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April 6, 2021

VIA ELECTRONIC DELIVERY

Mark Beall, Zoning Manager
Division of Zoning & Site Plan Enforcement
Montgomery County Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902

Re: Zoning Confirmation – Height Averaging for “T” Zoned Properties
5500/5520 Wisconsin Avenue, Friendship Heights, Maryland

Dear Mr. Beall:

We are writing to confirm our understanding of the applicability and calculation of the height averaging allowances for “T” Zoned properties in the Zoning Ordinance, specifically as it relates to the proposed redevelopment of 5500/5520 Wisconsin Avenue in Friendship Heights, Maryland, more particularly described as Lot 21, Block 1 in the “Friendship Heights” subdivision (the “Property”). Pursuant to Section 2-42B of the Montgomery County Code, the Department of Permitting Services (“DPS”) is charged with interpreting the Zoning Ordinance. As such, we are seeking your confirmation of the following interpretations.

Background

The Property is a record lot, recorded in the Land Records for Montgomery County, Maryland at Plat No. 9126. The Property is zoned CR-3.0, C-2.0, R-2.75, H-90T and is currently improved with an existing building containing retail and hotel uses, connected by a shared parking structure. Our client is proposing to redevelop the single-story retail component of the building with a new, multi-family residential tower, connected to the hotel tower (to remain) by an underground parking structure.

The Zoning Ordinance includes special provisions for “T” Zoned properties. Specifically, Section 4.5.2.D.2.d provides: “[h]eight on a portion of a building may be increased above the

number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. Average building height is calculated as the sum of the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.”

Applicability of Height Averaging to the Proposed Building

The proposed residential tower and existing hotel are treated as a single building under the Zoning Ordinance and County Code, given that they are connected by a shared, below-grade parking structure. Section 59-1.4.2 of the Zoning Ordinance defines building as “[a] structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.” Furthermore, Section 8-1 (c)(2)(a) of the Montgomery County Code provides that “[a] building permit may only be issued for a building located on... a lot or parcel shown on a plat recorded in the County Land Records...” This requirement has been consistently interpreted by the County to preclude subdivision of properties, such as this, where the building crosses a lot line due to the presence of a below-grade parking structure. Given that the project is classified as a single building, Section 4.5.2.D.2.d allows height to be averaged across the various roof sections of the existing hotel and proposed residential tower.

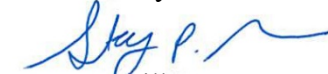
Calculation of Average Building Height

Pursuant to Section 4.5.2.D.2.d, “[a]verage building height is calculated as the sum of the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.” The Property is a corner and through-lot, with three right-of-way frontages. As such, as demonstrated on the attached drawings (Attachment “A”), we have taken the grade at the mid-point of each frontage, and averaged the three, to get an “average grade” of 319.33 feet. Each of the building roof sections were then measured from this average grade (*i.e.* 319.33 feet), multiplied by the area of each roof section, and then divided by the total roof area. This calculation yields an average building elevation/height of 399.6 feet, which is below the allowed elevation/height of 409.33 feet (or 90’ measured from the average grade of 319.33 feet).

Conclusion

We are seeking your confirmation of our application and calculation of the height averaging allowances for the proposed redevelopment of the Property, pursuant to Section 4.5.2.D.2.d of the Zoning Ordinance, as summarized herein and illustrated on Attachment “A.” If you agree with our calculations, and that we have accurately summarized the position of DPS with respect to the above-described issues and related provisions of the Zoning Ordinance and County Code, please confirm by countersigning this letter on the line below and returning this letter to us.

Very truly yours,
Lerch, Early & Brewer, Chtd.



Stacy P. Silber



Elizabeth C. Rogers

AGREED AND ACCEPTED:

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES



NAME: Mark Beall

TITLE: Zoning Manager

DATE: 4/6/2021

Enclosures

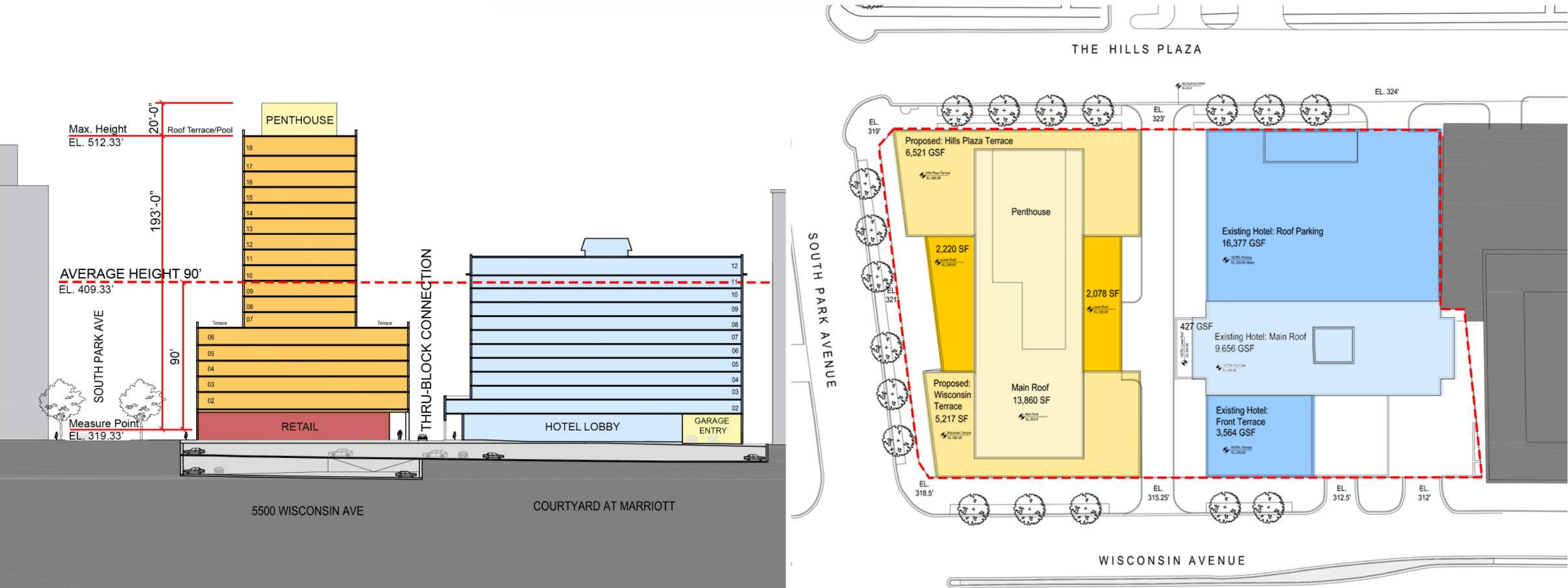
cc: Jad Donohoe

Attachment “A”

Section 4.5.2.D.2.d Special Provisions for “T” Zones Translated from Certain Zones Existing Before October 30, 2014:

d. Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. Average building height is calculated as the sum of the area of each section of the roof having a different height multilied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.

* Additional Story (+12'-0" height) available by to providing 15% MPDU per Chapter 59 Section 4.5.2.C



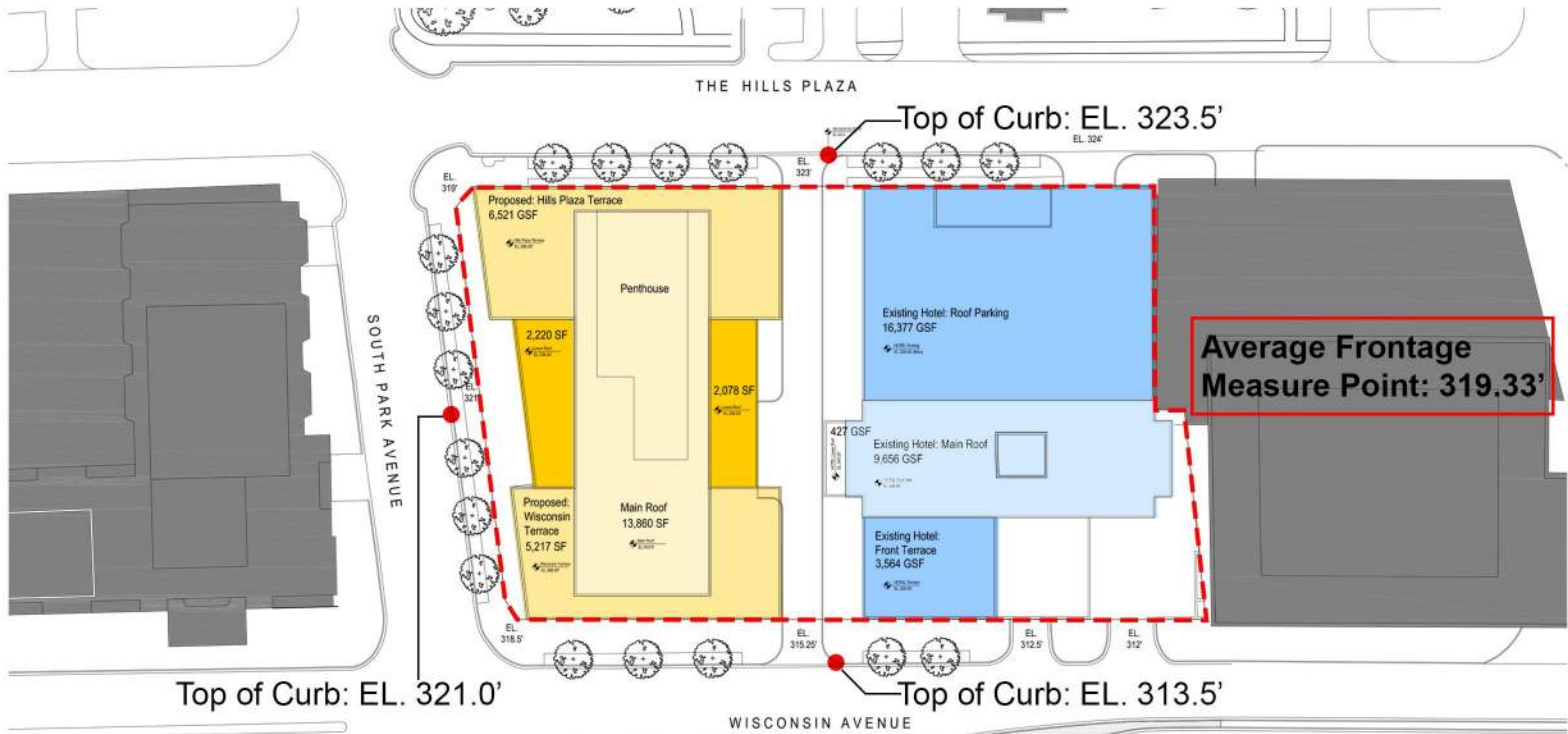
PRESENTATION FOR ILLUSTRATIVE PURPOSES AND SUBJECT TO CHANGE

5500 Wisconsin Ave | Village of Friendship Heights - Chevy Chase, MD

April 06, 2021 | A.14



Height Averaging for “T” Zones



CAR02 5500 Wisconsin

April 5, 2021

CR-T Zone: 90' Maximum Average Height

Hills Plaza Frontage Measure Point:

Elevation 323.5' on The Hills Plaza

South Park Frontage Measure Point:

Elevation 321.0' on South Park

Wisconsin Frontage Measure Point:

Elevation 313.5' on Wisconsin **

Average Frontage Measure Point:

Elevation 319.33'

90' Max Avg. Height from Average Frontage MP*: Elevation 409.33'

* Height is measured at the midpoint of each roof section along each property line's frontage. Due to the frontages on Wisconsin Avenue, South Park, and The Hills Plaza, we averaged the measure point, as an average of top of curbs, at the midpoint of each frontage.

| Portion of Development | Stories | Roof SF | Elevation | Product of Roof SF x Elevation |
|-------------------------------|---------|---------|-----------|--------------------------------|
| Existing Hotel: Main Roof | 12 | 9,656 | 426.86 | 4,121,760.16 |
| Existing Hotel: Lower Roof | 2 | 427 | 340.00 | 145,180.00 |
| Existing Hotel: Front Terrace | 1 | 3,564 | 328.00 | 1,168,992.00 |
| Existing: Hotel Parking | 1 | 16,377 | 328.00 | 5,371,656.00 |
| Proposed: Main Roof | 18 | 13,572 | 512.33 | 6,953,342.76 |
| Proposed: Wisconsin Terrace | 6 | 5,217 | 392.33 | 2,046,785.61 |
| Proposed: Hills Plaza Terrace | 6 | 6,521 | 392.33 | 2,558,383.93 |
| Proposed: Lower Roof | 1 | 4,295 | 340.00 | 1,460,300.00 |
| Total | | 59,629 | | 23,826,400.46 |

Average Height of Development

399.6

Average Elevation

Max. Allowable Height on The Hills Plaza Frontage

409.33

Max Elevation

*** If the Measure Point (Top of Curb at the midpoint of the property line) along Wisconsin Avenue was chosen (313.5'), the 90' average maximum height would be Elevation 403.5'. The proposed average height of 399.6' would still be under this maximum allowable height.*