



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

MCPB No. 20-050
Site Plan No. 82016020B
7272 Wisconsin Avenue
Date of Hearing: June 18, 2020

JUL 02 2020

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on January 25, 2017, the Planning Board, by Resolution MCPB No. 16-141, approved Site Plan No. 820160200, 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 2.69 acres of CR 8.0 C 7.5 R 7.5 H250' zoned-land, located in the southwest quadrant of the Wisconsin Avenue and Elm Street intersection ("Subject Property"), in the Bethesda CBD Policy Area and the *Bethesda Purple Line Station Minor Master Plan Amendment* ("Master Plan") area; and

WHEREAS, on November 28, 2017, Site Plan No. 82016020A was approved administratively as an amendment to the previously approved site plan 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; and

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 site plan to reduce the overall number of multi-family dwelling units, from 480 to 456 (including 12.5% MPDUs), and allow an option that up to 80 dwelling units may serve as hotel (short-term rental) units (including 15% MPDUs) on CR 8.0 C 7.5 R 7.5 H290' and Bethesda Overlay Zone zoned-land, located in the Bethesda CBD Policy Area and the 2017 *Bethesda Downtown Sector Plan* (*Sector Plan*) area; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82016020B, 7272 Wisconsin Avenue ("Site 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 of, 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 Site Plan No. 82016020B 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

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

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.

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.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 7272 Wisconsin Avenue – Site Plan No. 82016020B, 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 set forth in the Staff Report, which the Planning 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.*

- 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;*

As conditioned, the Amendment is consistent with 820160200, as amended, and continues to meet the applicable use standards, development standards, and general requirements of the Zoning Ordinance.

- c. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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 Subject Application 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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

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

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 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