



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

MCPB No. 20-049
Preliminary Plan No. 12016038A
7272 Wisconsin Avenue
Date of Hearing: June 18, 2020

JUL 02 2020

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 (1) lot with 118,395 square feet of office uses and 61,404 square feet of retail uses on 2.69 acres of land in the CBD-2 zone, located in the southwest quadrant of the Wisconsin Avenue and Elm Street intersection ("Subject Property"), in the *Bethesda Central Business District Sector Plan* ("Sector Plan") area; and

WHEREAS, on January 25, 2017, the Planning Board approved Preliminary Plan No. 120160380 (MCPB No. 16-140), superseding Preliminary Plan No. 119851780, and creating one (1) lot on 2.69 acres of land in the CR 8.0 C 7.5 R 7.5 H250' zone 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 on the Subject Property, in the Bethesda CBD Policy Area and the *Bethesda Purple Line Station Minor Master Plan Amendment* ("Master Plan") area;

WHEREAS, on February 21, 2020, CP 7272 Wisconsin Avenue, LLC c/o Carr Properties ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan in the CR 8.0 C 7.5 R 7.5 H290' and Bethesda Overlay zones 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 on the Subject Property, in the Bethesda CBD Policy Area and *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12016038A, 7272 Wisconsin Avenue, ("Preliminary Plan," "Amendment," 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 June 5, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 18, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12016038A 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 by modifying the following conditions:¹

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.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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 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.

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

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 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 Amendment substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Amendment 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 units² when compared to the original approval, results in no additional impact on public facilities. This 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 with this Amendment.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 02 2020 (which is the date that this Resolution is mailed to all parties of record); and

² 120160380 approved up to 480 multi-family residential units.

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 Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson abstaining at its regular meeting held on Thursday, June 18, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board