



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

MCPB No. 20-051  
Site Plan Amendment No. 82019011A  
Metro Tower  
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 October 1, 2019, the Planning Board, by Resolution MCPB No. 19-086, approved Site Plan No. 820190110, for construction of a mixed-use project of up to 400,000 total square feet, including up to 389,000 square feet of residential development, and up to 11,000 square feet of commercial retail on 1.08 acres of CR-5.0 C-5.0 R-4.75 H-250 zoned-land, located at the northwest quadrant of the intersection of Wisconsin Avenue and Elm Street in Bethesda ("Subject Property"), within the 2017 Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, on February 19, 2020, 7316 Wisconsin LLC. ("Applicant") filed an application for approval of an amendment to the previously approved site plan to modify the design of the below-grade parking garage to provide up to 73 additional parking spaces within one-and-a-half additional below-grade levels on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82019011A, Metro Tower ("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 8, 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, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 18, 2020 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82019011A to modify the design of the below-grade parking garage to provide up to 73 additional parking spaces within one-and-a-half additional below-grade levels on the Subject Property; by modifying the following conditions:<sup>1</sup>

8. Public Benefits

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

a. Connectivity and Mobility

- i. Minimum Parking – The Applicant must not provide more than 233 parking spaces, all of which must be unbundled from the sale or lease of the proposed dwelling units.

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 82019011A, Metro Tower, 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 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 and all findings not specifically addressed remain in effect.*

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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.

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

i. *Division 4.5. Commercial/Residential Zones*

**Development Standards**

The Metro Tower tract area is approximately 1.08 acres, zoned CR 5.0 C 5.0 R 4.75 H 250, and is within the Bethesda Overlay Zone. The following Data Table shows the Application’s conformance to the development standards of the zone. The unit mix has since changed slightly from the figures appearing on page 10 of the resolution for 820190110. The changes are allowable under Planning Board condition of approval and are memorialized in a February 19, 2020 letter from Department of Housing and Community Affairs.

Table 1: Project Data Table			
Section	Parking	Spaces Required	Spaces Approved
59.6	<b>Vehicle Parking Residential<sup>2</sup></b> Studio- 37 market rate units; 7 MPDUs 1 Bedroom-158 market rate units; 28 MPDUs 2 Bedroom-110 market rate units; 19 MPDUs 3 Bedroom-6 market rate units; 1 MPDUs <b>311 market rate units; 55 MPDUs</b>  Retail/Service establishment (11,000 sf) <i>Total Base Parking</i>	40.5 min/40.5 max 172 min/215 max 119.5 min/179.25 max 6.5 min/13 max <b>338.5 min/447.75 max</b>  44 min/132 max <sup>3</sup> <i>383 min/ 580 max<sup>2</sup></i>	
	<b>Total Minimum Parking with BOZ Reduction</b>	<b>307 min<sup>4</sup></b>	<b>233 max (unbundled)<sup>5</sup></b>

<sup>2</sup>Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units.

<sup>3</sup> Condition 20.a of the Site Plan approval requires that no commercial parking is to be provided on this project.

<sup>4</sup> Per Section 59.4.9.2.6. The minimum number of vehicle parking spaces required is 80% of the minimum number of spaces required by Section 59.6.2.4.

<sup>5</sup> Per Section 59.6.2.3.H.1.a of the Zoning Ordinance, in a Parking Lot District, an applicant may provide fewer parking spaces than required, after all adjustments are made. The Project is located within the Bethesda Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking, per compliance with Section 6.2.3.H.1.a of the Zoning Ordinance.



<b>Bicycle Parking (Long Term/ Short Term)</b>		
Residential (366 units)		
Retail/Service establishment	95/5	95/5
<b>TOTAL</b>	1/1	1/1
	<b>96/6</b>	<b>96/6</b>
<b>Loading Spaces</b>	<b>1</b>	<b>1</b>

*i. Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan proposes the following public benefits to satisfy the requirements: Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

<b>Table 2: Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Max Allowed</b>	<b>Approved 820190110</b>	<b>Approved 82019011A</b>
<b>59.4.7.3C: Connectivity and Mobility</b>			
Minimum Parking <sup>1</sup>	20	17.7	12.7
Through Block Connections	20	15	15
<b>59.4.7.3D: Diversity of Uses and Activities</b>			
Small Business Opportunities	20	10	10
<b>59.4.7.3E: Quality of Building and Site Design</b>			
Exceptional Design <sup>1</sup>	30	30	30
Structured Parking	20	20	20
Tower Step-Back	20	5	5
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>			
Building Lot Termination (BLT)	30	8	8
Energy conservation and generation <sup>1</sup>	25	15	15
<b>TOTAL</b>		<b>120.7</b>	<b>115.7</b>

<sup>1</sup>Denotes Sector Plan priority

Connectivity and Mobility

*Minimum Parking:* The Applicant requests 12.7 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing maximum allowable number of on-site spaces to 20 points for providing no more than the minimum number of spaces on-site. The Planning Board Approves 12.7 points for this category based on the Bethesda Downtown Implementation Guidelines.

[(Maximum Allowed – Proposed) / (Maximum Allowed – Minimum Required)]

\* 10

[(580 – 233) / (580 – 307) \* 10 = 12.7 points

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 absent at its regular meeting held on Thursday, June 25, 2020, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board