisdiction, personally appeared Clarence J. Snuggs, Director of the Department of Housing and Community Affairs of Montgomery County Maryland, and that he did acknowledge that he executed the foregoing instrument on behalf of Montgomery County, Maryland for the purposes therein contained, and further acknowledged the foregoing instrument to be the act of Montgomery County, Maryland.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Sileap N. Schmiedel (SILEAP N. SCHMIEDEL)  
 Notary Public (Please Print Name After Signature)

My Commission Expires: Sileap N. Schmiedel  
 Notary Public of the State of Maryland  
 My Commission Expires April 23, 2021

STAFF REVIEW BY: Lisa S. Schwartz  
 Name: Lisa S. Schwartz  
 Title: Sr. Planning Specialist  
 Date: 4-30-17

Approved as to Form and Legality  
 Office of County Attorney

BY: Vickie L. Gaul  
 Name: VICKIE L GAUL  
 Title: Assoc. County Atty  
 Date: 4-26-17

## EXHIBIT A Construction Schedule

In compliance with Chapter 25A, Applicant agrees that the units in 7272 Wisconsin Avenue (Subdivision or Development Name) will be constructed in accordance with the schedule indicated below. Applicant is aware that this schedule must indicate that the MPDUs shall be constructed along with, or preceding, other dwelling units on the Property and that failure to comply with this schedule may result in suspension or revocation of any building permit, occupancy permit or subdivision plan associated with the project described herein or such other enforcement measure authorized by Chapter 25A. The MPDU staging plan must be consistent with the certified site plan. The Applicant must sequence the construction of the MPDUs so that the construction of MPDUs reasonably coincides with the construction of the market rate housing. The last building built must not contain only MPDUs.

Development Phase	No. of Market Priced Units	Mo. & Yr. Of Constr. Start <sup>1</sup> Of Market Priced Units	Mo. & Yr. Of Constr. Completion <sup>2</sup> Of Market Priced Units	% of Market Priced Units Completed (Cumulative)	No. Of MPDUs*	Mo. & Yr. Of Constr. Start Of MPDUs	Mo. & Yr. Of Constr. Completion Of MPDUs	% of MPDUs Completed (Cumulative)
1	399	06/18	06/21	100%	57	06/18	06/21	100%

1. "Construction Start" is defined as the date on which footings are poured for the subject units.

2. "Construction Completion" is defined as the date that final inspections by the Department of Permitting Services are completed.

\*Applicants submitting an MPDU agreement covering less than an entire subdivision must provide the lot and block numbers for the units to be constructed in future phases of the development in addition to the phase of development covered by this agreement. The information about future development phases should be provided on a separate sheet of paper and attached to the agreement as an appendix.

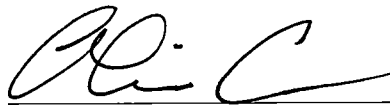
**EXHIBIT B**  
**Statement of Land Owned for Compliance with  
the Moderately Priced Housing Law**

Pursuant to Section 25A-5 (a) and Section 25A-5 (h) of the Code, Applicant hereby provides a list\* which is attached hereto as Exhibit B, Schedule A,\*\* describing all land owned in whole or in part, or which is under contract to, the Applicant, in Montgomery County, Maryland, which is available for residential development, including land owned or controlled by related business entities or by separate corporations in which any stockholder or family of the stockholder owns 10 percent or more of the stock. Applicant, in consideration for the issuance of Building Permit Application for 7272 Wisconsin Avenue (Subdivision or Development Name) affirms that the said Schedule A includes all property as described above for which:

1. A preliminary subdivision plan or development plan has been filed or for which a building permit application has been filed; and
2. Public water and sewer will be utilized; and
3. The optional zoning provisions of the Moderately Priced Dwelling Unit Law (Chapter 25A) and/or Zoning Ordinance, are applicable.

Applicant affirms that the attached Schedule A includes all such property in Montgomery County, Maryland and not solely that property as defined herein as the subject Property which is the subject of this Building Permit Application.

APPLICANT:

  
Oliver Carr

**SUBSCRIBED AND SWORN** to before me, a Notary Public in and for the State of MD, ~~County of~~ District of Columbia, by Applicant(s) this 26<sup>th</sup> day of April, 2018.

My Commission Expires: 1/1/2023

  
NOTARY PUBLIC

\* For any Building Permit Application subsequent to the initial application subject to these requirements, Applicant need only submit changes to the list of property holdings.

\*\* Schedule A shall contain information stating the owner's name, location and size of parcels, subdivision name, Book and Page references of latest deeds and Plat Book references.

**EXHIBIT B****Schedule A****Land Holdings in Montgomery County, Maryland\***

<b>Owner's Name</b>	<b>Location (intersection, town, and zip code)</b>	<b>Parcel Size</b>	<b>Subdivision Name</b>	<b>Book and Page</b>	<b>Plat Ref.</b>
4500 CP UNIT OWNER LLC	4500 East West Highway (East West Highway and Pearl St, Bethesda 20854)	29,237 SF	0249	50486/ 00142	10858
5454 WISCONSIN INC	5454 Wisconsin Ave (Wisconsin and S Park Ave, Chevy Chase 20815)	49,069 SF	0025	17298/ 00028	
CP 7272 WISCONSIN AVENUE LLC	7272 Wisconsin Ave (Wisconsin and Elm, Bethesda 20814)	82,889 SF	J.H. Miller's Addition to Bethesda	52300/00129	16787

\*list Subject Property first

**EXHIBIT C**  
**Specific Listing of MPDUs and Market Rate Units**  
**For 7272 Wisconsin Avenue**  
*(Identify and list MPDUs first and include additional pages as necessary)*

**For Multi-Family Units: For Sale • For Rent ☒ (check one)**

**Lot or Parcel: B Block: A**

**Property Tax ID No.: 07-02750897**

PHASE	STREET ADDRESS	UNIT NO.	NO. OF BEDROOMS	NO. OF BATHS
	<b>MPDUs</b>			
1	4710 Elm Street, Bethesda, MD 20814	E0616	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0701	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0709	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0711	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0712	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0716	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0801	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0809	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0811	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0812	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0816	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0901	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0909	2	1
1	4710 Elm Street, Bethesda, MD 20814	E0911	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0912	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0916	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1001	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1009	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1011	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1012	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1016	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1101	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1109	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1111	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1112	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1116	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1201	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1209	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1211	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1212	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1216	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1301	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1309	2	1

1	4710 Elm Street, Bethesda, MD 20814	E1311	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1312	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1316	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1401	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1411	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1412	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1416	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1501	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1511	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1512	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1516	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1611	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1612	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0103	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0104	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0203	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0204	3	2
1	4710 Elm Street, Bethesda, MD 20814	W0303	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0304	3	2
1	4710 Elm Street, Bethesda, MD 20814	W0601	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0602	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W0609	2	1
1	4710 Elm Street, Bethesda, MD 20814	W0702	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W0802	Studio	1
	<b>Market Units</b>			
1	4710 Elm Street, Bethesda, MD 20814	E0201	2+Den	3
1	4710 Elm Street, Bethesda, MD 20814	E0202	2+Den	3
1	4710 Elm Street, Bethesda, MD 20814	E0203	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	E0204	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	E0205	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	E0206	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	E0401	2+Den	3
1	4710 Elm Street, Bethesda, MD 20814	E0402	2+Den	3
1	4710 Elm Street, Bethesda, MD 20814	E0403	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	E0404	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	E0405	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	E0406	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	E0601	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0602	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0603	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0604	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0605	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0606	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0607	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0608	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0609	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0610	1	1

1	4710 Elm Street, Bethesda, MD 20814	E0611	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0612	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0613	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E0614	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0615	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0702	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0703	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0704	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0705	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0706	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0707	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0708	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0710	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0713	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E0714	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0715	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0802	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0803	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0804	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0805	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0806	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0807	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0808	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0810	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0813	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E0814	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0815	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0902	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0903	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0904	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0905	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0906	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0907	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0908	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0910	1	1
1	4710 Elm Street, Bethesda, MD 20814	E0913	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E0914	2	2
1	4710 Elm Street, Bethesda, MD 20814	E0915	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1002	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1003	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1004	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1005	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1006	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1007	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1008	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1010	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1013	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1014	2	2



1	4710 Elm Street, Bethesda, MD 20814	E1015	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1102	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1103	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1104	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1105	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1106	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1107	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1108	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1110	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1113	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1114	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1115	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1202	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1203	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1204	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1205	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1206	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1207	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1208	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1210	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1213	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1214	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1215	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1302	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1303	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1304	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1305	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1306	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1307	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1308	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1310	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1313	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1314	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1315	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1402	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1403	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1404	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1405	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1406	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1407	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1408	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1409	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1410	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1413	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1414	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1415	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1502	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1503	1	1

1	4710 Elm Street, Bethesda, MD 20814	E1504	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1505	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1506	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1507	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1508	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1509	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1510	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1513	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1514	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1515	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1601	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1602	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1603	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1604	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1605	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1606	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1607	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1608	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1609	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1610	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1613	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1614	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1615	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1616	2	1
1	4710 Elm Street, Bethesda, MD 20814	E1701	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1702	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1703	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1704	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1705	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E1706	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1707	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	E1801	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1802	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1803	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1804	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1805	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E1806	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1807	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1901	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E1902	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1903	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1904	1	1
1	4710 Elm Street, Bethesda, MD 20814	E1905	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E1906	2	2
1	4710 Elm Street, Bethesda, MD 20814	E1907	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2001	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E2002	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2003	1	1

1	4710 Elm Street, Bethesda, MD 20814	E2004	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2005	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E2006	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2007	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2101	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E2102	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2103	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2104	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2105	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E2106	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2107	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2201	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E2202	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2203	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2204	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2205	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E2206	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2207	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2301	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	E2302	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2303	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2304	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2305	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E2306	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2307	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2401	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2402	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2403	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2404	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E2405	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2406	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2501	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2502	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2503	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2504	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E2505	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2506	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2601	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2602	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2603	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2604	3	3
1	4710 Elm Street, Bethesda, MD 20814	E2605	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2606	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2701	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2702	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2703	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2704	3	3
1	4710 Elm Street, Bethesda, MD 20814	E2705	1	1

1	4710 Elm Street, Bethesda, MD 20814	E2706	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2801	2	2
1	4710 Elm Street, Bethesda, MD 20814	E2802	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E2803	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2804	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2901	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2902	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	E2903	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2904	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	E2905	1	1
1	4710 Elm Street, Bethesda, MD 20814	E2906	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0101	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0102	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0105	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0201	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0202	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0205	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0206	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0207	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0301	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0302	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0305	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0306	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0307	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0401	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0402	3	3
1	4710 Elm Street, Bethesda, MD 20814	W0403	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	W0404	2	2.5
1	4710 Elm Street, Bethesda, MD 20814	W0405	2+Den	2.5
1	4710 Elm Street, Bethesda, MD 20814	W0501	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0502	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0503	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0603	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0604	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0605	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0606	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0607	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0608	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0701	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W0703	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0704	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0705	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0706	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0707	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0708	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0709	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0710	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W0801	Studio	1

1	4710 Elm Street, Bethesda, MD 20814	W0803	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0804	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0805	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0806	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0807	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0808	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0809	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0810	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W0901	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W0902	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W0903	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0904	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0905	1	1
1	4710 Elm Street, Bethesda, MD 20814	W0906	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0907	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0908	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0909	2	2
1	4710 Elm Street, Bethesda, MD 20814	W0910	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1001	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1002	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1003	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1004	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1005	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1006	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1007	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1008	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1009	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1010	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1101	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1102	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1103	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1104	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1105	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1106	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1107	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1108	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1109	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1110	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1201	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1202	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1203	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1204	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1205	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1206	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1207	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1208	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1209	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1210	Studio	1

1	4710 Elm Street, Bethesda, MD 20814	W1301	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1302	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1303	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1304	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1305	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1306	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1307	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1308	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1309	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1310	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1401	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W1402	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1403	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1404	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1405	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1406	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1407	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1408	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1501	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W1502	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1503	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1504	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1505	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1506	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1507	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1508	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1601	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W1602	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1603	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1604	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1605	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1606	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1607	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1608	Studio	1
1	4710 Elm Street, Bethesda, MD 20814	W1701	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W1702	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1703	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1704	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1705	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	W1801	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W1802	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1803	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1804	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1805	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W1901	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W1902	2	2
1	4710 Elm Street, Bethesda, MD 20814	W1903	1	1
1	4710 Elm Street, Bethesda, MD 20814	W1904	2	2

1	4710 Elm Street, Bethesda, MD 20814	W1905	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W2001	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W2002	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2003	1	1
1	4710 Elm Street, Bethesda, MD 20814	W2004	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2005	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W2101	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W2102	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2103	1	1
1	4710 Elm Street, Bethesda, MD 20814	W2104	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2105	2+Den	2
1	4710 Elm Street, Bethesda, MD 20814	W2201	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	W2202	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	W2203	1	1
1	4710 Elm Street, Bethesda, MD 20814	W2204	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2205	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2301	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	W2302	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	W2303	1	1
1	4710 Elm Street, Bethesda, MD 20814	W2304	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2305	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2401	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	W2402	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	W2403	1	1
1	4710 Elm Street, Bethesda, MD 20814	W2404	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2405	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2501	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	W2502	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	W2503	1	1
1	4710 Elm Street, Bethesda, MD 20814	W2504	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2505	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2601	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	W2602	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	W2603	1	1
1	4710 Elm Street, Bethesda, MD 20814	W2604	2	1
1	4710 Elm Street, Bethesda, MD 20814	W2605	2	2
1	4710 Elm Street, Bethesda, MD 20814	W2701	3	2.5
1	4710 Elm Street, Bethesda, MD 20814	W2702	1+Den	1
1	4710 Elm Street, Bethesda, MD 20814	W2703	1	1
1	4710 Elm Street, Bethesda, MD 20814	W2704	2	1
1	4710 Elm Street, Bethesda, MD 20814	W2705	2	2

\*If the property tax identification number has not been assigned at the time this Agreement is submitted, the agreement may be executed with the understanding that the required information will be submitted to DHCA within 30 days after it is available to the Applicant.

EXHIBIT D  
**Declaration of Covenants**

Attach applicable unexecuted MPDU covenants form (for sale or rental)



After Recording, Return To:

Montgomery County, Maryland  
Affordable Housing Programs/MPDU  
Department of Housing and Community Affairs  
1401 Rockville Pike, Fourth Floor  
Rockville, MD 20852

Subdivision or Development Name: 7272 Wisconsin Avenue  
(Also known as: Apex)

MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
1401 Rockville Pike, 4th Floor, Rockville, Maryland 20852

**MODERATELY PRICED DWELLING UNITS**  
**DECLARATION OF COVENANTS**  
**FOR RENTAL SUBDIVISIONS**

**THIS DECLARATION OF COVENANTS**, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, hereinafter set forth by CP 7272 WISCONSIN AVE LLP owner (hereinafter referred to as **Declarant**).

**NOW, THEREFORE**, Declarant hereby declares that all of the apartment rental units listed on Exhibit 1 attached hereto and hereinafter described as the Moderately Priced Dwelling Units (**MPDUs**) must be held, conveyed, leased and/or rented subject to the following covenants, conditions, and restrictions:

**ARTICLE I**

Declarant is the owner of all of the MPDUs set forth and described in Exhibit 1 which MPDUs are the subject of this Declaration of Covenants (**Covenants**).

**ARTICLE II**

For a period of 99 years beginning on the date that the first MPDU is available for rental, or such other period as established by law (the **Control Period**), the MPDUs must not be rented for an amount in excess of the maximum monthly rental price established from time to time in accordance with Chapter 25A of the Montgomery County Code, 2014, as amended, and all applicable Executive Regulations (**Chapter 25A** or **Code**). The MPDU Rents for the MPDUs during the control period, as more particularly set forth on Exhibit 1 attached hereto, are subject to adjustment from time to time.

**ARTICLE III**

During the Control Period, the MPDUs must not be conveyed or sold for a price greater than that determined and approved by the County Executive prior to such sale and in accordance with Chapter 25A.

#### **ARTICLE IV**

Declarant, its assigns and successors, hereby irrevocably grants unto Montgomery County, Maryland (the **County**) all rights, to enforce and maintain the terms, conditions and requirements of these Covenants, in accordance with Article V below.

#### **ARTICLE V**

The Declarant or the County may enforce these Covenants by a proceeding, at law or in equity, against any person or persons violating or attempting to violate any covenant or restriction herein contained, to restrain any violation hereof or to recover damages or monies or to proceed against the land or property herein described to enforce any lien or obligation created by or resulting from these Covenants.

#### **ARTICLE VI**

These Covenants are binding upon the MPDUs, upon the Declarant and its successors and assigns, and upon all transferees and transferors of the title to the MPDUs for the term of these Covenants. Notwithstanding the foregoing sentence, these Covenants are not binding upon the tenants and lessees of the MPDUs.

#### **ARTICLE VII**

During the term of these Covenants, any sales contract, any deed of conveyance by the Declarant or its assigns or successors, any subsequent deed or transfer, or an assignment of a deed of conveyance by any successor subsequent owner of the MPDUs, must contain conspicuous language specifically reciting that the MPDUs are subject to these Covenants and the requirements of Chapter 25A, and referencing the date of recordation of these Covenants among the land records of the County, including the Book and Page.

#### **ARTICLE VIII**

These Covenants during their term cannot be amended without the prior written consent of the County.

#### **ARTICLE IX**

These Covenants will terminate automatically on the day following the expiration of the term stated in Article II.

#### **ARTICLE X**

If the MPDUs are sold at a foreclosure (including by a deed in lieu of foreclosure) by the lender, the County shall cooperate with the lender and sign the necessary documentation to terminate the Covenants and record such termination among the Land Records upon payment of any proceeds resulting from such transfer in excess of the amount necessary to satisfy the lien of the foreclosing lender, and any other liens that are senior to the foreclosing lender's lien, to the

County's Housing Initiative Fund . No such payment will be required in the event the MPDUs are rented at the approved MPDU Rents for the remainder of the term stated in Article II.

### **ARTICLE XI**

If any default occurs and is continuing, the County may apply to any state or federal court having jurisdiction for specific performance of the Covenants, for an injunction against any violation of these Covenants, or for such other relief at law or in equity as may be appropriate and consistent with applicable requirements of the Covenants. No remedy conferred upon or reserved to the County by these Covenants is intended to be exclusive of any other available remedy or remedies, but each and every such remedy is cumulative and is in addition to every other remedy given under these Covenants, existing at law or in equity. No delay or omission to exercise any right or power accruing upon any failure to perform under this Article will impair any such right or power or will be construed to be a waiver thereof. If, upon or after the occurrence of any default hereunder, the County incurs expenses for the enforcement or performance or observance of any obligation or agreement on the part of others contained herein, the County must be reimbursed upon demand by the party or parties for reasonable expenses paid to third parties.

**JURATS APPEAR ON FOLLOWING PAGE**

**IN WITNESS WHEREOF**, Declarant \_\_\_\_\_ has caused these presents to be executed by \_\_\_\_\_ (name) its \_\_\_\_\_ (title), and does appoint \_\_\_\_\_ (name) its authorized agent to acknowledge and deliver these presents.

**DECLARANT:**

\_\_\_\_\_  
CP 7272 WISCONSIN AVE LLP

BY: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**STATE OF** \_\_\_\_\_ )  
 )ss:  
**COUNTY OF** \_\_\_\_\_ )

**I HEREBY CERTIFY** that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the aforesaid jurisdiction, personally appeared \_\_\_\_\_ (name), \_\_\_\_\_ (title) of \_\_\_\_\_ (Declarant) and that he/she did acknowledge that he/she executed the foregoing instrument on behalf of \_\_\_\_\_ (Declarant) for the purposes therein contained, and further acknowledged the foregoing instrument to be the act of \_\_\_\_\_ (Declarant).

**IN WITNESS WHEREOF**, I have hereunto set my hand and official seal.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
**NOTARY PUBLIC**

# **Exhibit 1**

## **Property Description**

Subdivision or Development Name: 7272 Wisconsin Avenue

(Also known as: Apex)

This property was acquired by Carr Properties on 06/23/2016

The Deed is recorded at Book 52300 Page 00129

The Record Plat is recorded in Plat Book 5709 at Plat Number 16787

Lot: Parcel B Block: A

Property Tax Identification Number(s): 07-02750897

## **LIST OF MPDUs**

Street/Address/Building Designation	Unit No.	No. of Bedrooms	No. of Baths	Approved Rent
4710 Elm Street, Bethesda, MD 20814	E0616	2	1	
4710 Elm Street, Bethesda, MD 20814	E0701	2	1	
4710 Elm Street, Bethesda, MD 20814	E0709	2	1	
4710 Elm Street, Bethesda, MD 20814	E0711	1	1	
4710 Elm Street, Bethesda, MD 20814	E0712	1	1	
4710 Elm Street, Bethesda, MD 20814	E0716	2	1	
4710 Elm Street, Bethesda, MD 20814	E0801	2	1	
4710 Elm Street, Bethesda, MD 20814	E0809	2	1	
4710 Elm Street, Bethesda, MD 20814	E0811	1	1	
4710 Elm Street, Bethesda, MD 20814	E0812	1	1	
4710 Elm Street, Bethesda, MD 20814	E0816	2	1	
4710 Elm Street, Bethesda, MD 20814	E0901	2	1	
4710 Elm Street, Bethesda, MD 20814	E0909	2	1	
4710 Elm Street, Bethesda, MD 20814	E0911	1	1	
4710 Elm Street, Bethesda, MD 20814	E0912	1	1	
4710 Elm Street, Bethesda, MD 20814	E0916	2	1	
4710 Elm Street, Bethesda, MD 20814	E1001	2	1	
4710 Elm Street, Bethesda, MD 20814	E1009	2	1	
4710 Elm Street, Bethesda, MD 20814	E1011	1	1	
4710 Elm Street, Bethesda, MD 20814	E1012	1	1	
4710 Elm Street, Bethesda, MD 20814	E1016	2	1	
4710 Elm Street, Bethesda, MD 20814	E1101	2	1	
4710 Elm Street, Bethesda, MD 20814	E1109	2	1	
4710 Elm Street, Bethesda, MD 20814	E1111	1	1	
4710 Elm Street, Bethesda, MD 20814	E1112	1	1	
4710 Elm Street, Bethesda, MD 20814	E1116	2	1	
4710 Elm Street, Bethesda, MD 20814	E1201	2	1	
4710 Elm Street, Bethesda, MD 20814	E1209	2	1	
4710 Elm Street, Bethesda, MD 20814	E1211	1	1	
4710 Elm Street, Bethesda, MD 20814	E1212	1	1	
4710 Elm Street, Bethesda, MD 20814	E1216	2	1	
4710 Elm Street, Bethesda, MD 20814	E1301	2	1	
4710 Elm Street, Bethesda, MD 20814	E1309	2	1	
4710 Elm Street, Bethesda, MD 20814	E1311	1	1	

4710 Elm Street, Bethesda, MD 20814	E1312	1	1	
4710 Elm Street, Bethesda, MD 20814	E1316	2	1	
4710 Elm Street, Bethesda, MD 20814	E1401	2	1	
4710 Elm Street, Bethesda, MD 20814	E1411	1	1	
4710 Elm Street, Bethesda, MD 20814	E1412	1	1	
4710 Elm Street, Bethesda, MD 20814	E1416	2	1	
4710 Elm Street, Bethesda, MD 20814	E1501	2	1	
4710 Elm Street, Bethesda, MD 20814	E1511	1	1	
4710 Elm Street, Bethesda, MD 20814	E1512	1	1	
4710 Elm Street, Bethesda, MD 20814	E1516	2	1	
4710 Elm Street, Bethesda, MD 20814	E1611	1	1	
4710 Elm Street, Bethesda, MD 20814	E1612	1	1	
4710 Elm Street, Bethesda, MD 20814	W0103	1	1	
4710 Elm Street, Bethesda, MD 20814	W0104	1	1	
4710 Elm Street, Bethesda, MD 20814	W0203	1	1	
4710 Elm Street, Bethesda, MD 20814	W0204	3	2	
4710 Elm Street, Bethesda, MD 20814	W0303	1	1	
4710 Elm Street, Bethesda, MD 20814	W0304	3	2	
4710 Elm Street, Bethesda, MD 20814	W0601	1	1	
4710 Elm Street, Bethesda, MD 20814	W0602	Studio	1	
4710 Elm Street, Bethesda, MD 20814	W0609	2	1	
4710 Elm Street, Bethesda, MD 20814	W0702	Studio	1	
4710 Elm Street, Bethesda, MD 20814	W0802	Studio	1	

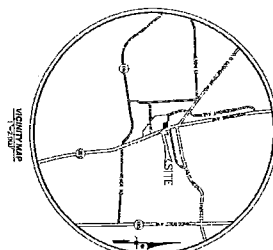
EXHIBIT E

**Certified Site Plan (or Approved Preliminary Plan if no Site Plan is Required)**

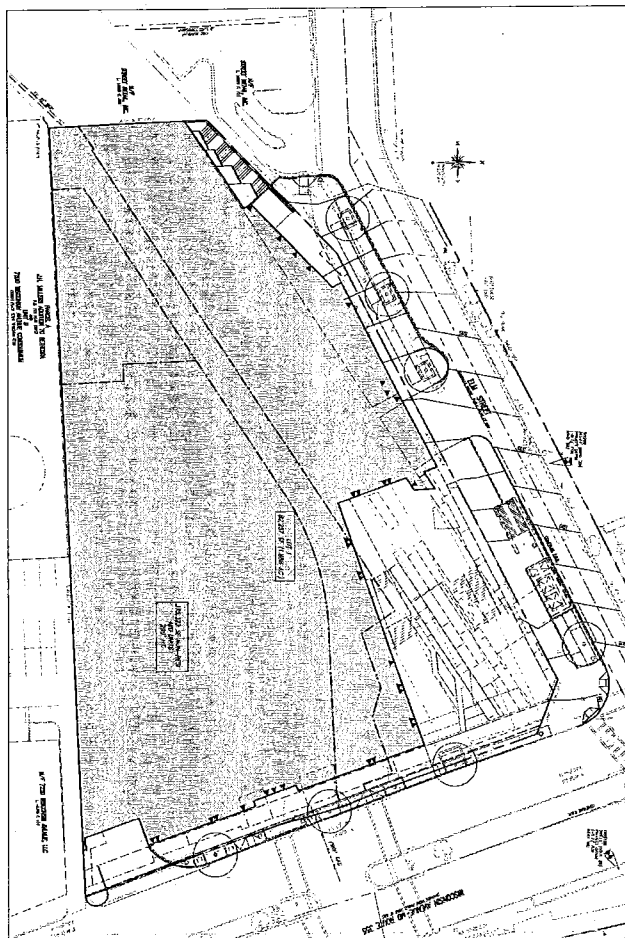
Attach certified site plan sheets reduced to 8½" x 11" and also provide one full-size set (exclude landscaping/lighting/detail sheets)

**SITE PLAN**  
FILE#820160200

FILE#820160200



44.1.A.1	Pinus taeda (A)	117,148	117,148
44.1.A.2	Pinus taeda (B)	94,089	94,089
44.1.A.3	Pinus taeda (C)	94,089	94,089
44.1.A.4	Pinus taeda (D)	94,089	94,089
44.1.B.1	Pinus taeda (E)	117,148	117,148
44.1.B.2	Pinus taeda (F)	94,089	94,089
44.1.B.3	Pinus taeda (G)	94,089	94,089
44.1.B.4	Pinus taeda (H)	94,089	94,089
44.1.C.1	Pinus taeda (I)	117,148	117,148
44.1.C.2	Pinus taeda (J)	94,089	94,089
44.1.C.3	Pinus taeda (K)	94,089	94,089
44.1.C.4	Pinus taeda (L)	94,089	94,089
44.1.D.1	Pinus taeda (M)	117,148	117,148
44.1.D.2	Pinus taeda (N)	94,089	94,089
44.1.D.3	Pinus taeda (O)	94,089	94,089
44.1.D.4	Pinus taeda (P)	94,089	94,089
44.1.E.1	Pinus taeda (Q)	117,148	117,148
44.1.E.2	Pinus taeda (R)	94,089	94,089
44.1.E.3	Pinus taeda (S)	94,089	94,089
44.1.E.4	Pinus taeda (T)	94,089	94,089
44.1.F.1	Pinus taeda (U)	117,148	117,148
44.1.F.2	Pinus taeda (V)	94,089	94,089
44.1.F.3	Pinus taeda (W)	94,089	94,089
44.1.F.4	Pinus taeda (X)	94,089	94,089
44.1.G.1	Pinus taeda (Y)	117,148	117,148
44.1.G.2	Pinus taeda (Z)	94,089	94,089
44.1.G.3	Pinus taeda (AA)	94,089	94,089
44.1.G.4	Pinus taeda (AB)	94,089	94,089
44.1.H.1	Pinus taeda (AC)	117,148	117,148
44.1.H.2	Pinus taeda (AD)	94,089	94,089
44.1.H.3	Pinus taeda (AE)	94,089	94,089
44.1.H.4	Pinus taeda (AF)	94,089	94,089
44.1.I.1	Pinus taeda (AG)	117,148	117,148
44.1.I.2	Pinus taeda (AH)	94,089	94,089
44.1.I.3	Pinus taeda (AI)	94,089	94,089
44.1.I.4	Pinus taeda (AJ)	94,089	94,089
44.1.J.1	Pinus taeda (AK)	117,148	117,148
44.1.J.2	Pinus taeda (AL)	94,089	94,089
44.1.J.3	Pinus taeda (AM)	94,089	94,089
44.1.J.4	Pinus taeda (AN)	94,089	94,089
44.1.K.1	Pinus taeda (AO)	117,148	117,148
44.1.K.2	Pinus taeda (AP)	94,089	94,089
44.1.K.3	Pinus taeda (AQ)	94,089	94,089
44.1.K.4	Pinus taeda (AR)	94,089	94,089
44.1.L.1	Pinus taeda (AS)	117,148	117,148
44.1.L.2	Pinus taeda (AT)	94,089	94,089
44.1.L.3	Pinus taeda (AU)	94,089	94,089
44.1.L.4	Pinus taeda (AV)	94,089	94,089
44.1.M.1	Pinus taeda (AW)	117,148	117,148
44.1.M.2	Pinus taeda (AX)	94,089	94,089
44.1.M.3	Pinus taeda (AY)	94,089	94,089
44.1.M.4	Pinus taeda (AZ)	94,089	94,089
44.1.N.1	Pinus taeda (BA)	117,148	117,148
44.1.N.2	Pinus taeda (BB)	94,089	94,089
44.1.N.3	Pinus taeda (BC)	94,089	94,089
44.1.N.4	Pinus taeda (BD)	94,089	94,089
44.1.O.1	Pinus taeda (BE)	117,148	117,148
44.1.O.2	Pinus taeda (BF)	94,089	94,089
44.1.O.3	Pinus taeda (BG)	94,089	94,089
44.1.O.4	Pinus taeda (BH)	94,089	94,089
44.1.P.1	Pinus taeda (BI)	117,148	117,148
44.1.P.2	Pinus taeda (BJ)	94,089	94,089
44.1.P.3	Pinus taeda (BK)	94,089	94,089
44.1.P.4	Pinus taeda (BL)	94,089	94,089
44.1.Q.1	Pinus taeda (BM)	117,148	117,148
44.1.Q.2	Pinus taeda (BN)	94,089	94,089
44.1.Q.3	Pinus taeda (BO)	94,089	94,089
44.1.Q.4	Pinus taeda (BP)	94,089	94,089
44.1.R.1	Pinus taeda (BQ)	117,148	117,148
44.1.R.2	Pinus taeda (BR)	94,089	94,089
44.1.R.3	Pinus taeda (BS)	94,089	94,089
44.1.R.4	Pinus taeda (BT)	94,089	94,089
44.1.S.1			

[illegible]

Sample	Sample description	Sample volume (mL)	Sample weight (g)
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3	Water	100	100.0
4	Water	100	100.0
5	Water	100	100.0
6	Water	100	100.0
7	Water	100	100.0
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9	Water	100	100.0
10	Water	100	100.0
11	Water	100	100.0
12	Water	100	100.0
13	Water	100	100.0
14	Water	100	100.0
15	Water	100	100.0
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66	Water	100	100.0
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97	Water	100	100.0

[illegible]

Case No.	Case Name	Case Type	Case Status	Case Date	Case Location	Case Description	Case Action	Case Result	Case Comment
1	John Doe	Case 1	Open	2023-01-01	New York	John Doe is a 35-year-old male who was arrested on 1/1/23 for possession of a controlled substance.	Arrested	2023-01-01	John Doe is a 35-year-old male who was arrested on 1/1/23 for possession of a controlled substance.
2	Jane Smith	Case 2	Open	2023-01-02	New York	Jane Smith is a 28-year-old female who was arrested on 1/2/23 for possession of a controlled substance.	Arrested	2023-01-02	Jane Smith is a 28-year-old female who was arrested on 1/2/23 for possession of a controlled substance.
3	Robert Johnson	Case 3	Open	2023-01-03	New York	Robert Johnson is a 42-year-old male who was arrested on 1/3/23 for possession of a controlled substance.	Arrested	2023-01-03	Robert Johnson is a 42-year-old male who was arrested on 1/3/23 for possession of a controlled substance.
4	Emily White	Case 4	Open	2023-01-04	New York	Emily White is a 31-year-old female who was arrested on 1/4/23 for possession of a controlled substance.	Arrested	2023-01-04	Emily White is a 31-year-old female who was arrested on 1/4/23 for possession of a controlled substance.
5	Michael Brown	Case 5	Open	2023-01-05	New York	Michael Brown is a 38-year-old male who was arrested on 1/5/23 for possession of a controlled substance.	Arrested	2023-01-05	Michael Brown is a 38-year-old male who was arrested on 1/5/23 for possession of a controlled substance.
6	Sarah Green	Case 6	Open	2023-01-06	New York	Sarah Green is a 29-year-old female who was arrested on 1/6/23 for possession of a controlled substance.	Arrested	2023-01-06	Sarah Green is a 29-year-old female who was arrested on 1/6/23 for possession of a controlled substance.
7	David Black	Case 7	Open	2023-01-07	New York	David Black is a 40-year-old male who was arrested on 1/7/23 for possession of a controlled substance.	Arrested	2023-01-07	David Black is a 40-year-old male who was arrested on 1/7/23 for possession of a controlled substance.
8	Lisa Gray	Case 8	Open	2023-01-08	New York	Lisa Gray is a 33-year-old female who was arrested on 1/8/23 for possession of a controlled substance.	Arrested	2023-01-08	Lisa Gray is a 33-year-old female who was arrested on 1/8/23 for possession of a controlled substance.
9	Christopher Lee	Case 9	Open	2023-01-09	New York	Christopher Lee is a 36-year-old male who was arrested on 1/9/23 for possession of a controlled substance.	Arrested	2023-01-09	Christopher Lee is a 36-year-old male who was arrested on 1/9/23 for possession of a controlled substance.
10	Amanda Hall	Case 10	Open	2023-01-10	New York	Amanda Hall is a 30-year-old female who was arrested on 1/10/23 for possession of a controlled substance.	Arrested	2023-01-10	Amanda Hall is a 30-year-old female who was arrested on 1/10/23 for possession of a controlled substance.

[illegible][illegible]

AL-01	SITE LIGHTING PLAN	L-12	PLAYING DETAIL AT GARAGE
AL-02	SITE ILLUMINATION PLAN	L-16	PLAYING DETAIL OVER STRUCTURE
AL-03	SITE LIGHTING FIXTURES	L-19	PLAYING SCHEDULE
		L-20	TO IMAGES
		L-21	TO IMAGES
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L-01	KEY SITE PLAN	A1-01	3-D MODE VIEWS
L-01A	EXTERIOR BI-CYCLE FACILITIES	A1-02	BUILDING FLOOR PLANS
L-02	MATERIALS PLAN - PLAZA	A1-03	BUILDING ELEVATIONS
L-03	MATERIALS PLAN - WISCONSIN AVENUE	A1-04	CC & B&K STORAGE ARENITY
L-04	MATERIALS PLAN - LEVEL 6	A1-05	BUILDING FLOOR PLANS/SECTION
L-05A	MATERIALS PLAN - LEVEL 17 (RES)	A1-06	BUILDING SECTIONS
L-05B	MATERIALS PLAN - LEVEL 24 (OFFICE)	A1-07	BUILDING ELEVATIONS
L-05C	MATERIALS PLAN - LEVEL 28 (OFFICE)	A1-08	BUILDING ELEVATIONS
L-06	MATERIALS PLAN - PENHOUSE LEVEL	A1-09	BUILDING ELEVATIONS
L-07A	SECTIONS	A1-10	BUILDING ELEVATIONS
L-08	DETAILS - HARDSCAPE		
L-09	DETAILS - HARDSCAPE		

## 820160200

## JOHNSON BERNAT ASSOCIATES

SP0.1

**DEVELOPER'S CERTIFICATE**  
The undersigned agrees to associate with the producers of the Sex Film Agency  
Inc., 8521 85th Ave., Richmond, B.C. V6X 2C5, as the exclusive agent for the  
sale and exhibition of the following films:  
and Certified Film Sales  
Consulting, Toronto, Ontario, Canada, as the exclusive agent for the sale and exhibition of the following films:  
Company Name: 2277 Midwestern Avenue, 35th Floor, Chicago, Illinois 60640  
Address: 1786 1st Street, N.E., Minneapolis, MN 55455  
Phone: 612-338-2000  
Fax: 612-338-2001  
Signature: *[Handwritten Signature]*  
Date: *[Handwritten Date]*



TITLE SHEET

SP0.1



[illegible]

**SITE PLAN.**

SITE PLAN SP-2.1

SCALE: 1"=20'

**DEVELOPER'S CERTIFICATE**

The undersigned hereby certifies that it is a firm known as the "20th Anniversary" of the **1970-1971** season, including All-American Championships, Development Program, and Certified Star Award.

Developer's Name **20th Anniversary**

Contact Person **Mr. J. J. McLaughlin, Jr.**

Address **12345 Main Street, Suite 100**

City **Anytown, NY 12345**

Signature **J. J. McLaughlin, Jr.**

Developer's Signature **J. J. McLaughlin, Jr.**

**PROFESSIONAL CERTIFICATION**

Professional Certification  
is available for the following  
occupations:  
1. **Architect**  
2. **Engineer**  
3. **Surveyor**  
4. **Geologist**  
5. **Chemist**  
6. **Physician**  
7. **Pharmacist**  
8. **Teacher**  
9. **Lawyer**  
10. **Accountant**  
11. **Public Health Officer**  
12. **Police Officer**  
13. **Firefighter**  
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**EXHIBIT F**  
**Floor Plans and Summary Chart**

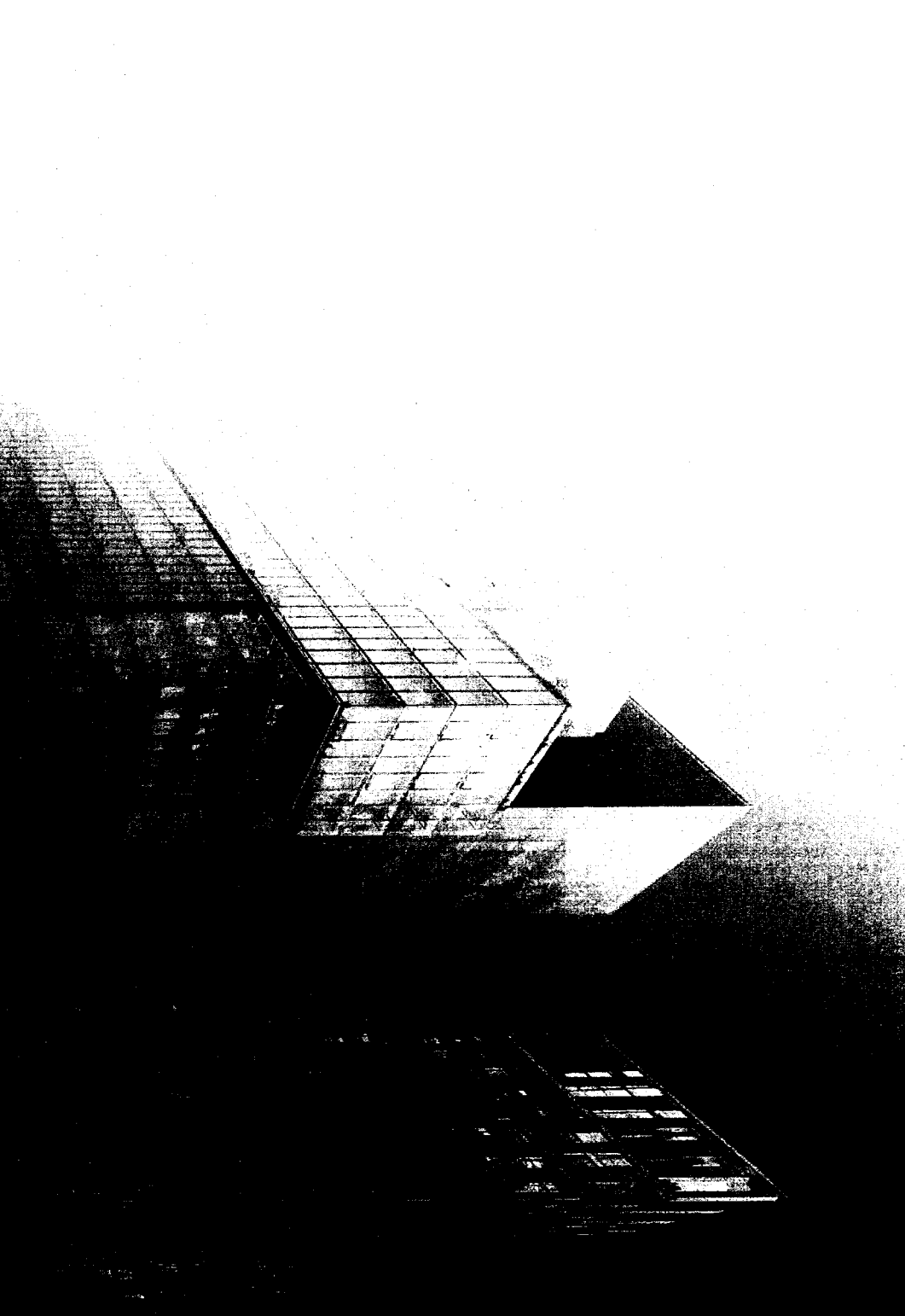
For single family dwellings (including townhouses), attach a floor plan of each MPDU type with dimensions and square footage. For garden and high-rise buildings, attach a floor plan of each MPDU type with dimensions and square footage, and a typical floor plan of the building(s) showing locations of MPDUs and market rate units on each floor, with the appropriate summary chart (below) of location and bedroom composition of MPDUs and market rate units. (Please attach additional pages if necessary.)

Summary of Unit Distribution by Building and Unit Type (High-Rise Apartments)											
Floor	Efficiency		One BR		Two BR		Three BR		Subtotal		TOTAL
	MPDU	Market	MPDU	Market	MPDU	Market	MPDU	Market	MPDU	Market	
1	0	0	2	1	0	2	0	0	2	3	5
2	0	0	1	0	0	0	1	0	2	0	2
3	0	0	1	3	0	14	1	1	2	18	20
4	0	0	0	0	0	0	0	0	0	0	0
5	0	0	0	0	0	12	0	0	0	12	12
6	1	0	1	13	2	8	0	0	4	21	25
7	1	2	2	9	3	9	0	0	6	20	26
8	1	2	2	9	3	9	0	0	6	20	26
9	0	3	2	9	3	9	0	0	5	21	26
10	0	3	2	9	3	9	0	0	5	21	26
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12	0	3	2	9	3	9	0	0	5	21	26
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16	0	1	2	10	0	11	0	0	2	22	24
17	0	1	0	6	0	4	0	1	0	12	12
18	0	0	0	5	0	6	0	1	0	12	12
19	0	0	0	5	0	6	0	1	0	12	12
20	0	0	0	5	0	6	0	1	0	12	12
21	0	0	0	5	0	6	0	1	0	12	12
22	0	0	0	6	0	4	0	2	0	12	12
23	0	0	0	6	0	4	0	2	0	12	12
24	0	0	0	5	0	4	0	2	0	11	11
25	0	0	0	5	0	4	0	2	0	11	11
26	0	0	0	6	0	3	0	2	0	11	11
27	0	0	0	6	0	3	0	2	0	11	11
28	0	0	0	2	0	1	0	1	0	4	4
29	0	0	0	4	0	1	0	1	0	6	6
TOTAL	3	23	25	172	27	184	2	20	57	399	456

S:\Files\recurring\Housing\MPDU\Forms\Agreement to Build\Agreement\_to\_Build\_MPDU\_Feb\_2017.docx

# 7272 WISCONSIN AVE RESIDENTIAL

2018/04/18 MPDU AGREEMENT PACKAGE



## RESIDENTIAL UNIT COUNT &amp; MIX

TOTAL UNITS PROVIDED 456  
 MARKET 399  
 MPDU (12.5%) 57

UNIT TYPE	TOTAL #	MIX
STUDIO+1 BED	225	49%
2 BED	209	46%
3 BED	22	5%
TOTAL	456	100%

MPDU #	MPDU MIX
28	49%
27	47%
2	4%
57	100%

## PROPOSED MPDU CHART

## MPDU UNIT COUNT (ALLOCATION PER FLOOR)

OWNER TARGET	STUDIO	1 BED	2 BED	3 BED	TOTAL
COUNT	13	15	27	2	57

PROVIDED	STUDIO	1 BED	2 BED	3 BED	TOTAL
FLOOR					
1	0	2	0	0	2
2	0	1	0	1	2
3	0	1	0	1	2
4	0	0	0	0	0
5	0	0	0	0	0
6	1	1	2	0	4
7	1	2	3	0	6
8	1	2	3	0	6
9	0	2	3	0	5
10	0	2	3	0	5
11	0	2	3	0	5
12	0	2	3	0	5
13	0	2	3	0	5
14	0	2	2	0	4
15	0	2	2	0	4
16	0	2	0	0	2
	3	25	27	2	57

7272 WISCONSIN AVE

BETHESDA, MD

MPDU AGREEMENT PACKAGE

MPDU CHART 02

CARR  
PROPERTIES

April 18, 2018

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Shalom Baranes Associates  
architects

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**demising  
plans**

CARR  
PROPERTIES

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BETHESDA, MD

April 18, 2018

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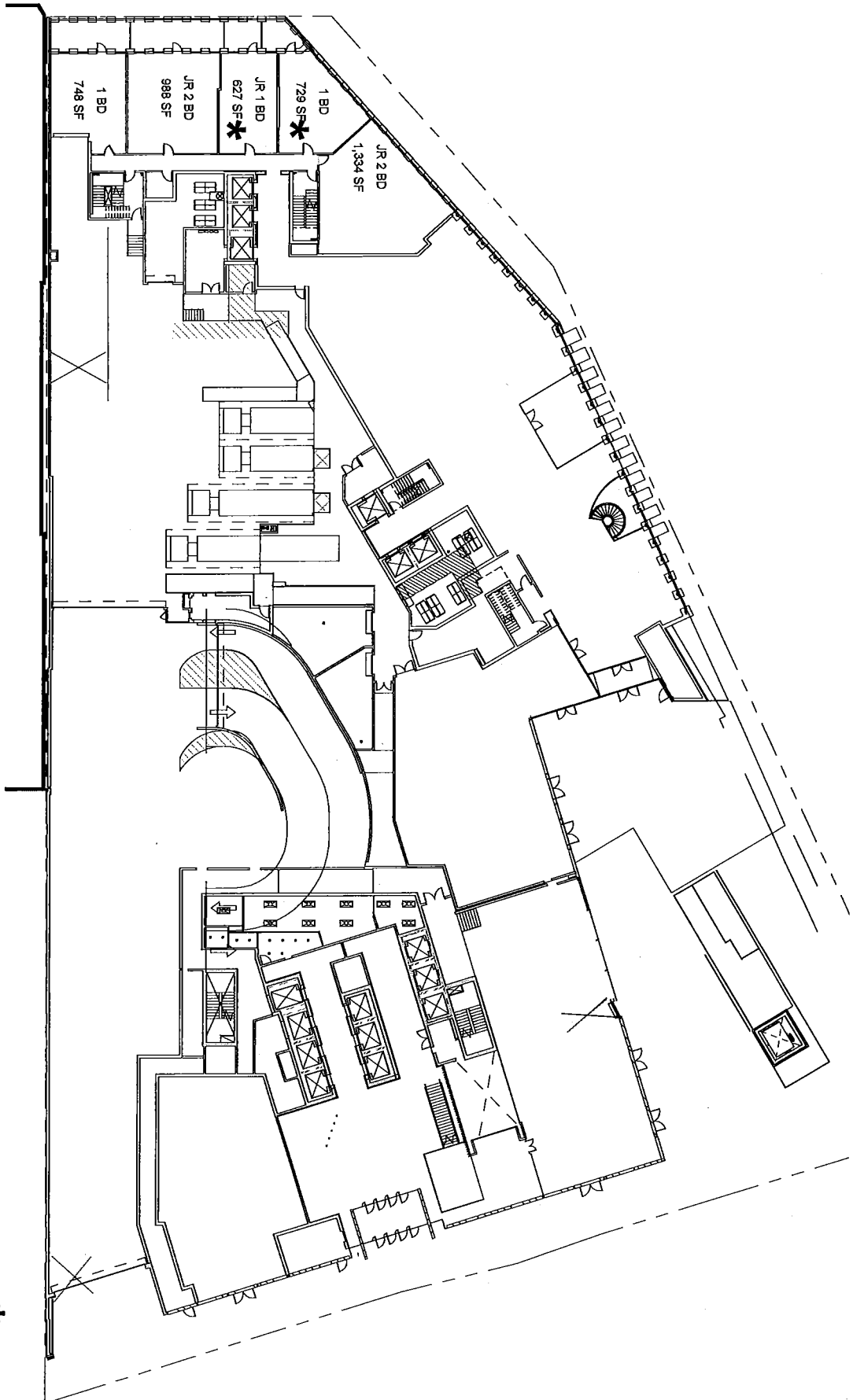
MPDU AGREEMENT PACKAGE

GROUND LEVEL DEMISING

04

Shalom Baranes Associates  
architects

\* MPDU UNIT



CARR  
PROPERTIES

BETHESDA, MD  
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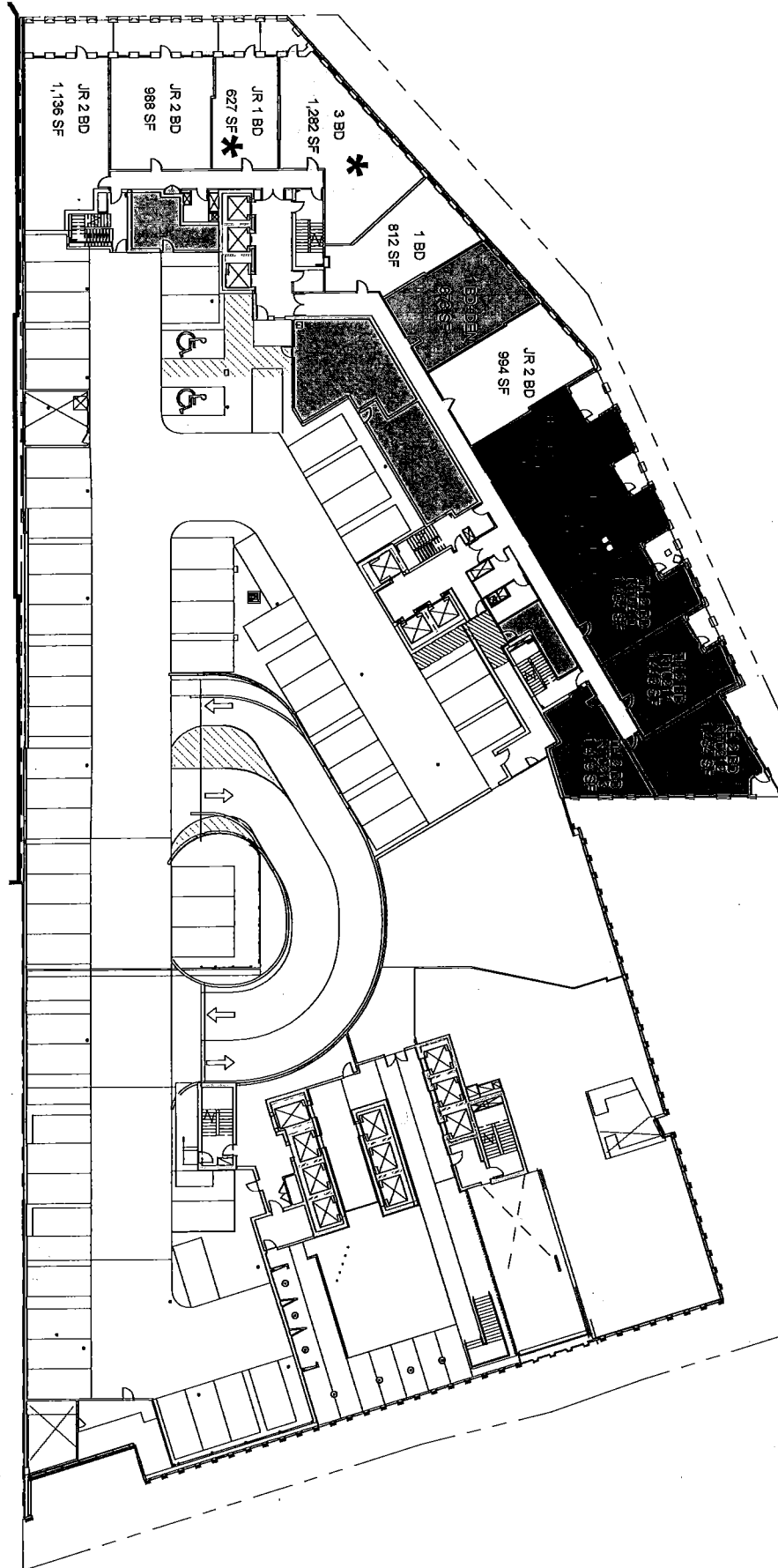
MPDU AGREEMENT PACKAGE

LEVEL 02 DEMISING

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architects

\* MPDU UNIT



**CARR**  
PROPERTIES

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**7272 WISCONSIN AVE**

BETHESDA, MD

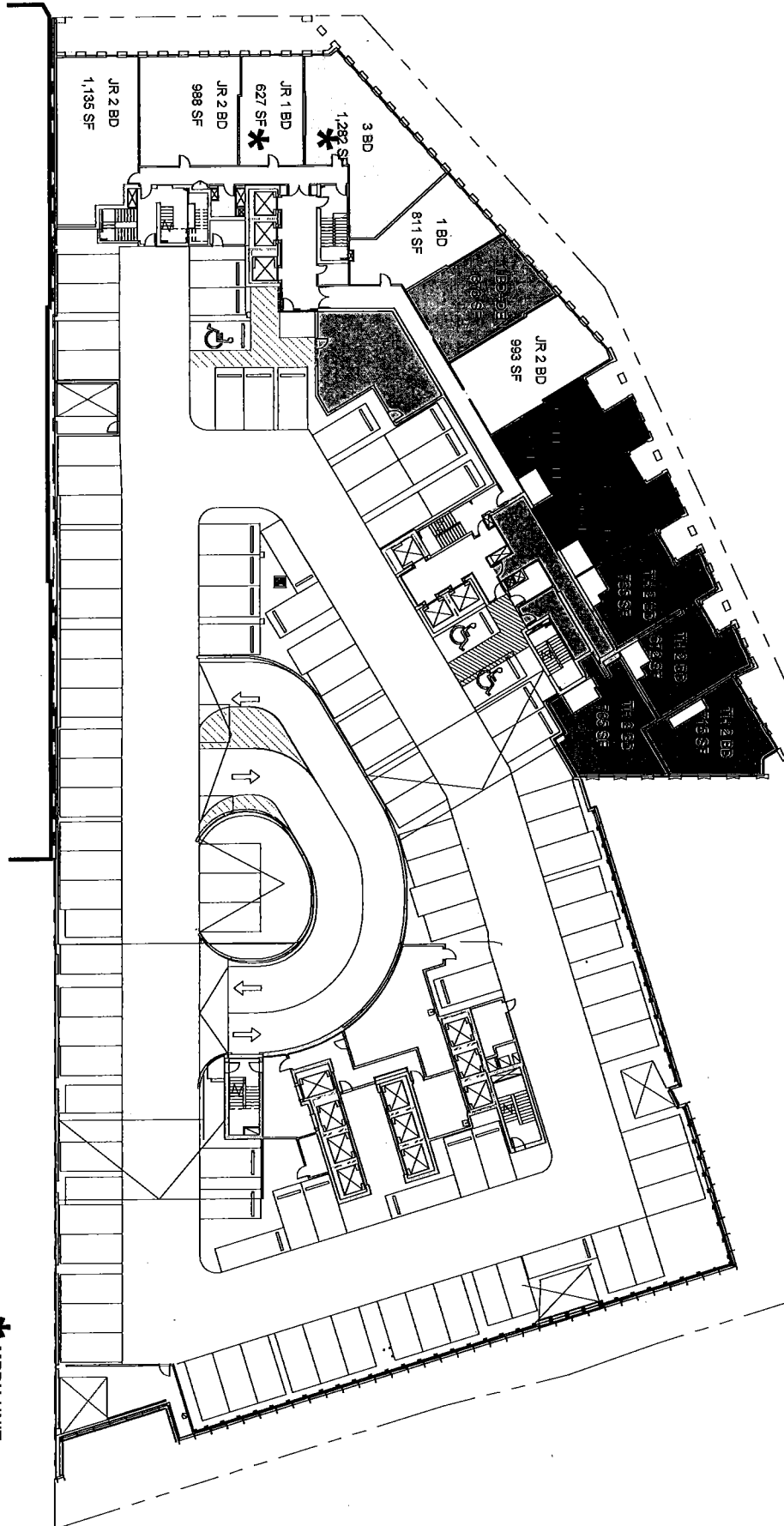
MPDU AGREEMENT PACKAGE

LEVEL 03 DEMISING

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architects

\* MPDU UNIT





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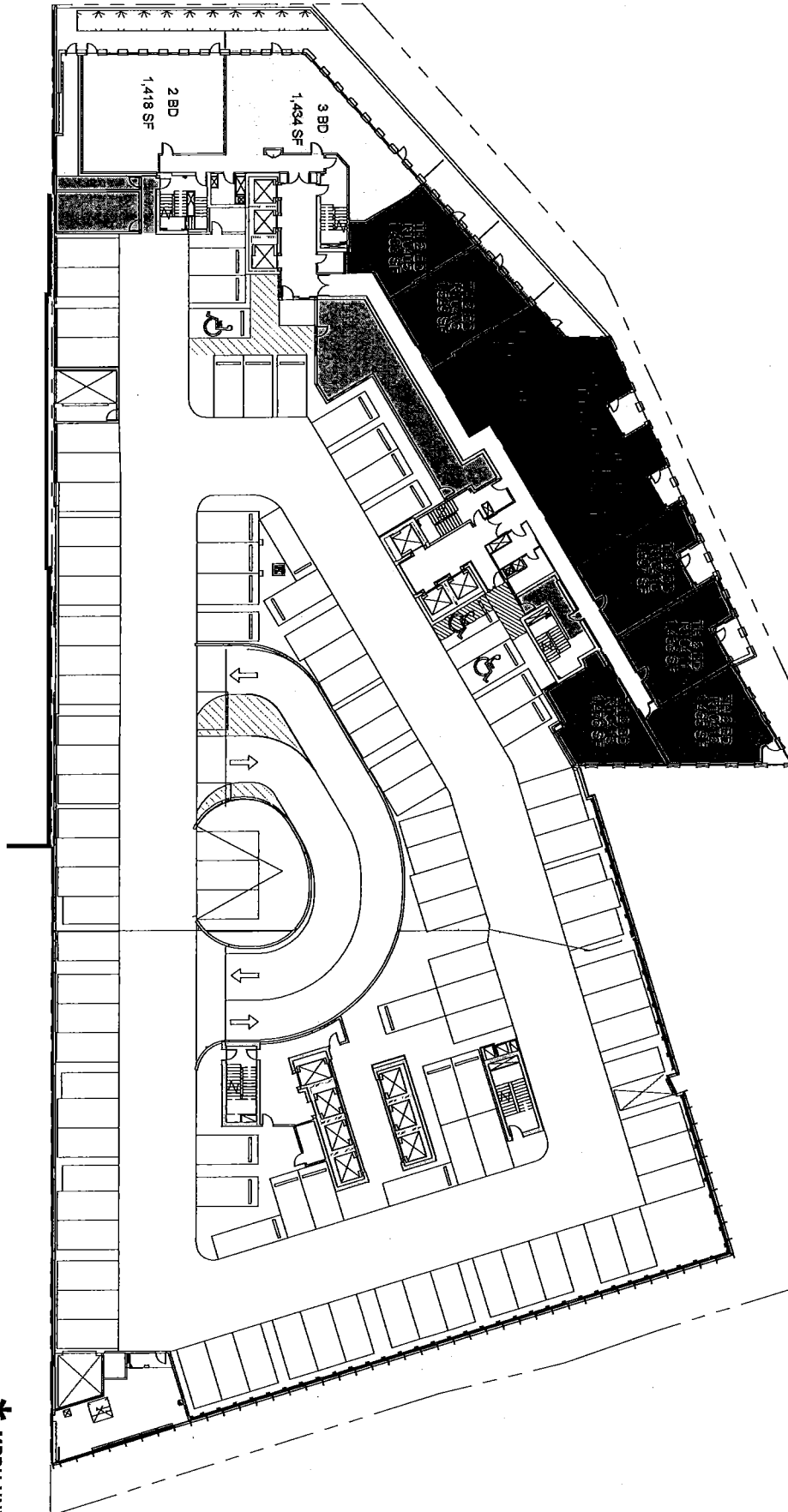
BETHESDA, MD  
April 18, 2018

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MPDU AGREEMENT PACKAGE

LEVEL 04 DEMISING 07  
shalom baranes associates architects

\* MPDU UNIT



**CARR**  
PROPERTIES

**7272 WISCONSIN AVE**

BETHESDA, MD

April 18, 2018

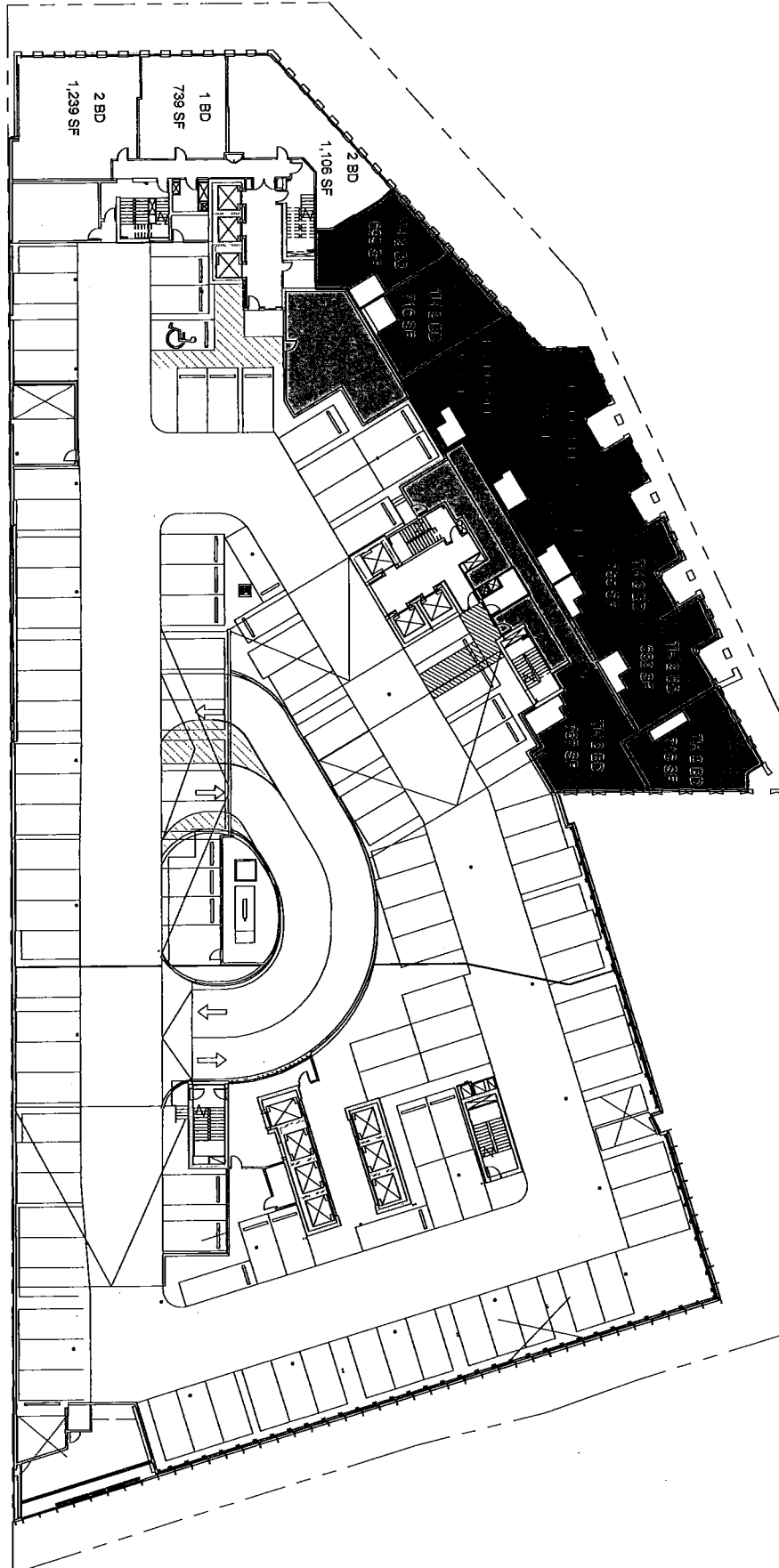
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MPDU AGREEMENT PACKAGE

LEVEL 05 DEMISING 08

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architects

\* MPDU UNIT



CARR  
PROPERTIES

April 18, 2018

SCOTT SMITH BARRON ASSOCIATES, PC

7272 WISCONSIN AVE

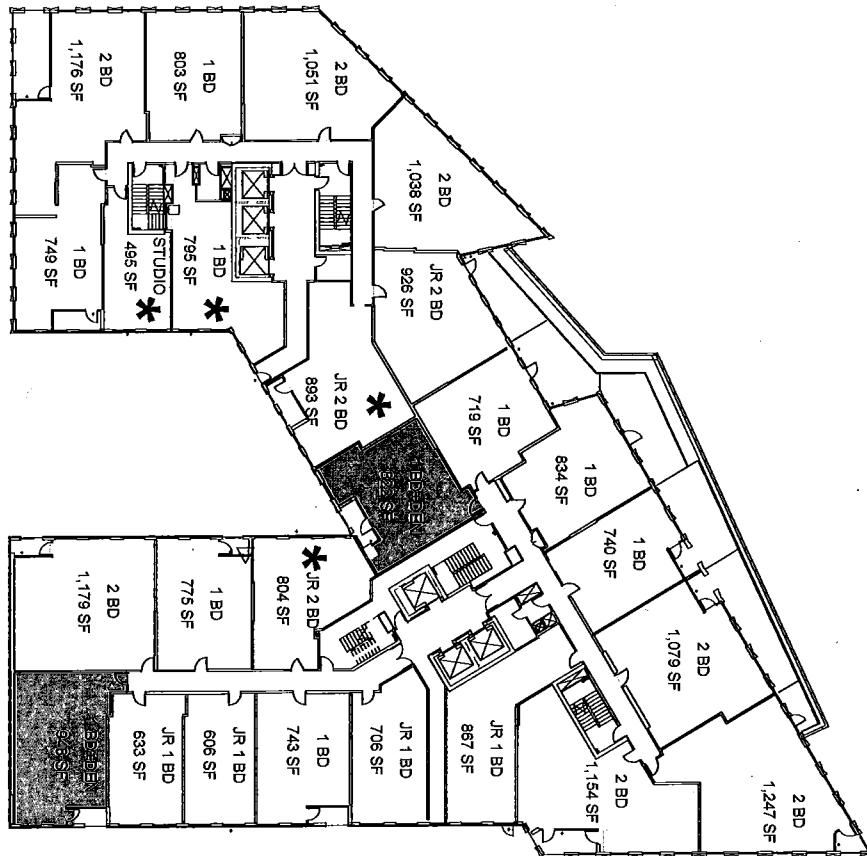
BETHESDA, MD

MPDU AGREEMENT PACKAGE

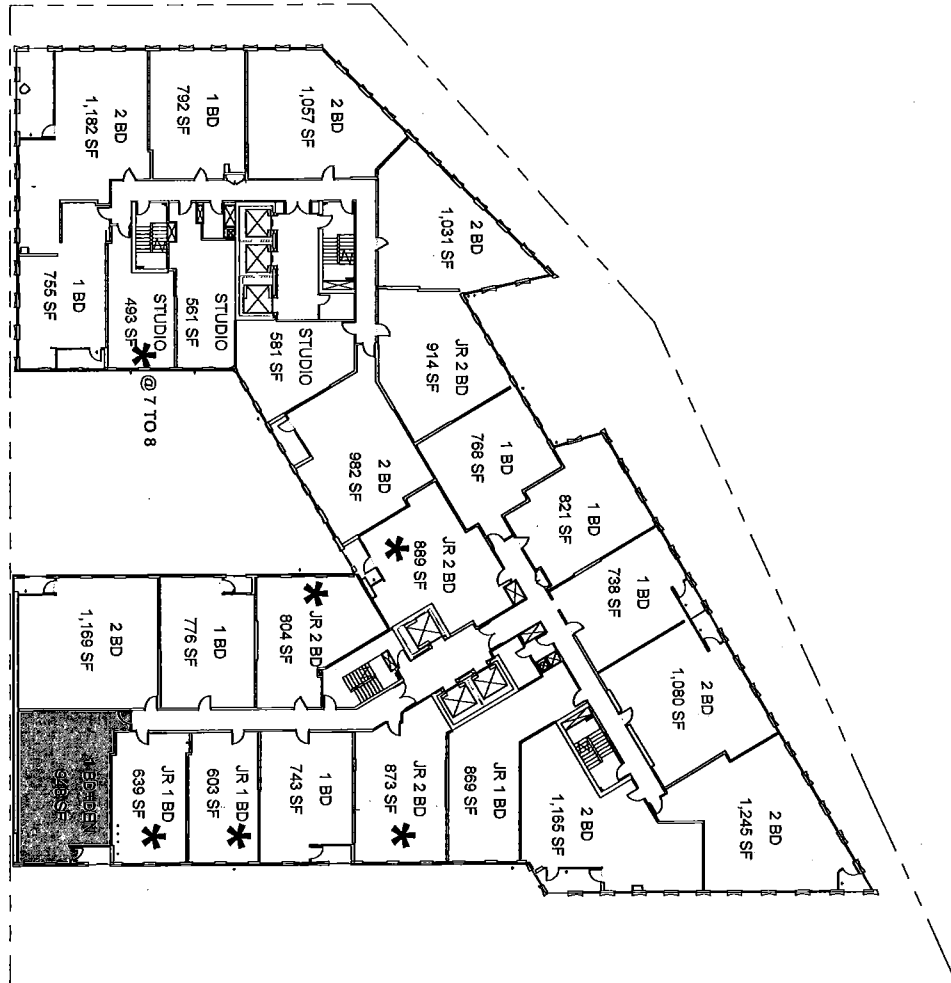
LEVEL 06 DEMISING

09

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LEVEL 07-13 DEMISING

10

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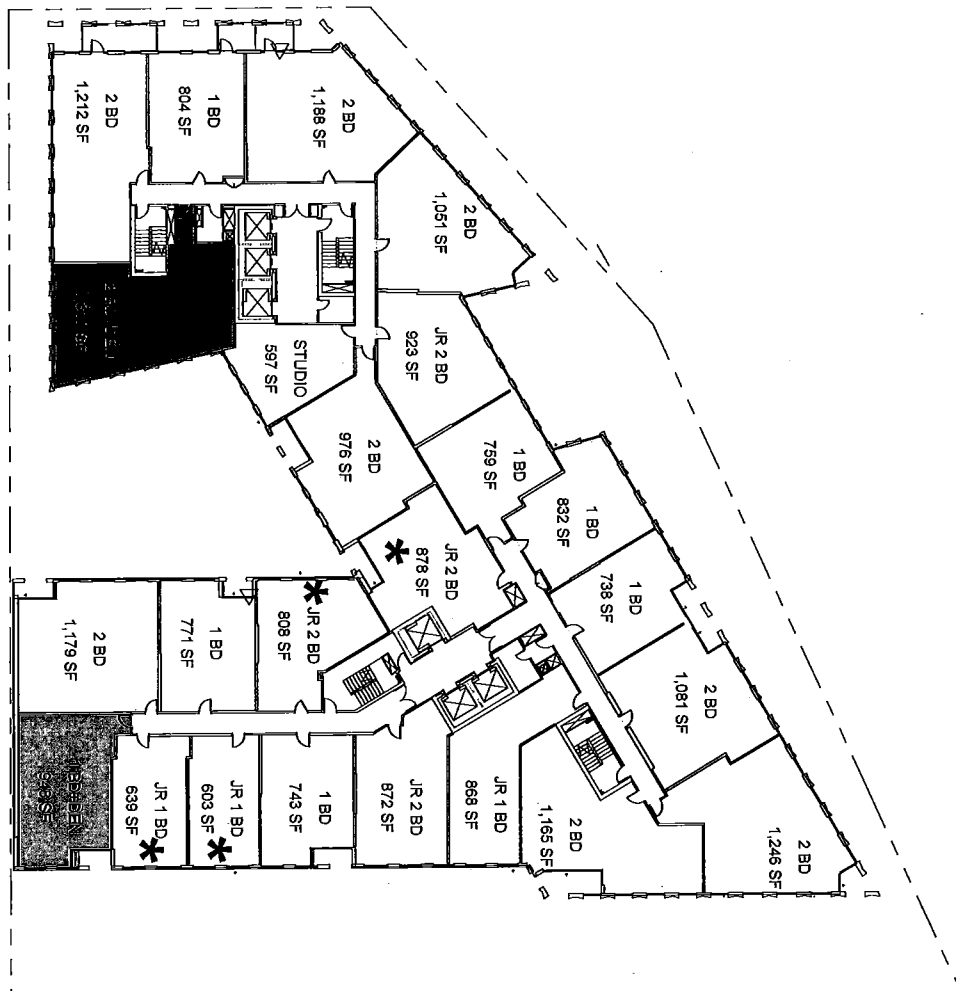
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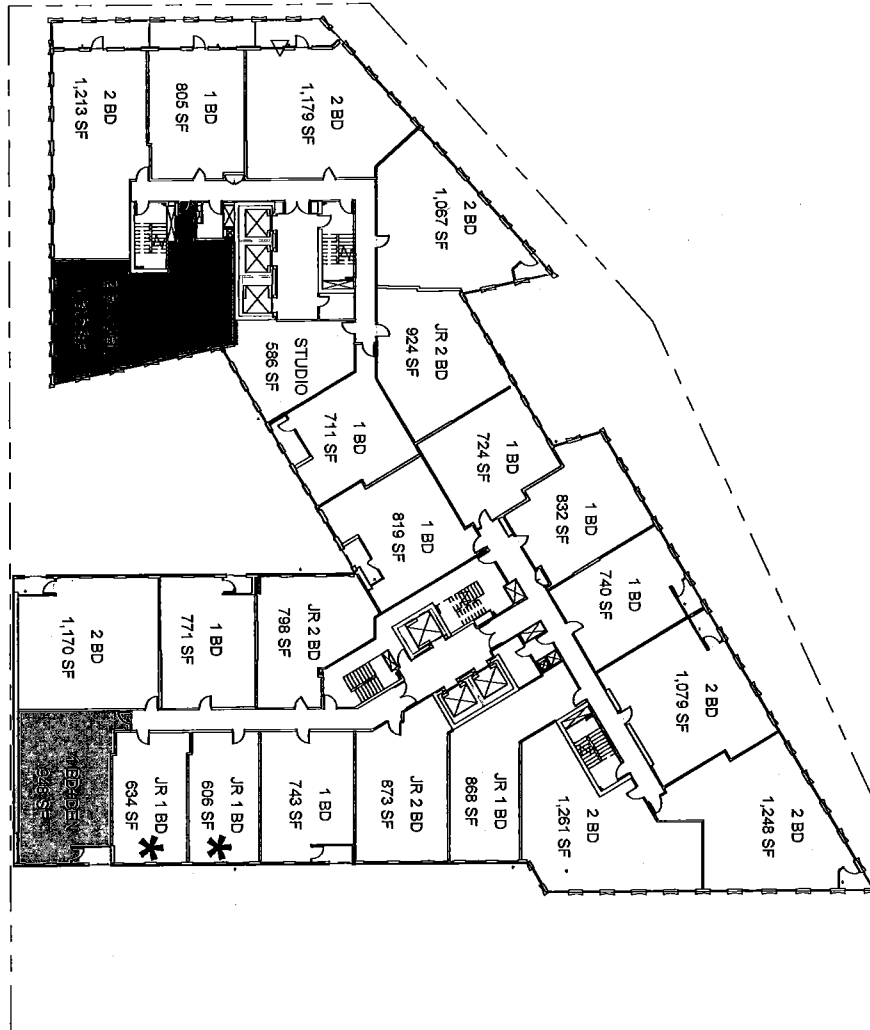
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## LEVEL 14-15 DEMISING

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**\* MPDU UNIT**





\* MPDU UNIT

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LEVEL 16 DEMISING

12

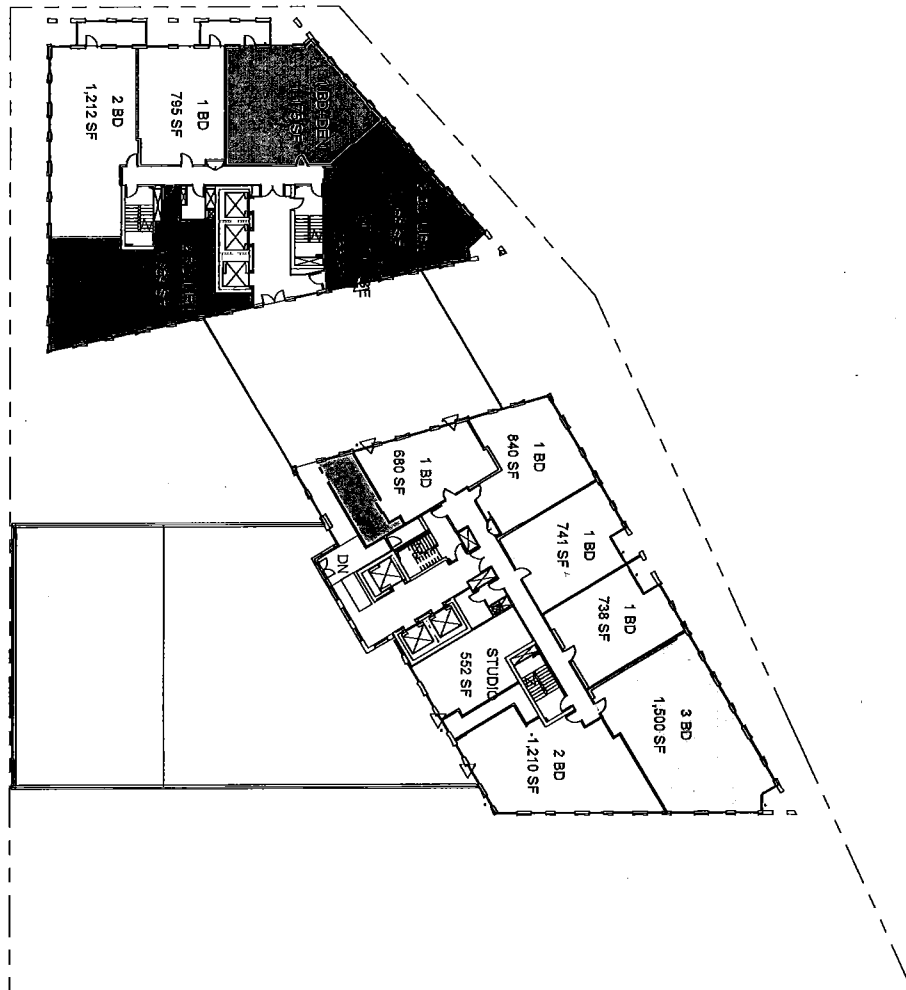
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PROPERTIES

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LEVEL 17 DEMISING

13

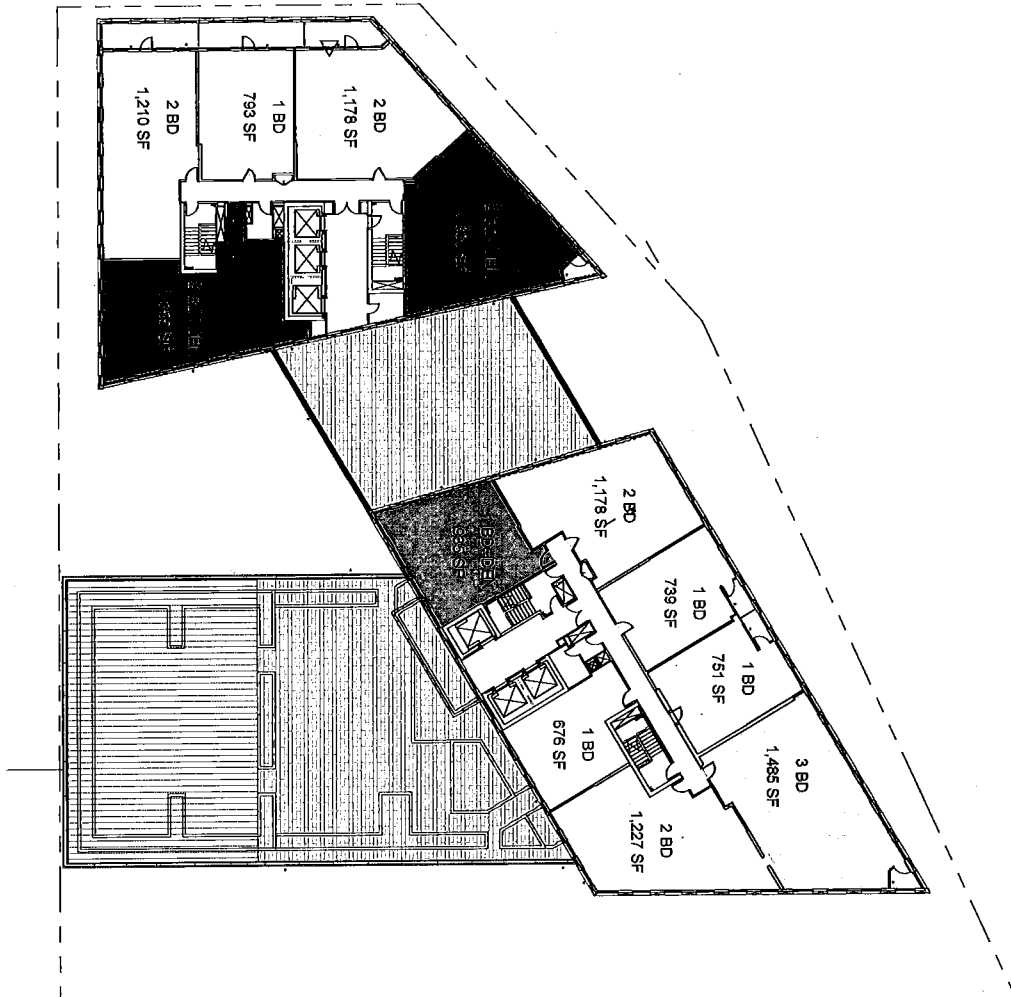
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LEVEL 18-21 DEMISING

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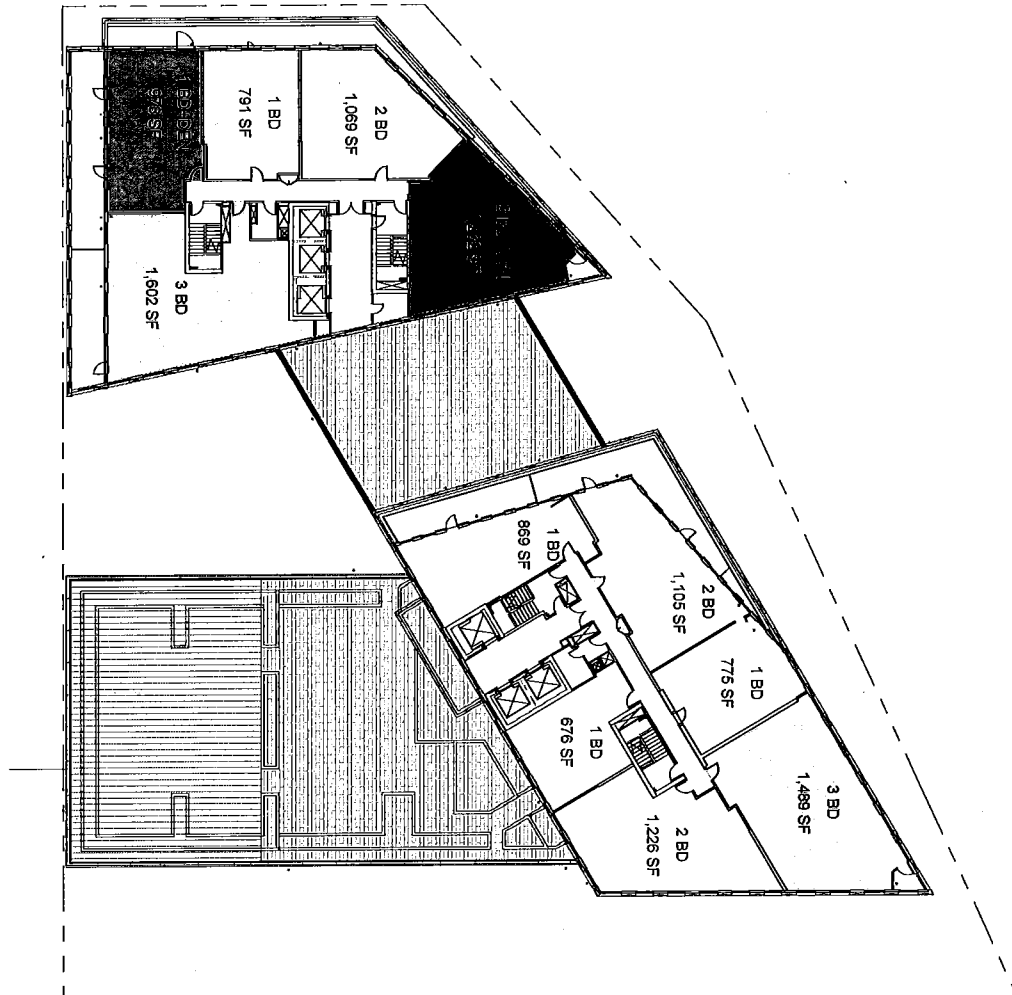
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14







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LEVEL 24-25 DEMISING

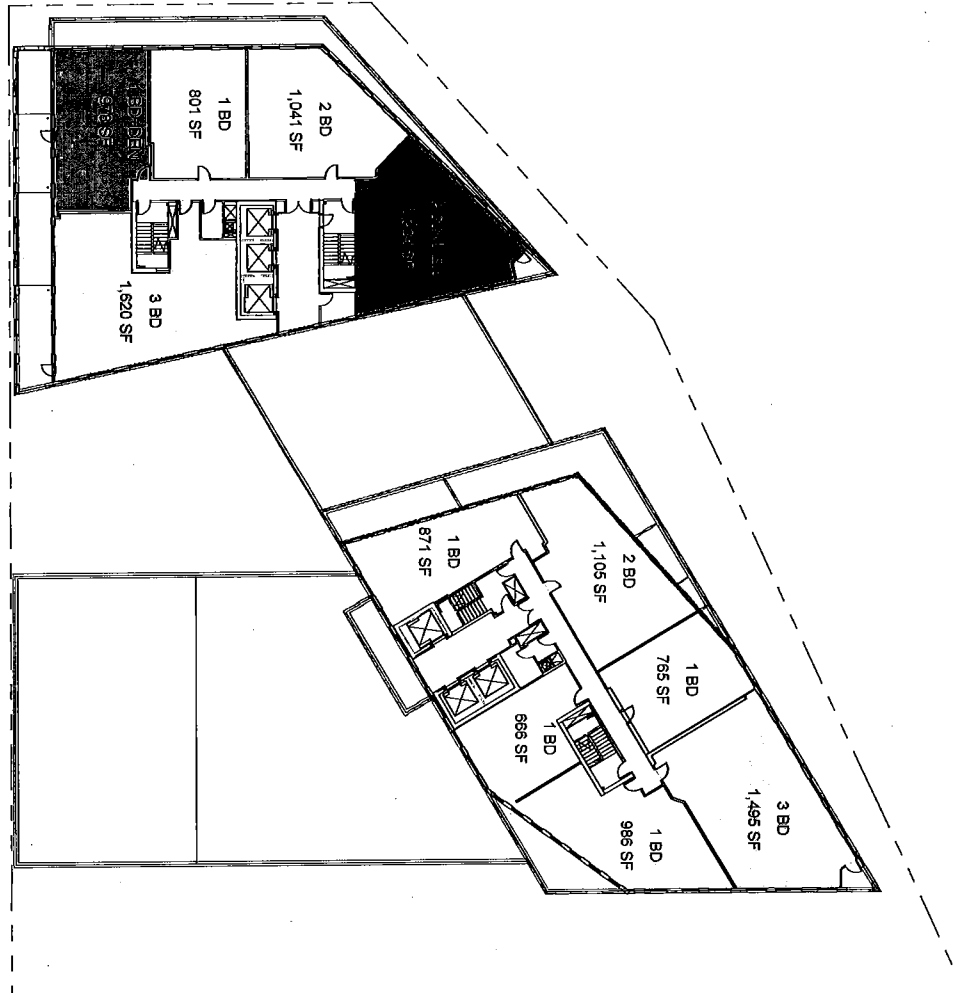
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LEVEL 26-27 DEMISING

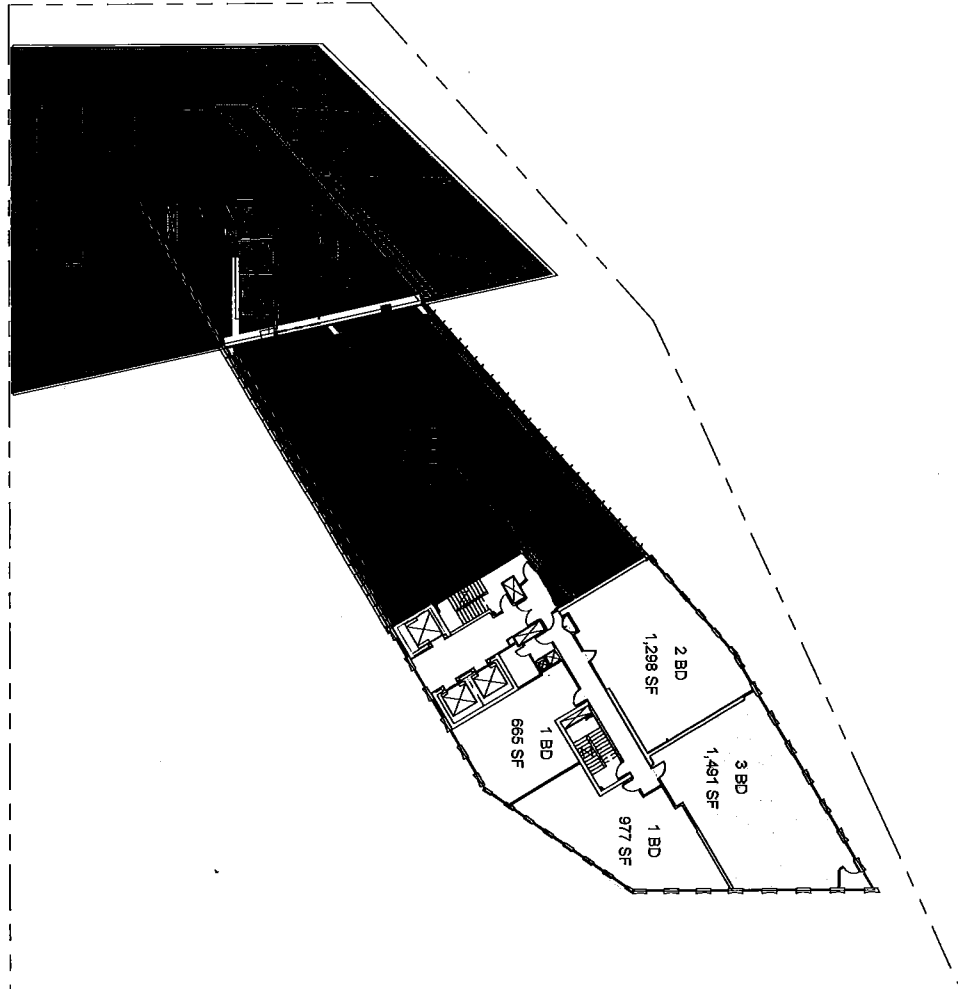
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LEVEL 28 DEMISING

18

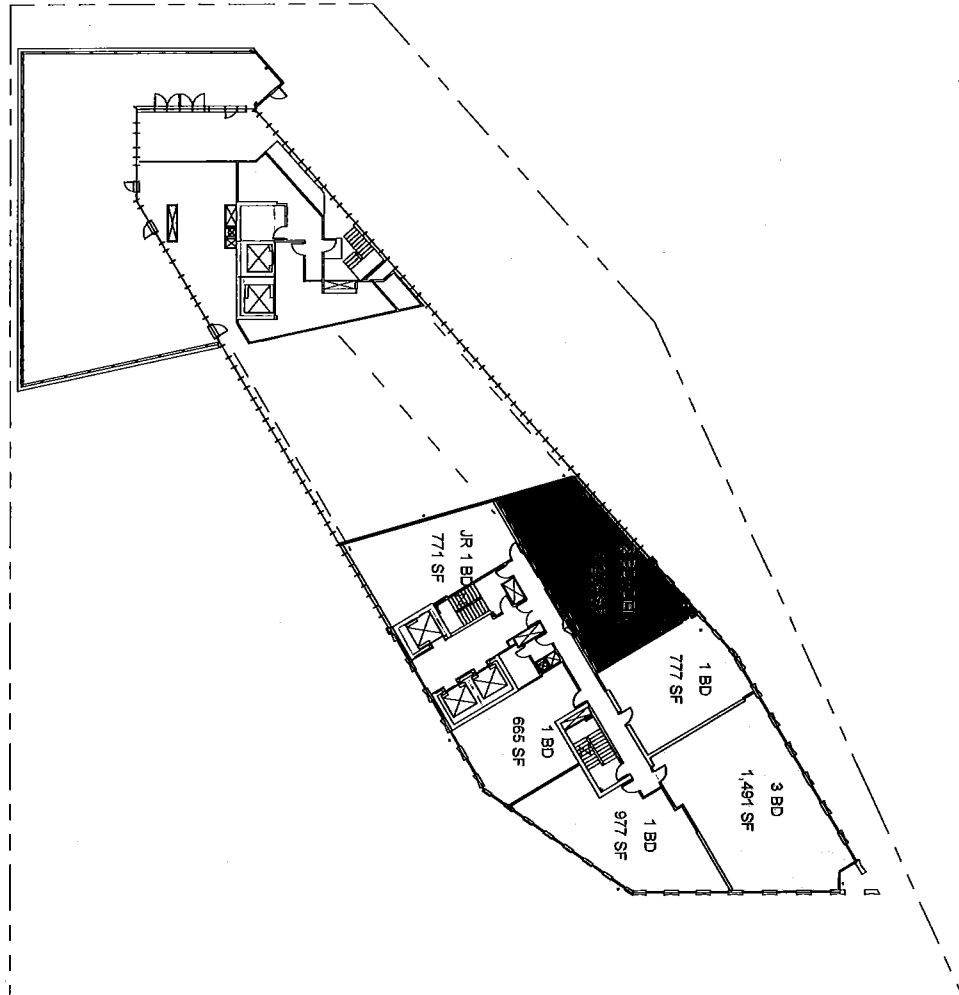
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LEVEL 29 DEMISING

19

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**unit plans**  
podium units

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PROPERTIES

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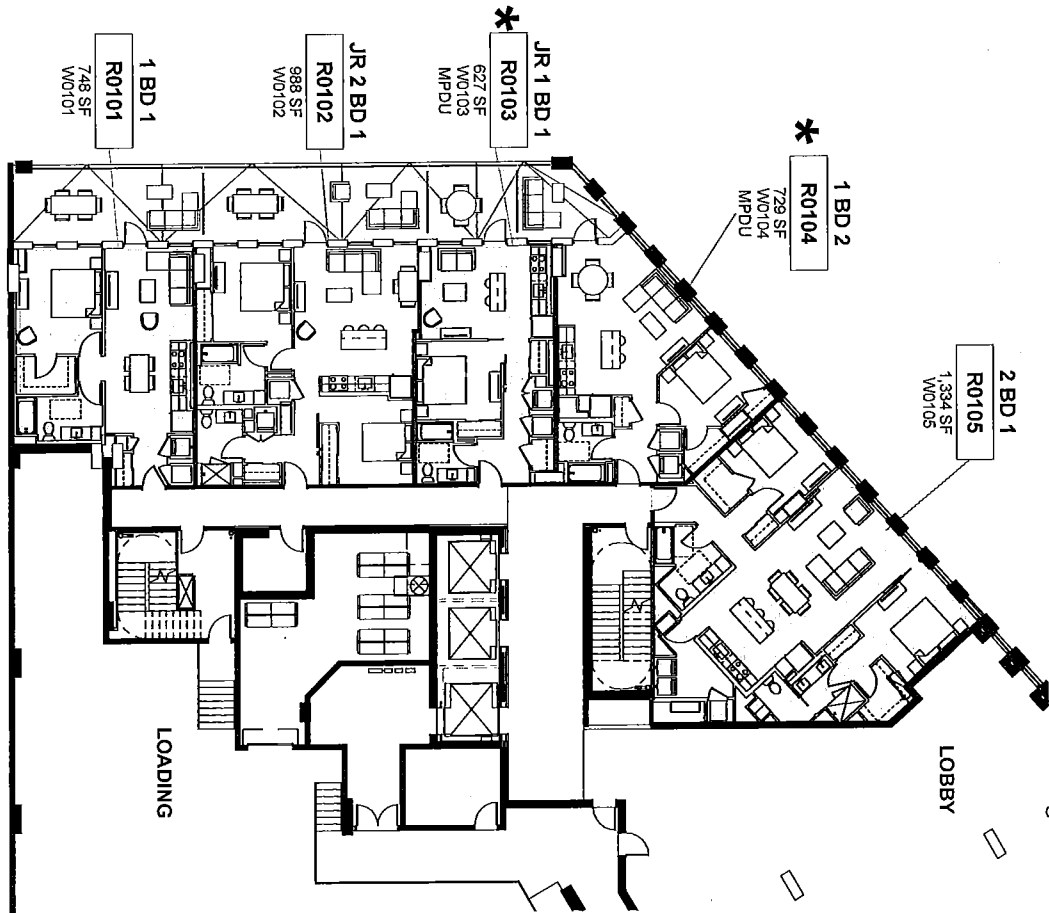
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PODIUM-WEST: GROUND LEVEL UNIT PLANS

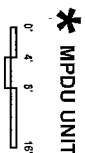
21

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## MPDU UNIT COUNT (ALLOCATION PER FLOOR)

OWNER TARGET				
COUNT	STUDIO	1 BED	2 BED	3 BED
	13	15	27	2
				57

PROVIDED				
FLOOR	STUDIO	1 BED	2 BED	3 BED
1	0	2	0	0
2	0	1	0	1
3	0	1	0	1
4	0	0	0	0
5	0	0	0	0
6	1	1	2	0
7	1	2	3	0
8	1	2	3	0
9	0	2	3	0
10	0	2	3	0
11	0	2	3	0
12	0	2	3	0
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14	0	2	2	0
15	0	2	2	0
16	0	2	0	0
	3	25	27	2
				57

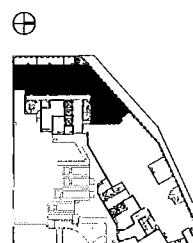


## RESIDENTIAL UNIT COUNT &amp; MIX

TOTAL UNITS PROVIDED	456
MARKET	399
MPDU (12.5%)	57

UNIT TYPE	TOTAL #	MIX
STUDIO+1 BED	225	49%
2 BED	209	46%
3 BED	22	5%
TOTAL	456	100%

MPDU #	MPDU MIX
28	49%
27	47%
2	4%
57	100%



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PROPERTIES

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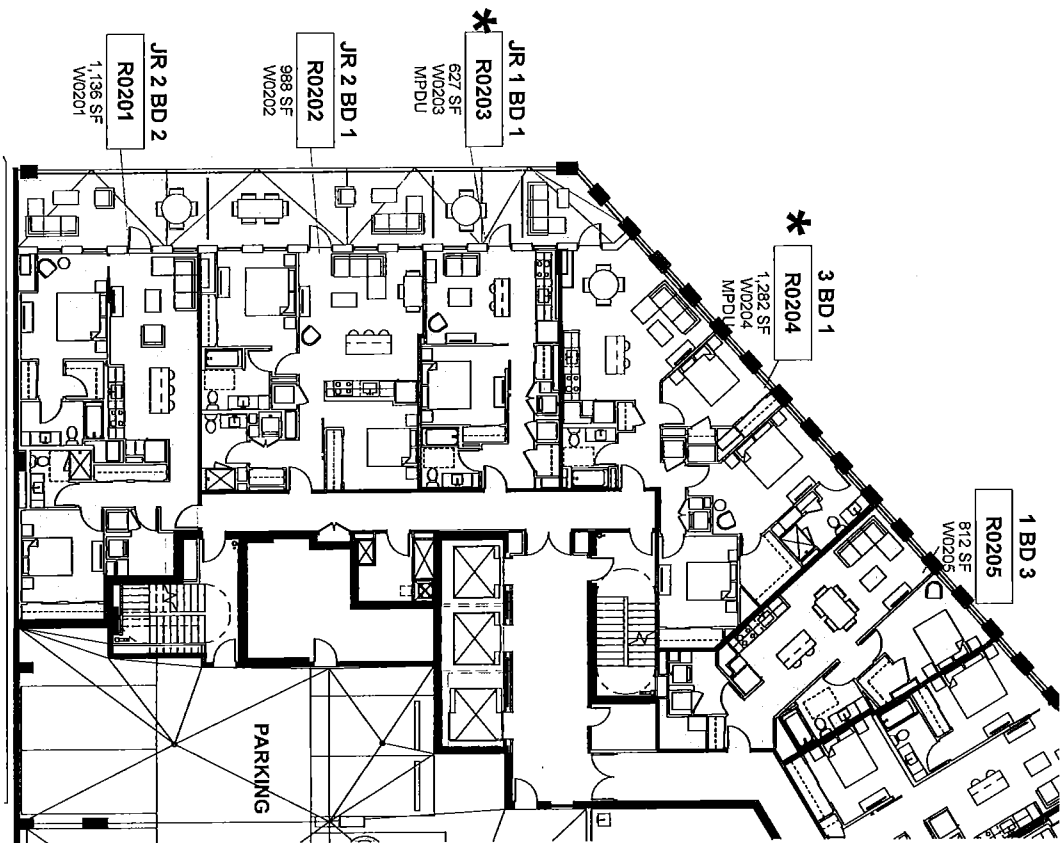
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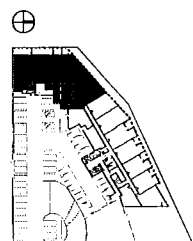
PODIUM-WEST LEVEL 02 UNIT PLANS

22

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\* MPDU UNIT





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CARR PROPERTIES

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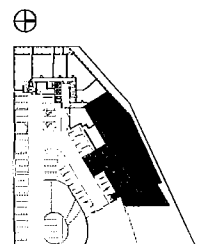
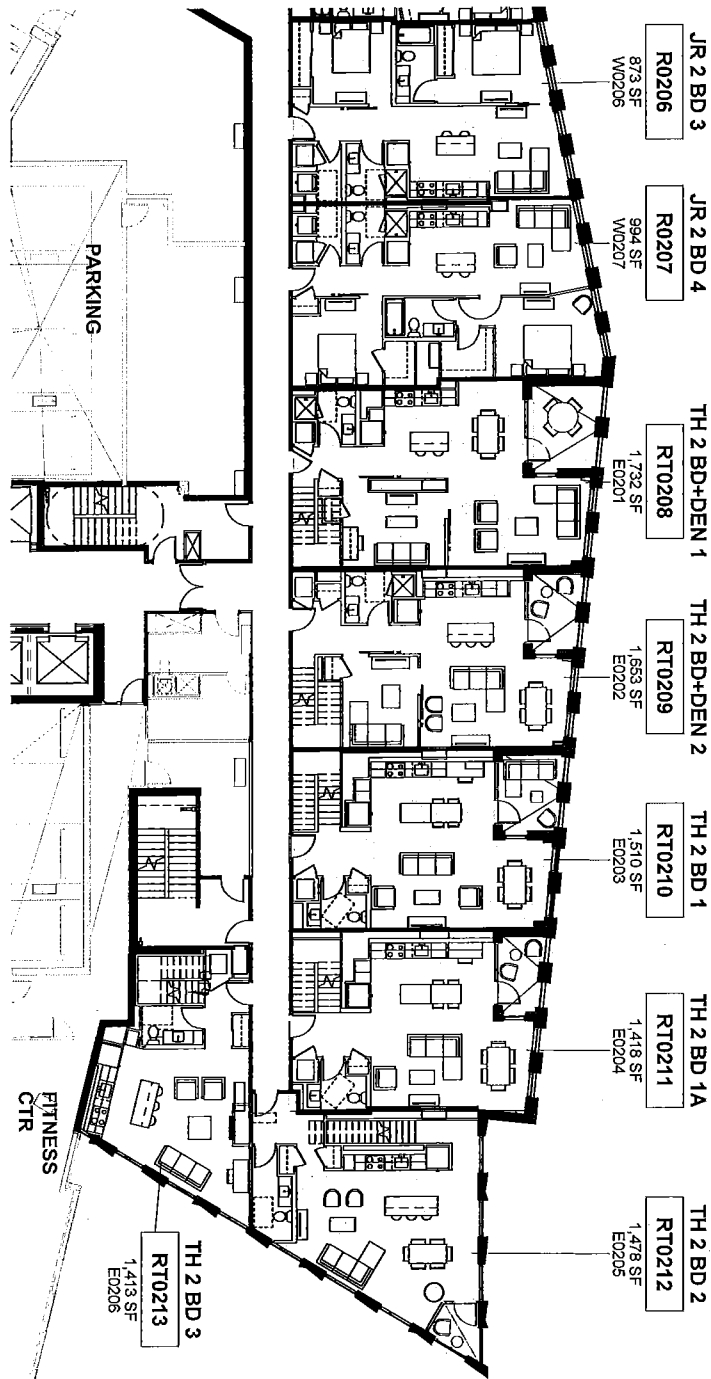
EQ's Stamen Baranes Associates, PC

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PODIUM-EAST: LEVEL 02 UNIT PLANS

23

stamen baranes associates architects



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PROPERTIES

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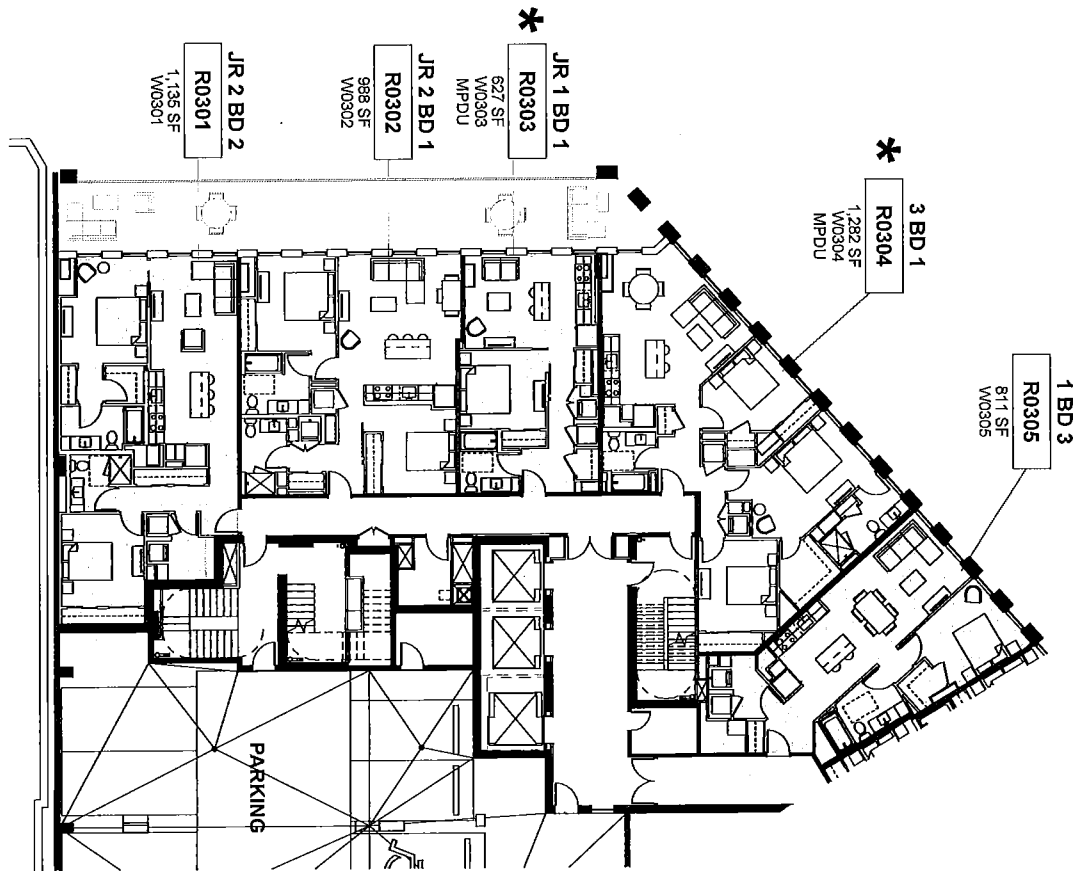
6018 Stadium Drive, Washington, DC

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PODIUM-WEST: LEVEL 03 UNIT PLANS

24

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PODIUM-EAST LEVEL 03 UNIT PLANS

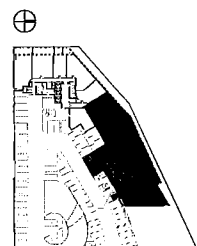
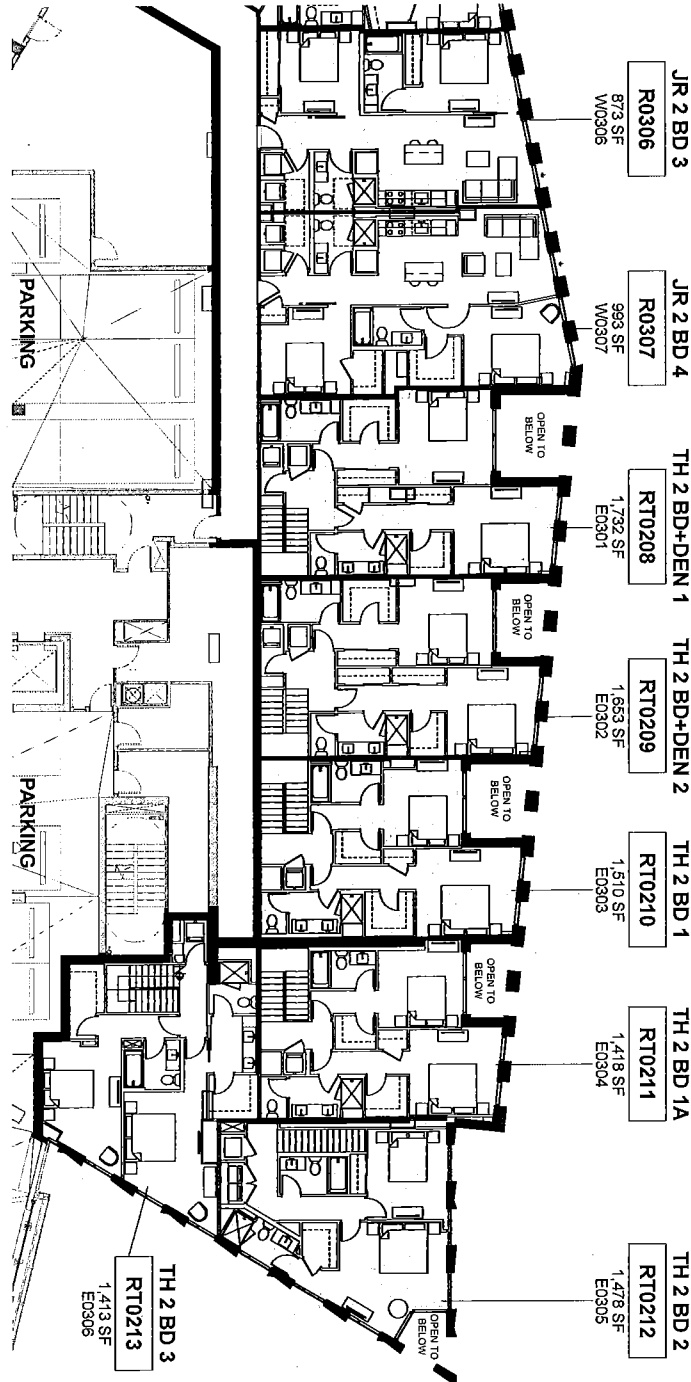
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PROPERTIES

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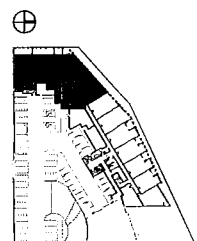
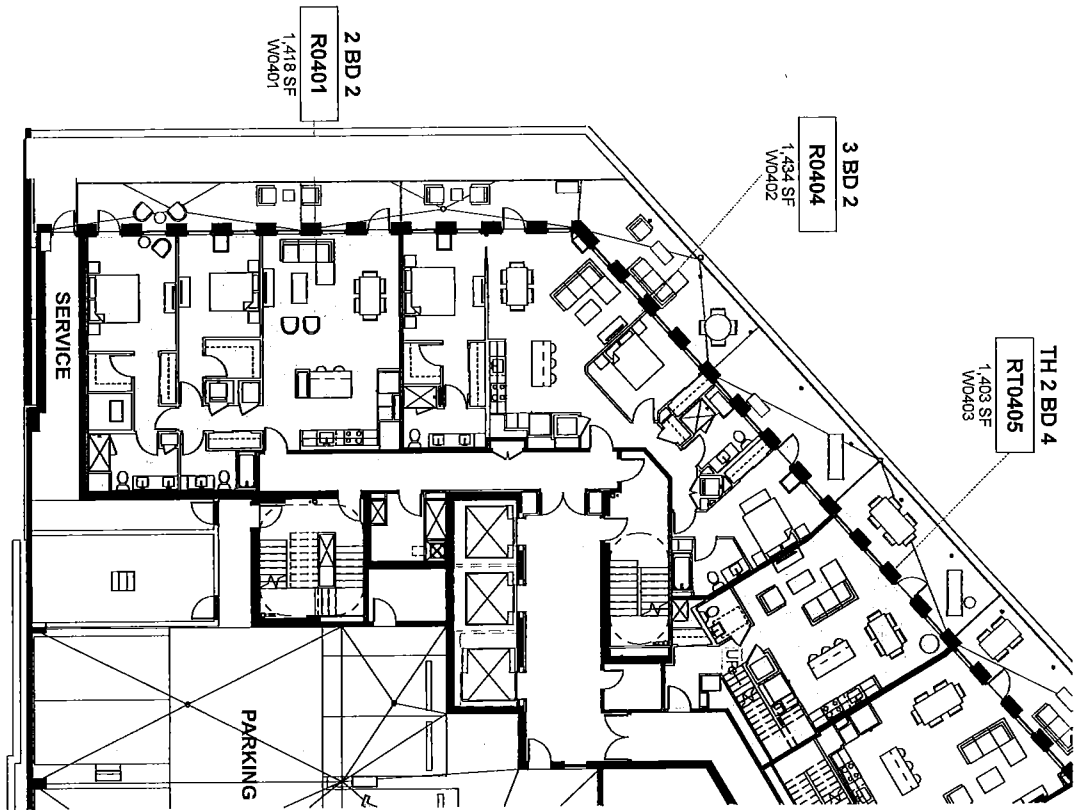
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PODIUM-WEST: LEVEL 04 UNIT PLANS

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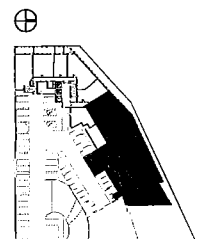
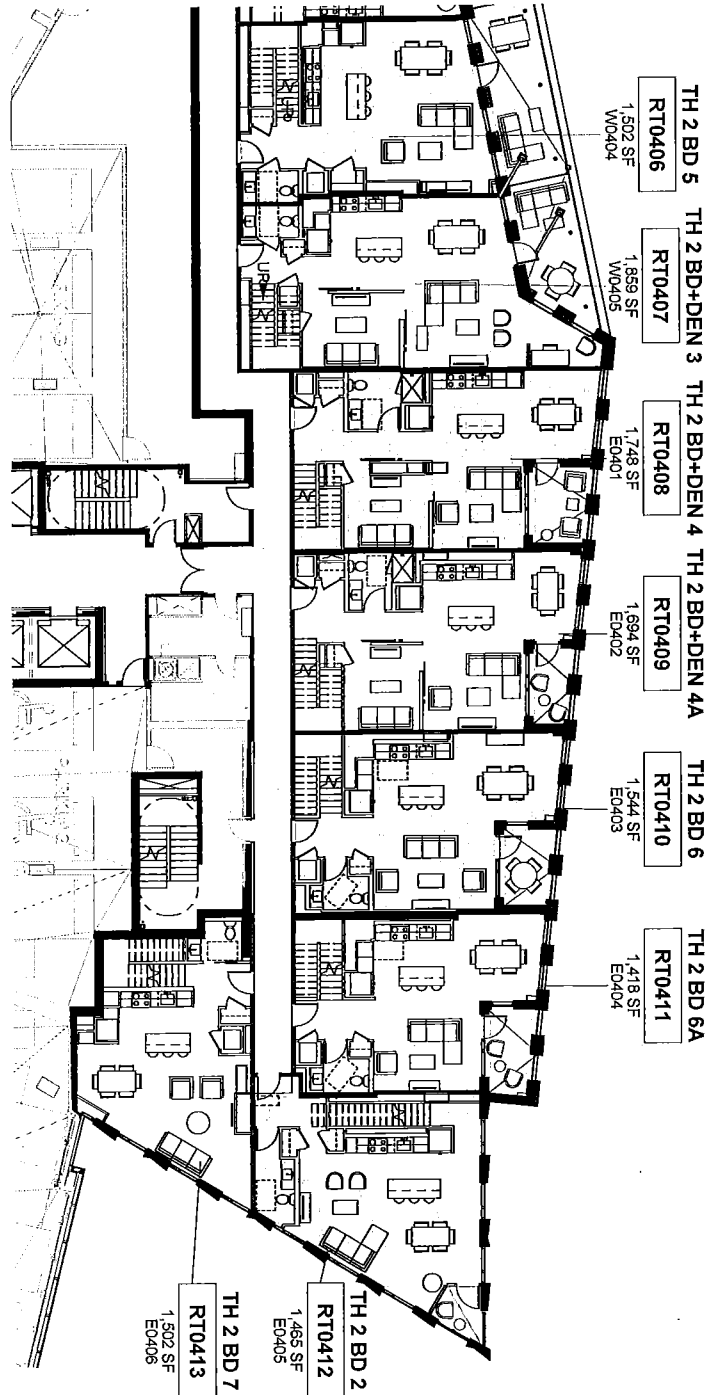
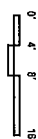
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PODIUM-EAST: LEVEL 04 UNIT PLANS

27

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PROPERTIES

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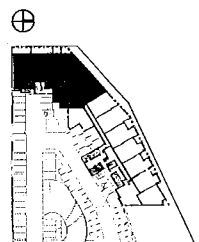
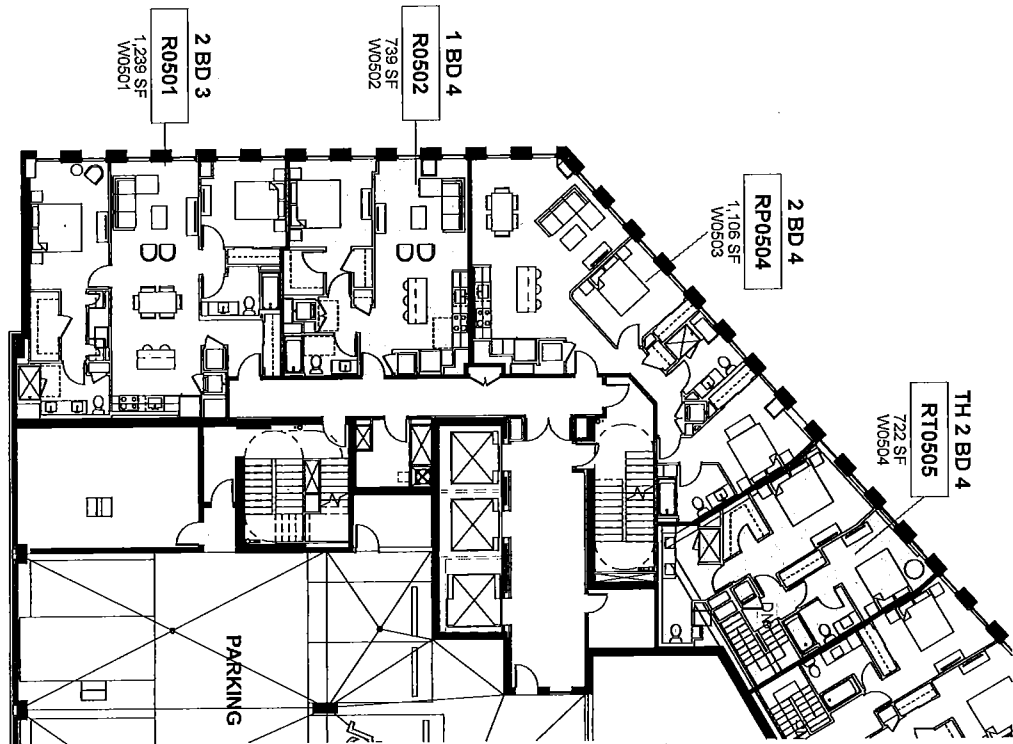
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PODIUM-WEST. LEVEL 05 UNIT PLANS

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28



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CARR PROPERTIES

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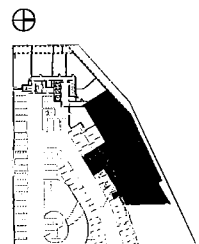
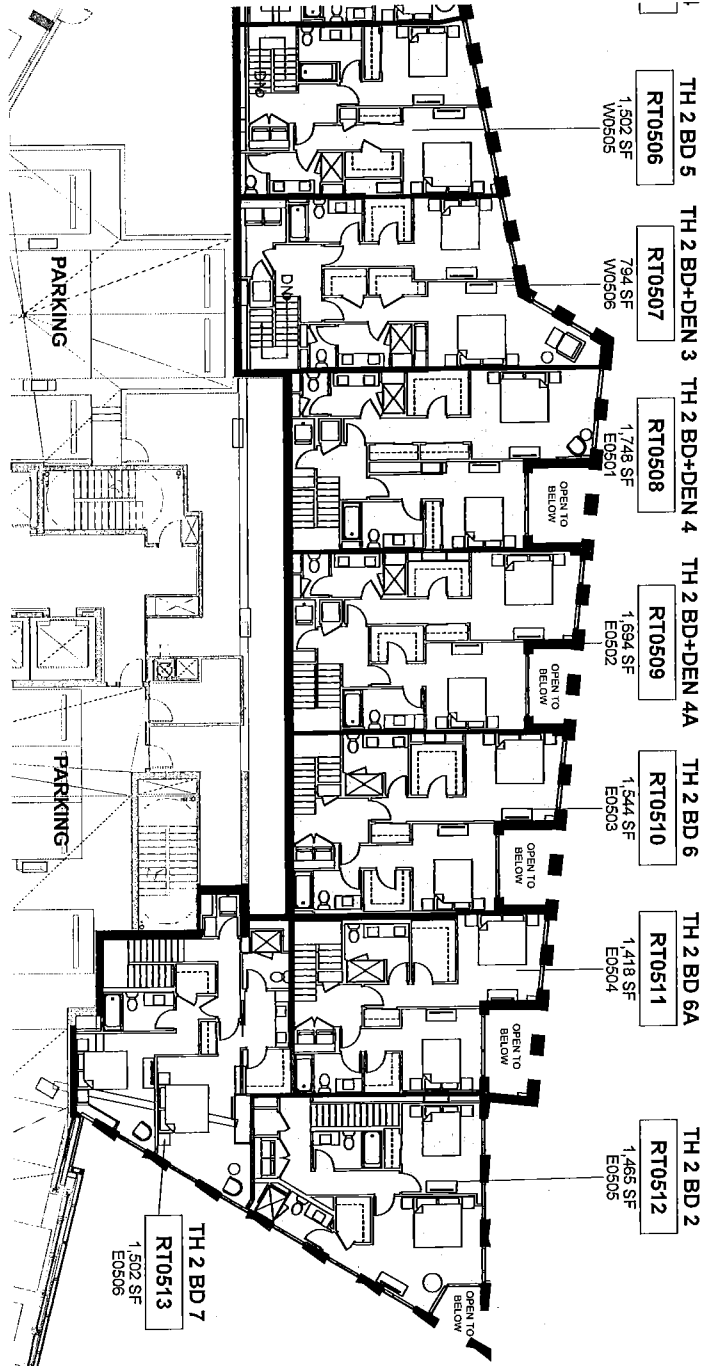
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PODIUM-EAST: LEVEL 05 UNIT PLANS

29

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**unit plans**  
west tower units



CARR  
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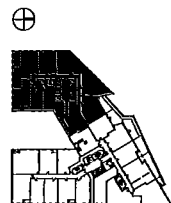
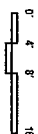
WEST TOWER: LEVEL 06 UNIT PLANS

31

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\* MPDU UNIT



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CARR PROPERTIES

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April 18, 2018

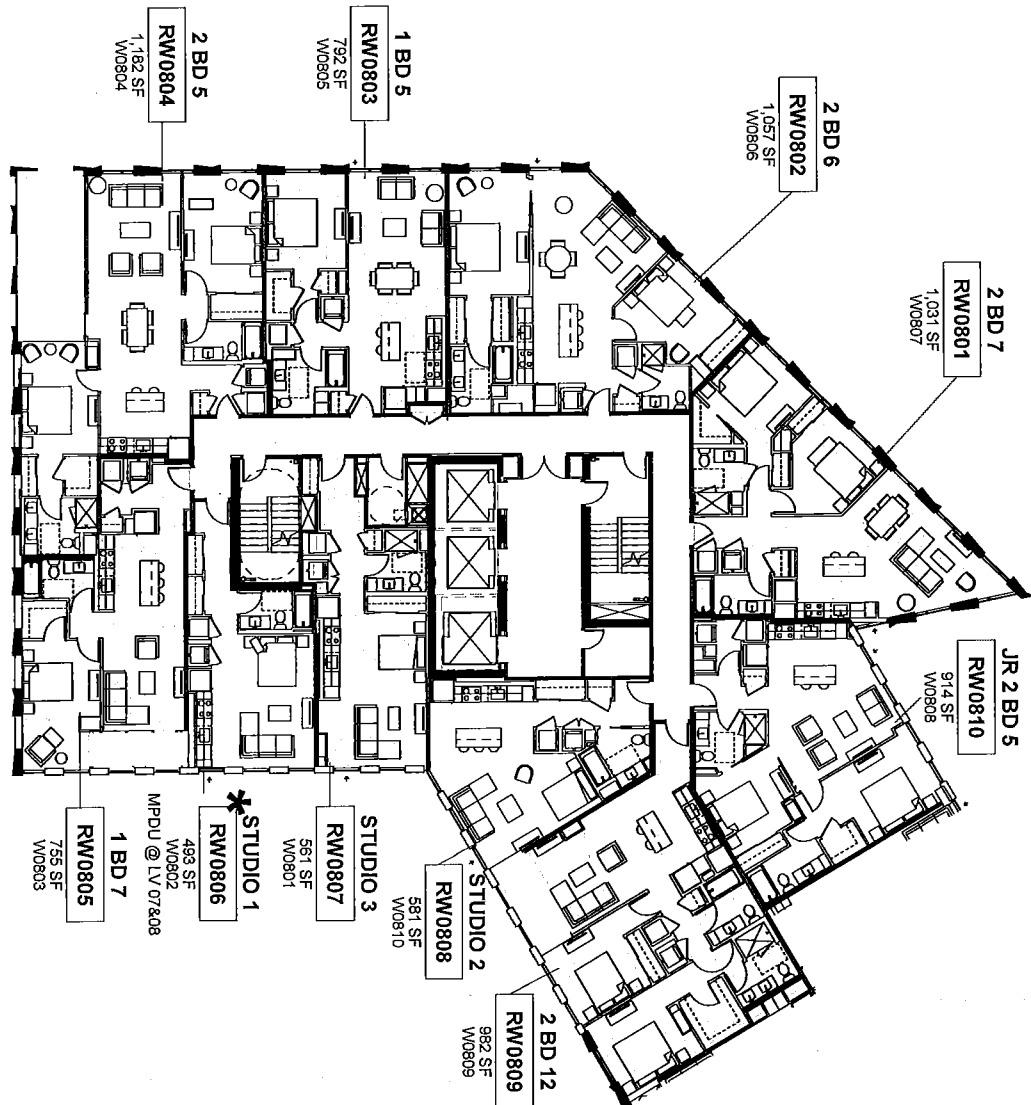
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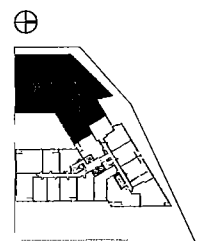
WEST TOWER: LEVEL 07-13 UNIT PLANS

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32



\* MPDU UNIT



**CARR**  
PROPERTIES

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April 18, 2018

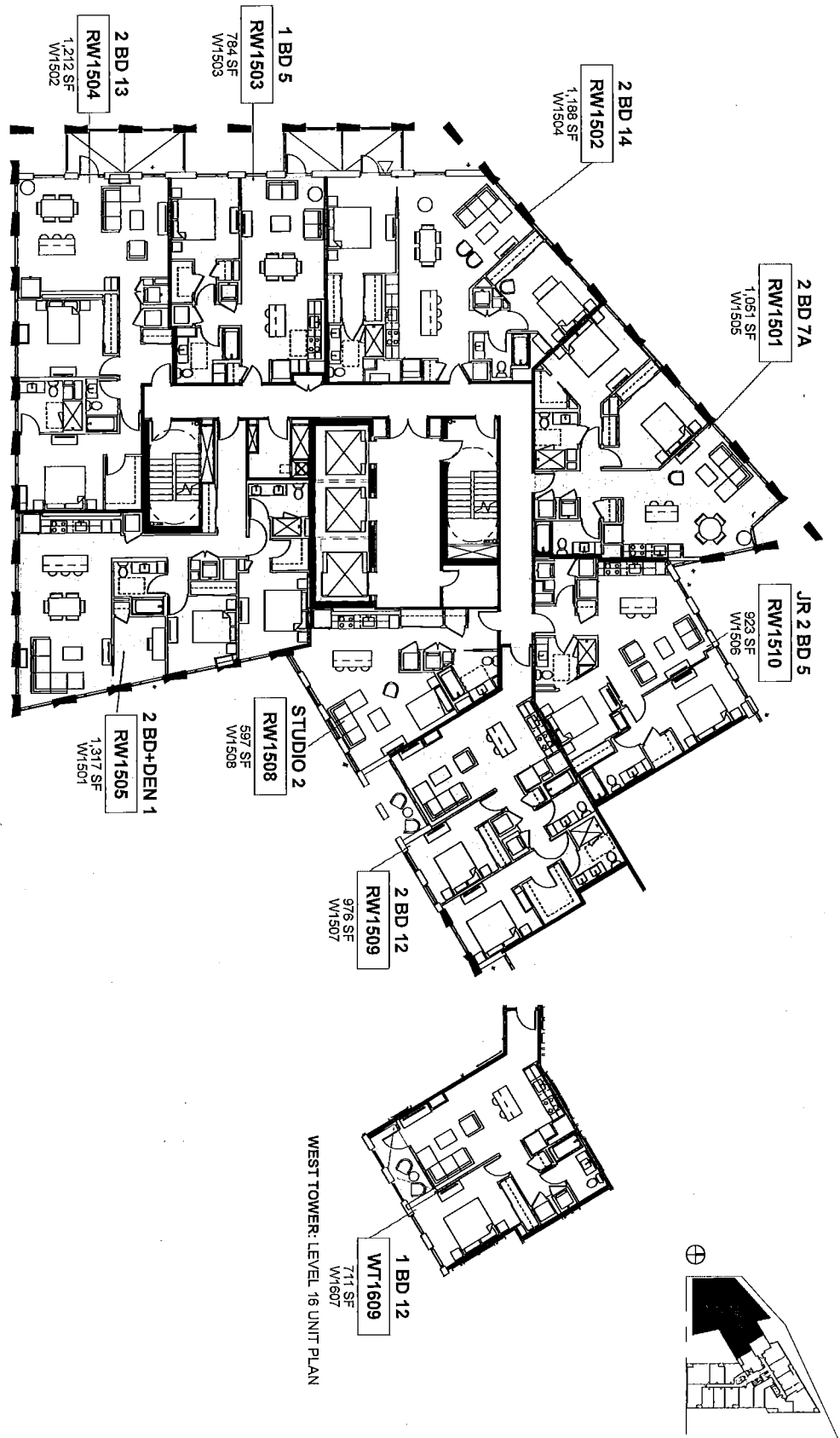
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MPDU AGREEMENT PACKAGE

WEST TOWER: LEVEL 14-15 UNIT PLANS (16 SIM)

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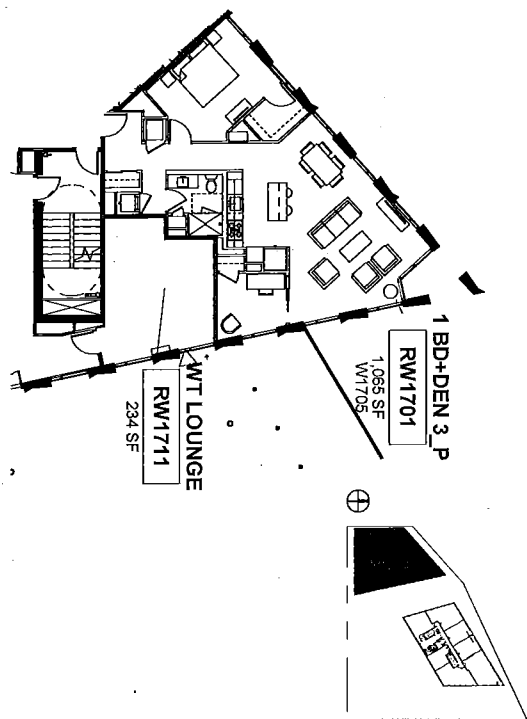
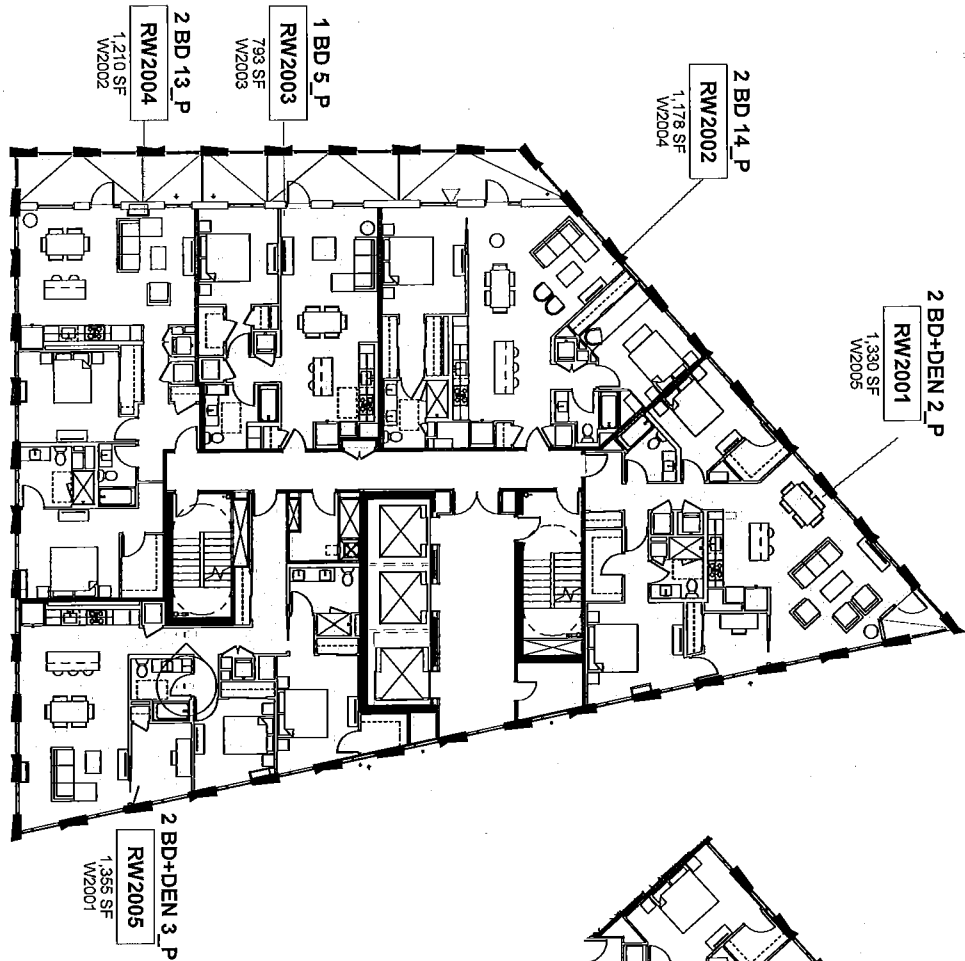
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WEST TOWER: LEVEL 16-21 UNIT PLANS (LVL 17 SIM)

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34



WEST TOWER: LEVEL 17 UNIT PLAN



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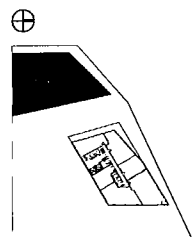
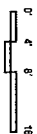
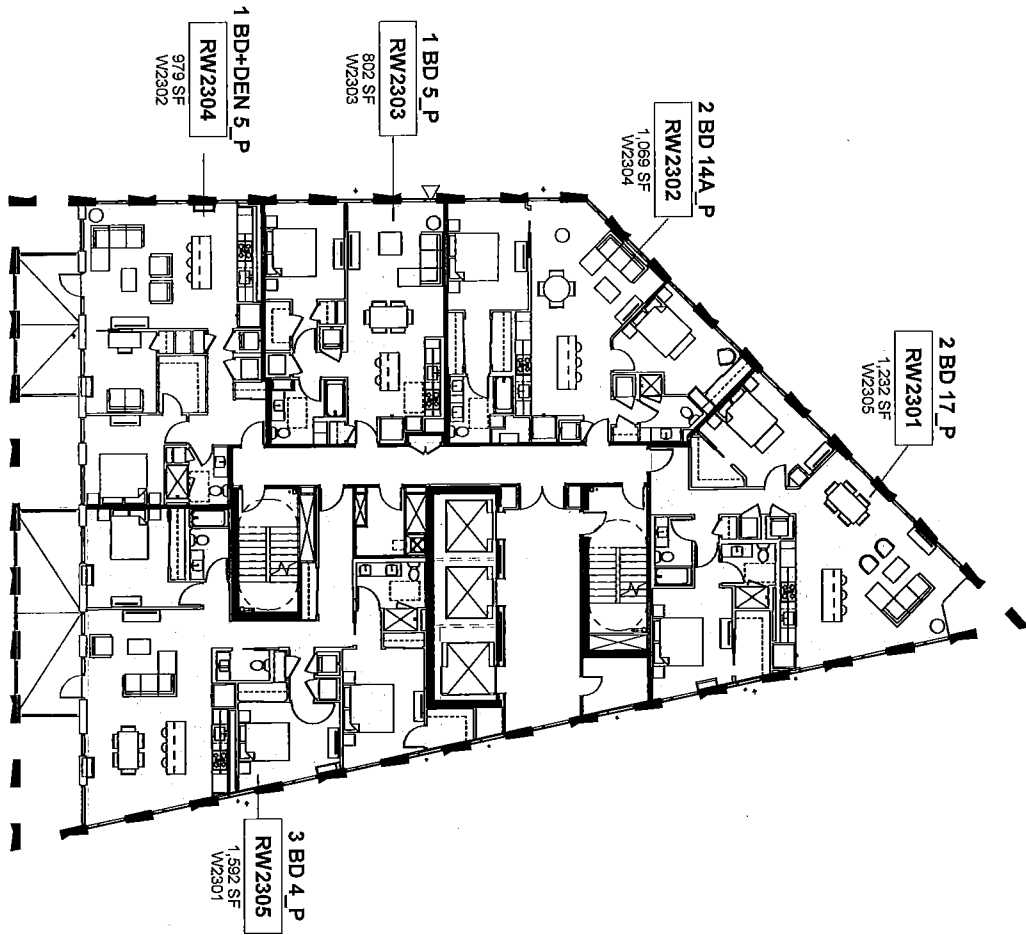
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WEST TOWER: LEVEL 22-27 UNIT PLANS

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**unit plans**  
east tower units

CARR  
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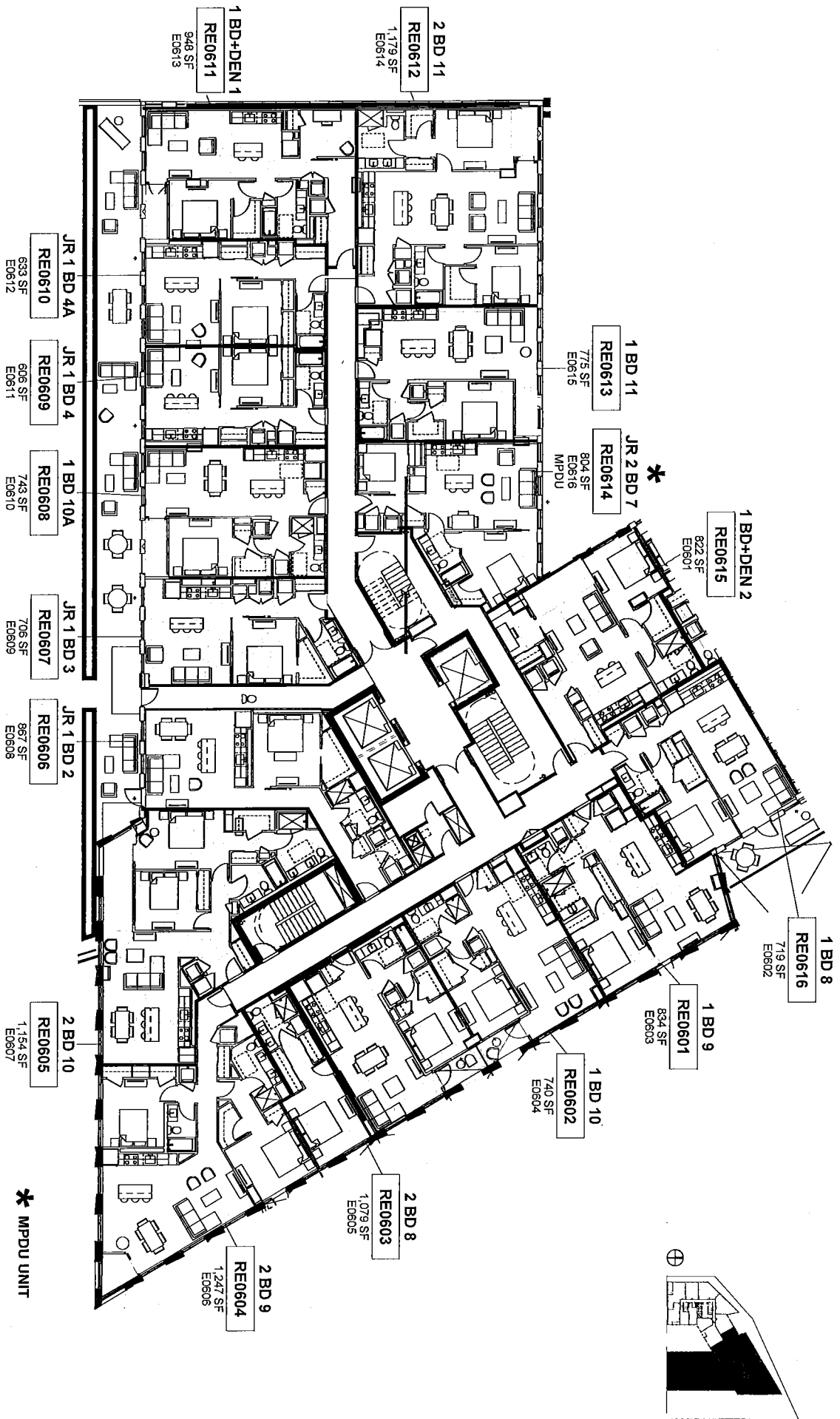
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EAST TOWER: LEVEL 06 UNIT PLANS

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0' 4' 8' 16'



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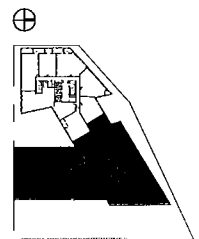
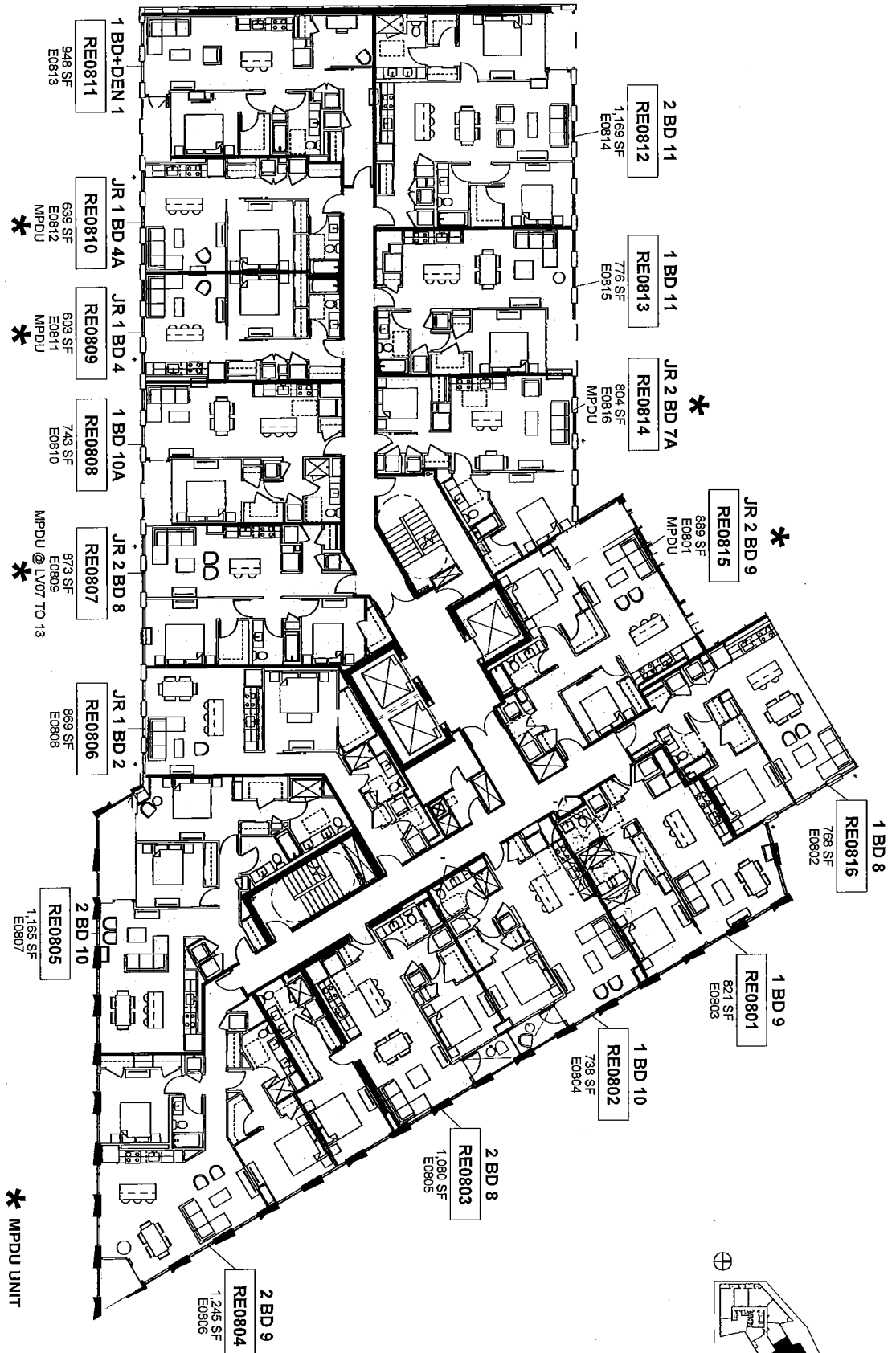
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EAST TOWER: LEVEL 07-15 UNIT PLANS

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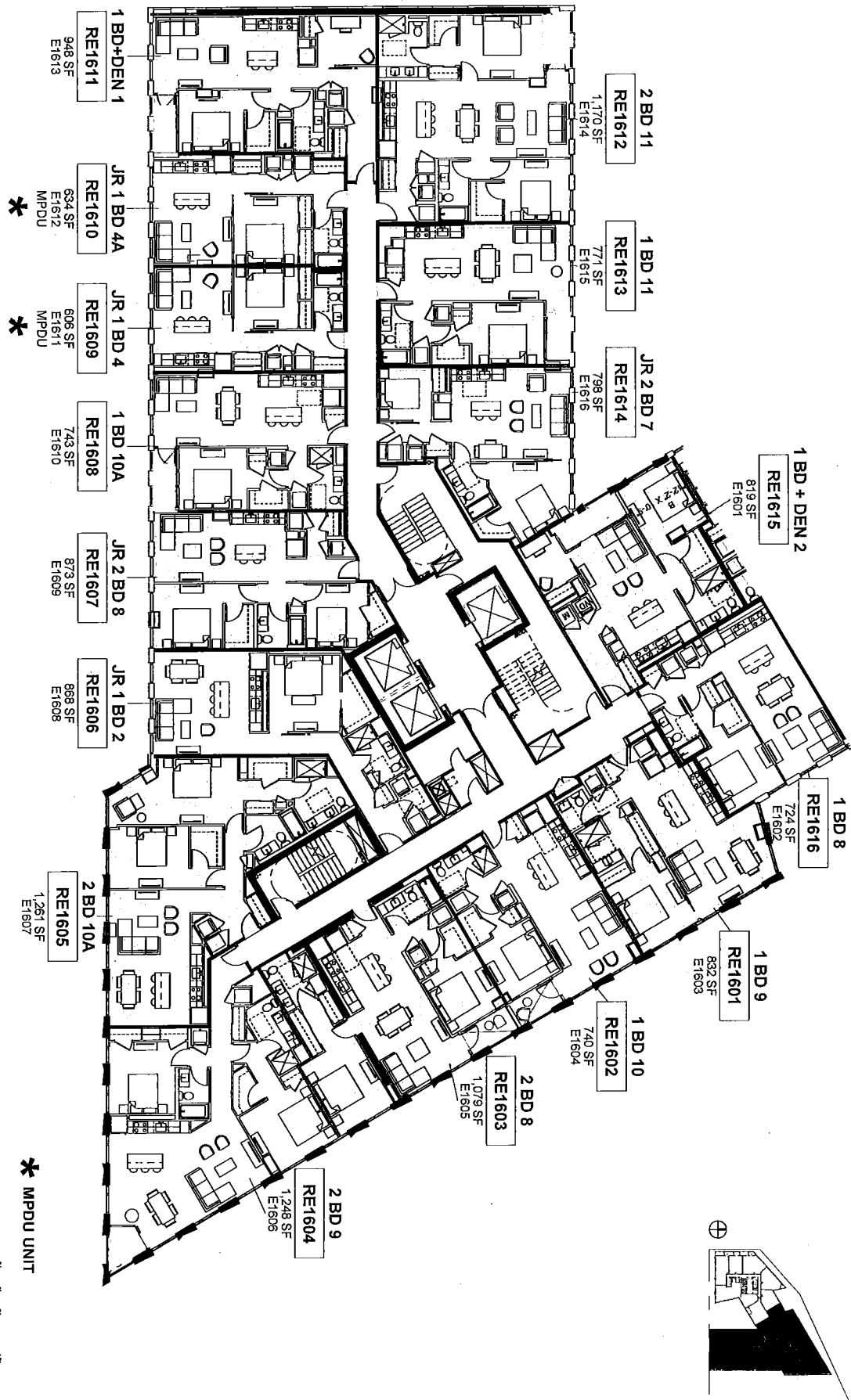
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EAST TOWER: LEVEL 16 UNIT PLANS

39

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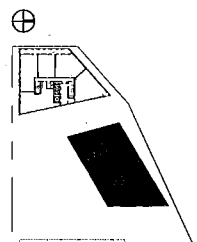
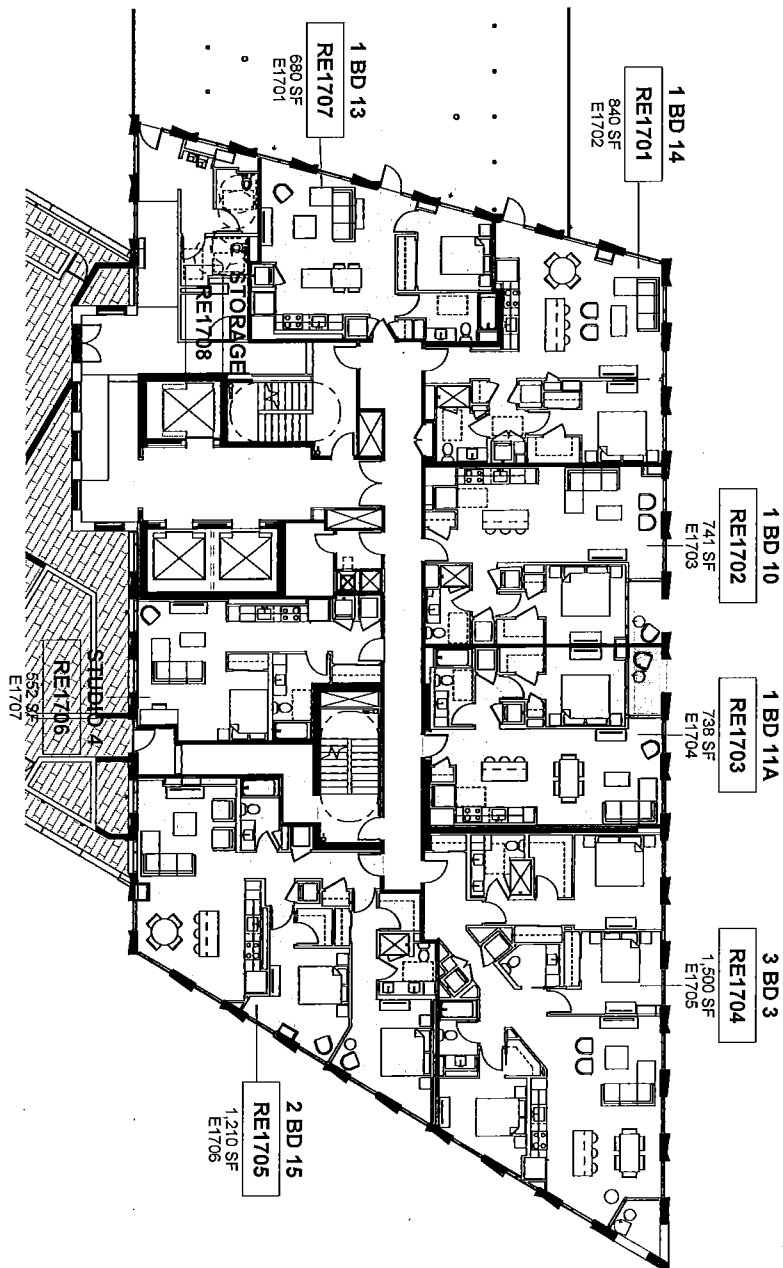
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EAST TOWER: LEVEL 17 40

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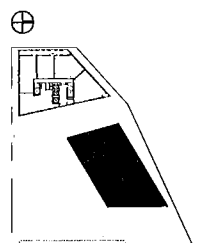
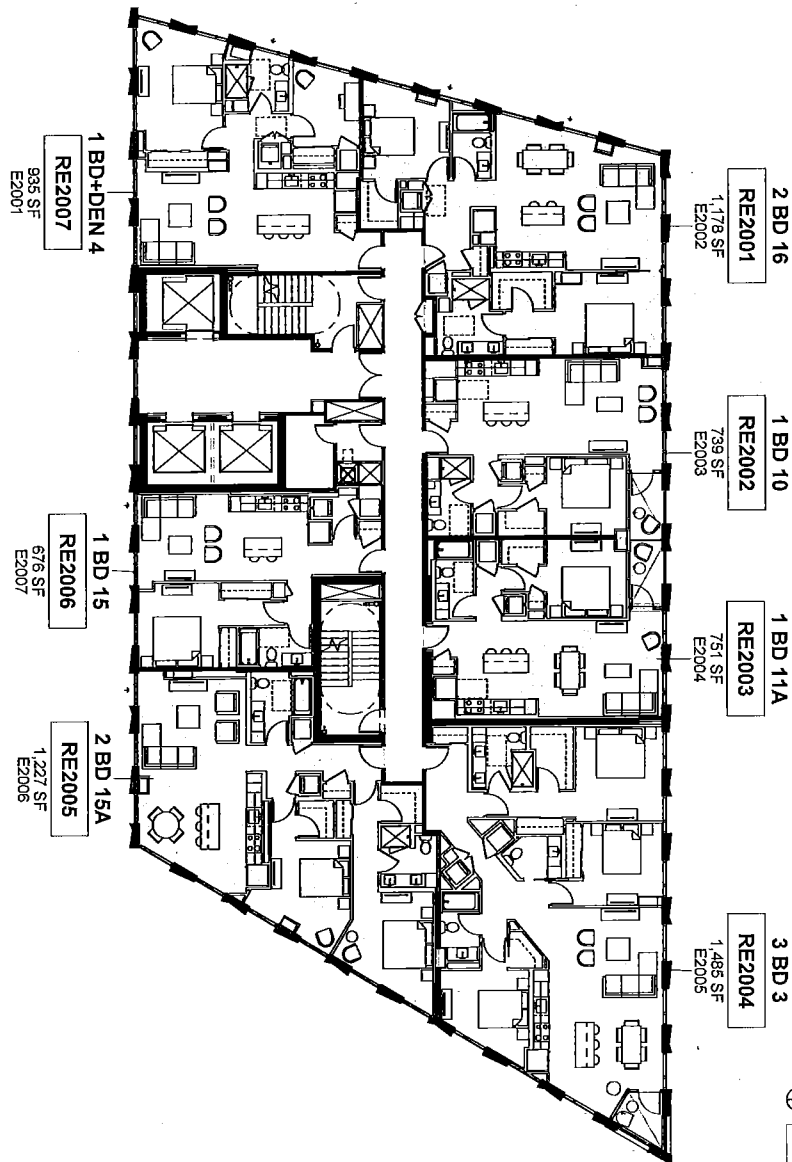
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EAST TOWER, LEVEL 18-23 UNIT PLANS

41



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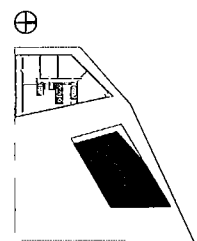
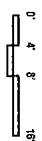
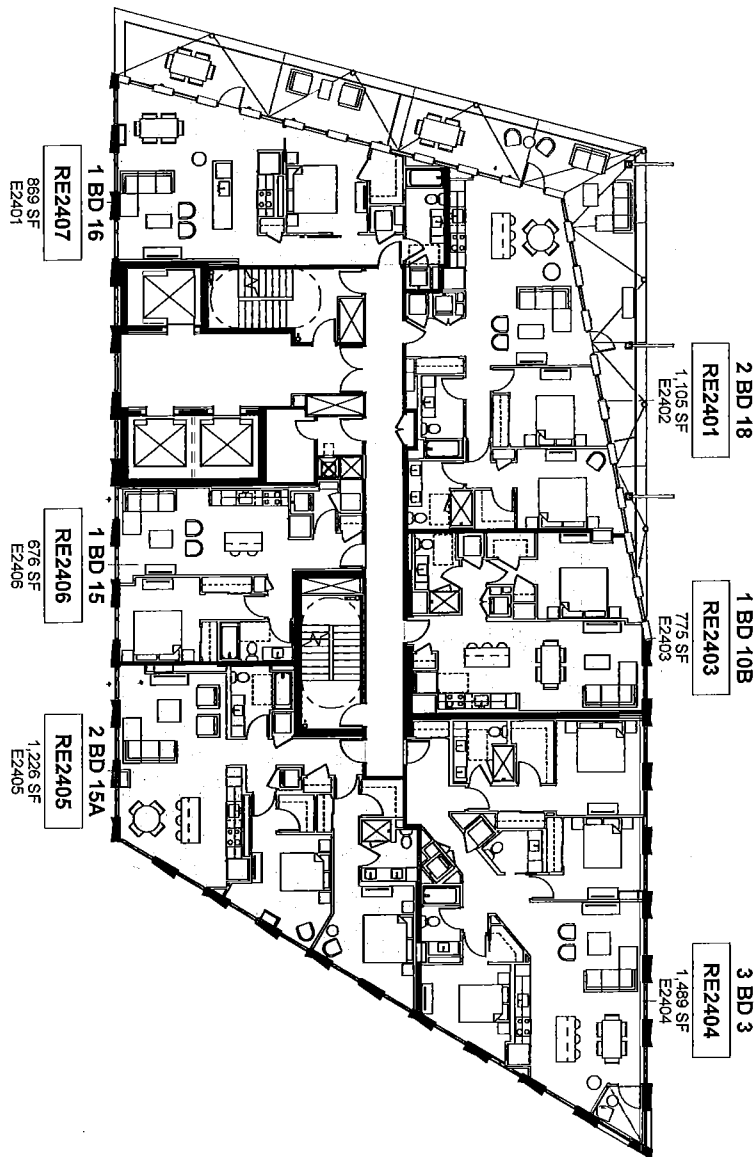
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EAST TOWER: LEVEL 24-25 UNIT PLANS

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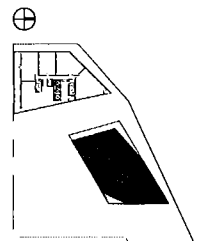
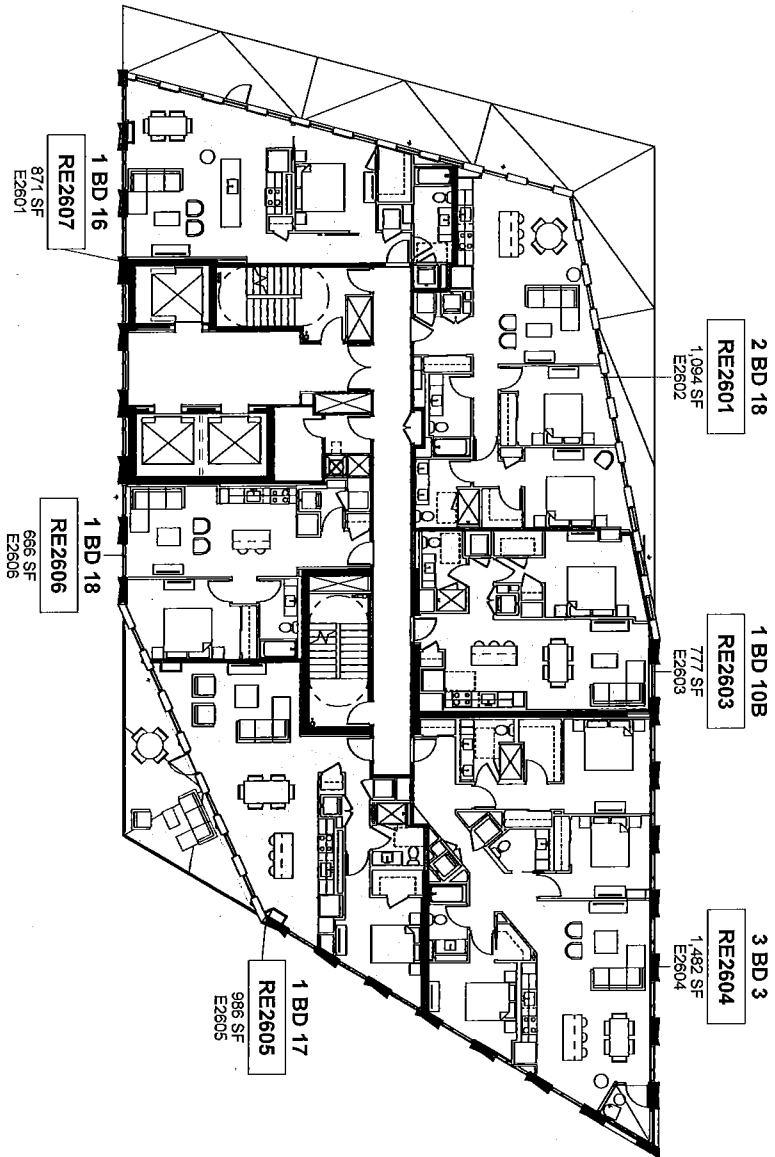
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EAST TOWER: LEVEL 26-27 UNIT PLANS

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43



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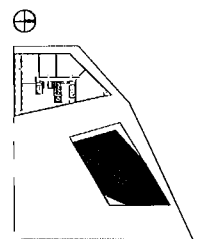
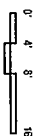
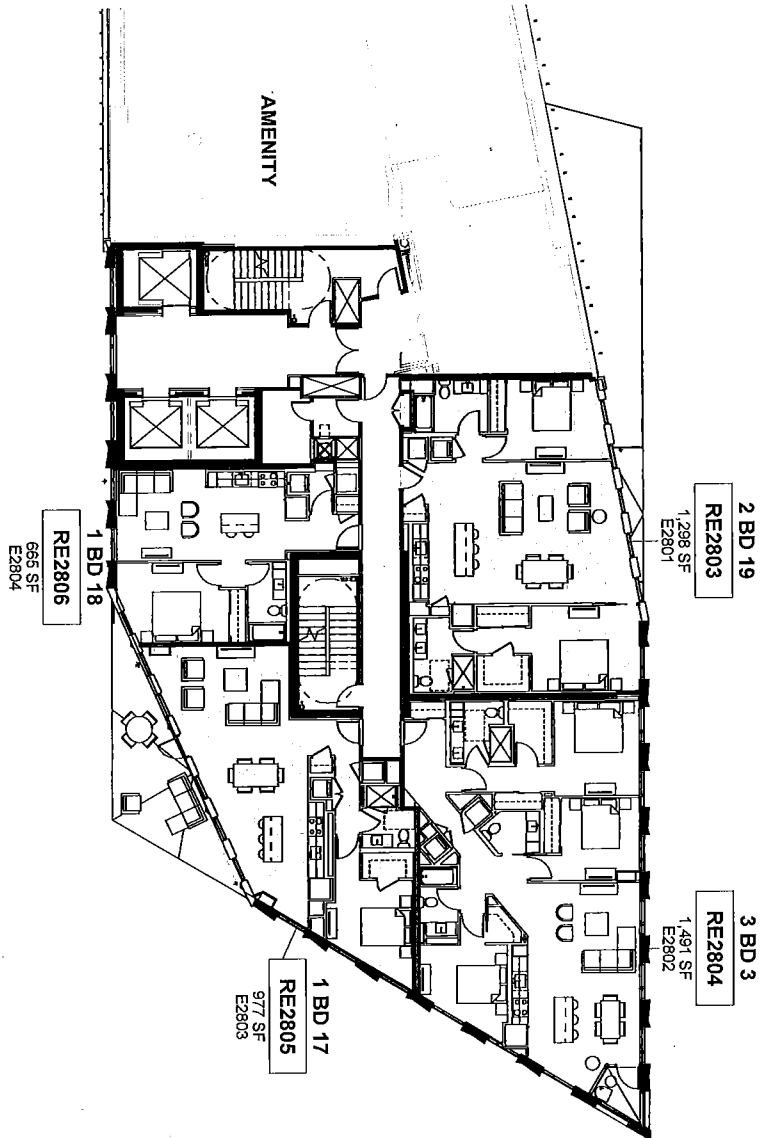
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EAST TOWER: LEVEL 28 UNIT PLANS

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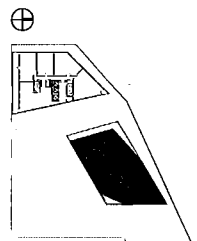
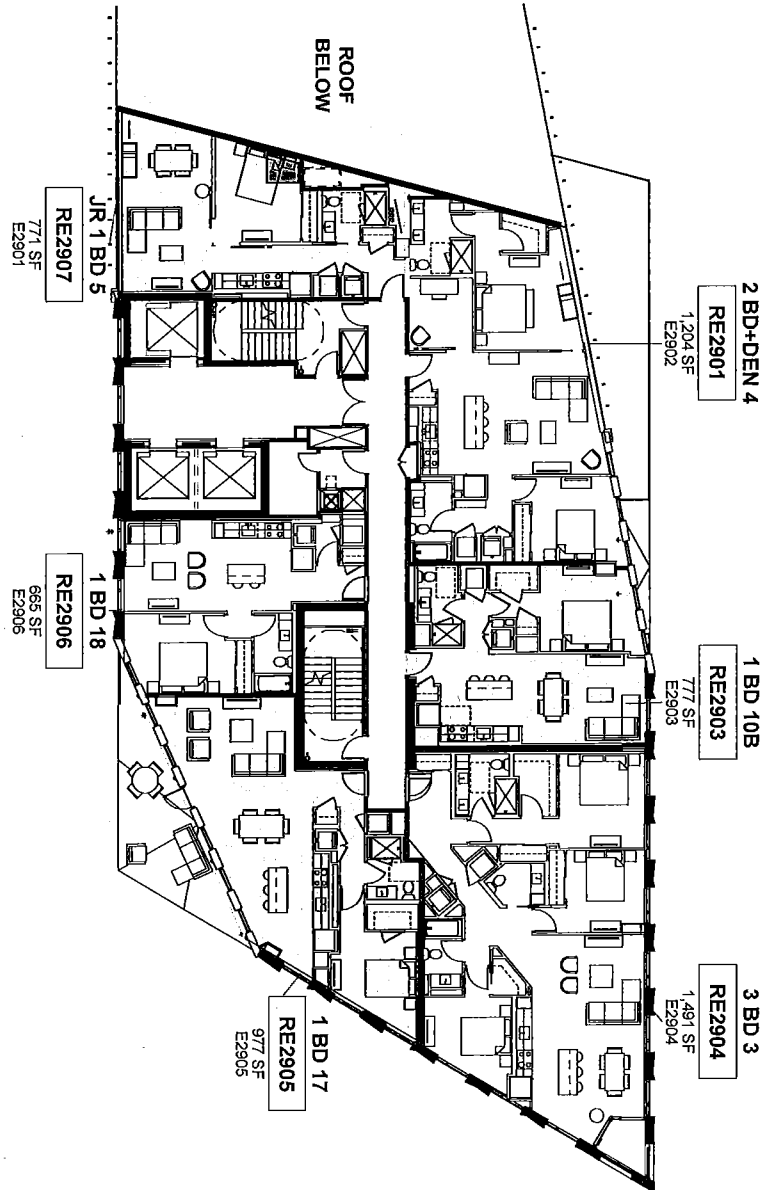
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EAST TOWER: LEVEL 29 UNIT PLANS

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ARCHITECTS

45



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**enlarged MPDU  
unit plans**



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PROPERTIES

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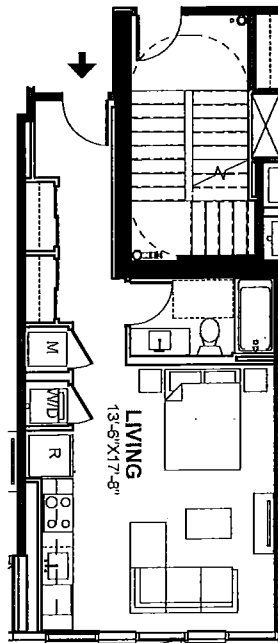
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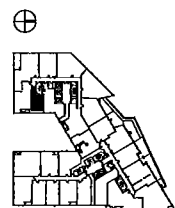
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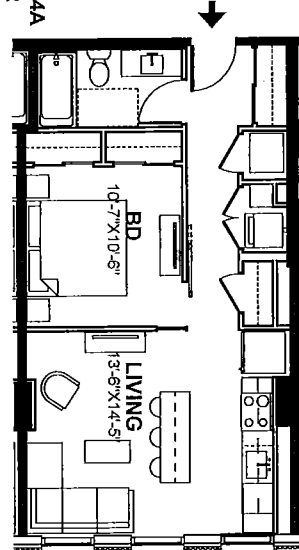
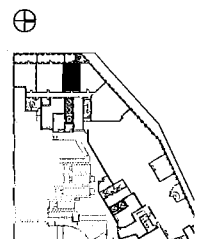
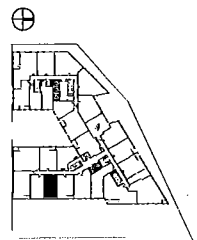
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**STUDIO 1**  
RW0606  
495 SF  
LV 06 - LV08

**W0602**  
W0702  
W0802

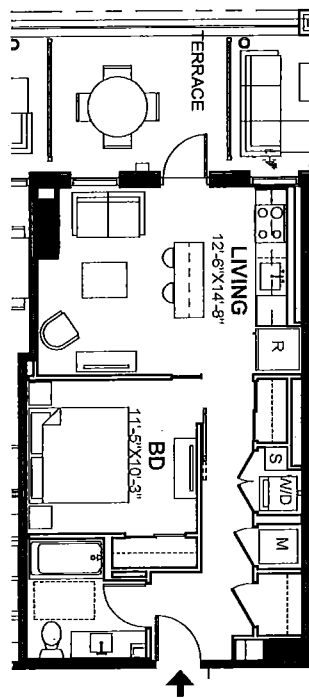




JR 1 BD4  
E0711  
E0811  
E0911  
E1011  
E1111  
E1211  
E1311  
E1411  
E1511  
E1611

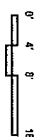
JR 1 BD4A  
E0712  
E0812  
E0912  
E1012  
E1112  
E1212  
E1312  
E1412  
E1512  
E1612

JR 1 BD4  
RE0809  
603 SF  
LV 07 - LV16  
(SIM JR 1 BD4A-RE0810 - 639 SF @ LV 07 - 16)



JR 1 BD 1  
RP0103  
627 SF  
LV 01 - LV03

W0103  
W0203  
W0303



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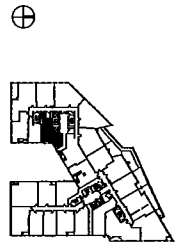
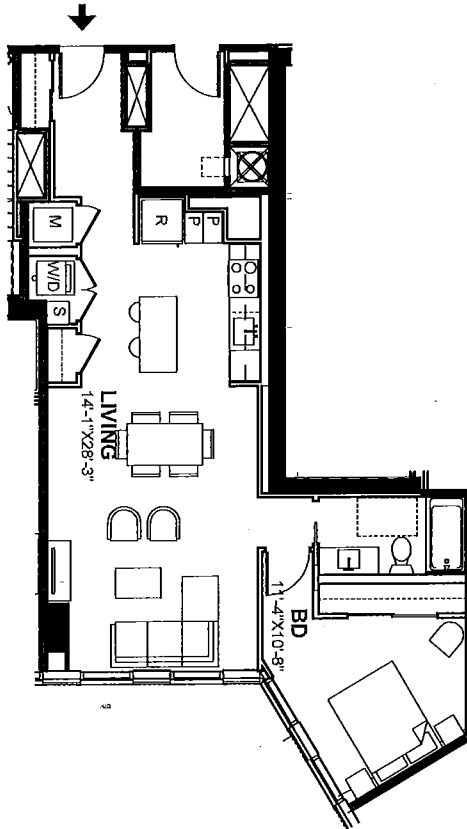
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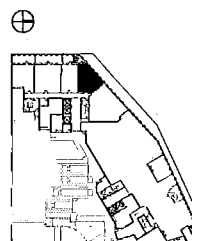
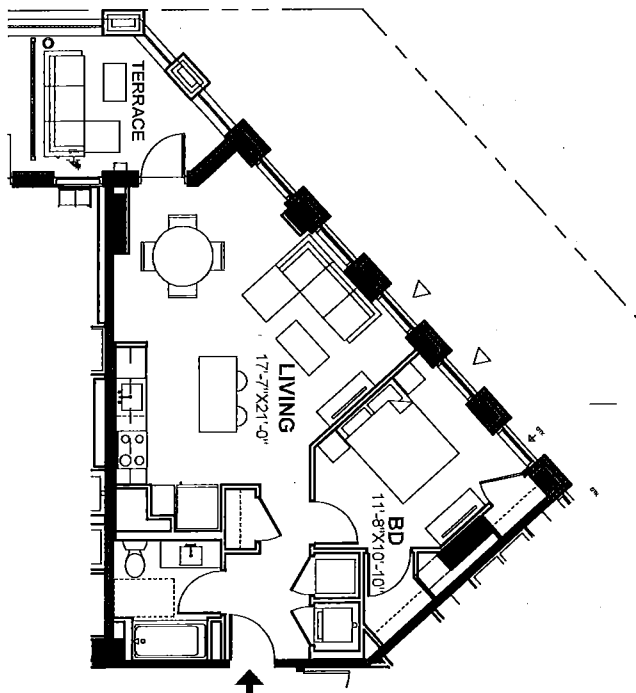
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1 BD 6 W0601  
 RW0607  
 795 SF  
 LV 06



1 BD 2 W0104  
 RP0104  
 729 SF  
 LV 01



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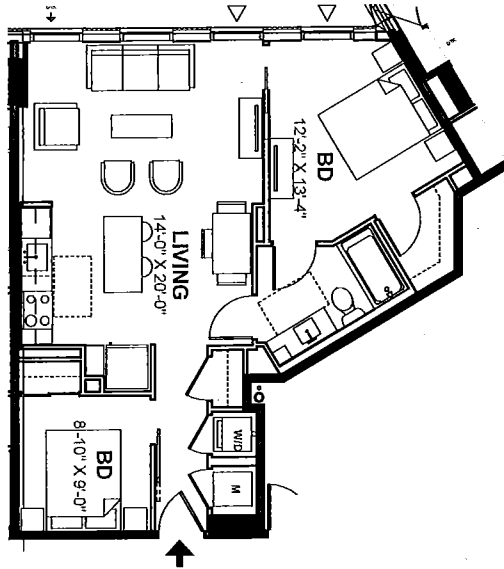
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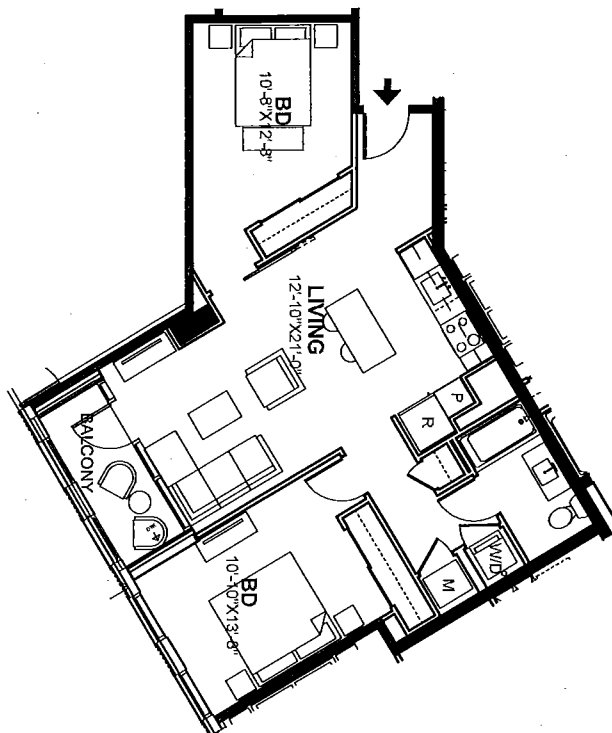
50

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JR 2 BD 7 E0616  
RE0614  
804 SF  
LV 06



JR 2 BD 6 W0609  
RW0609  
893SF  
LV 06



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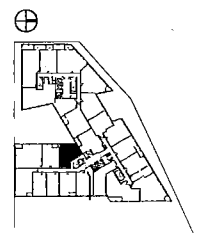
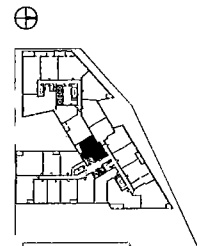
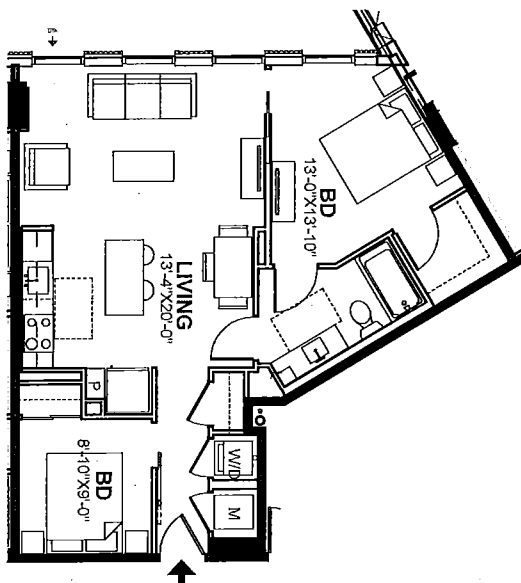
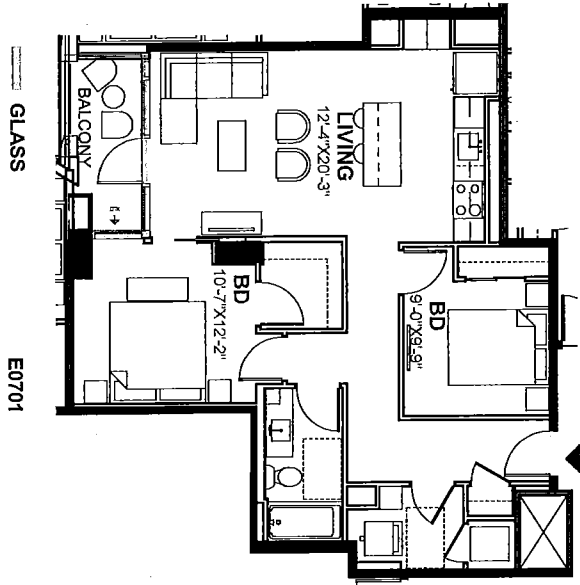
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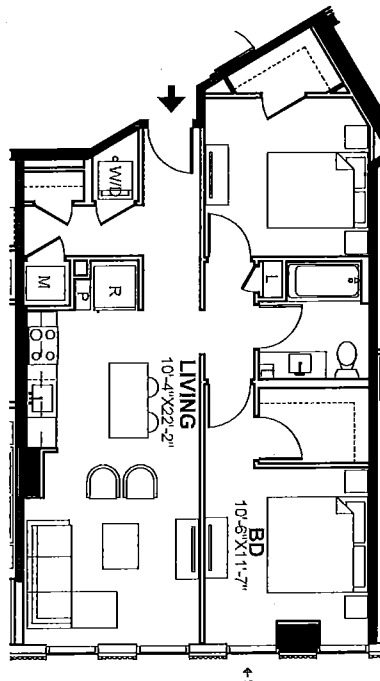
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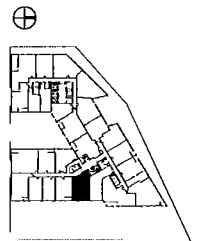
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JR 2 BD 8  
RE0807  
873 SF  
LV 07 - LV 13

E0709  
E0809  
E0909  
E1009  
E1109  
E1209  
E1309



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