



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

MCPB No. 21-136
Site Plan No. 82020009A
7000 Wisconsin Avenue
Date of Hearing: December 16, 2021

DEC 28 2021

RESOLUTION

WHEREAS, under Section 59-7.3.4 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on April 23, 2020, the Planning Board, by Resolution MCPB No. 20-030, approved Site Plan No. 820200090, for a mixed-use building, measuring up to 122 feet in height, with up to 200 multifamily dwelling units (up to 200,000 square feet of residential uses), a minimum of 17.6% MPDUs, and up to 10,000 square feet of commercial uses on 0.71 acres in the CR-3.0, C-3.0 R-2.75 H-120 zone and within the Bethesda Overlay Zone, located on Wisconsin Avenue, approximately 500 feet south of Woodmont Avenue ("Subject Property"), in the Bethesda CBD Policy Area ("Policy Area") and 2017 *Bethesda Downtown Sector Plan* ("Sector Plan") area; and

WHEREAS, on October 8, 2021, Simpson Woodfield 7000 Wisconsin LLC ("Applicant") filed an application for approval of a limited major amendment to the previously approved site plan to: i) reduce the overall approved density from 210,000 square feet to 196,744 square feet, which will consist of 189,000 square feet of multifamily residential uses (including 17.6% MPDUs) and 7,744 square feet of commercial uses; ii) reduce the amount of BOZ density; iii) reduce the parking from 139 to 124 spaces; and, iv) make minor revisions to the landscape and architectural plans, on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82020009A, 7000 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 December 3, 2021, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

WHEREAS, on December 16, 2021, 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. 82020009A to reduce the overall approved density from 210,000 square feet to 196,744 square feet, which will consist of 189,000 square feet of multi-family residential uses (including 17.6% MPDUs) and 7,744 square feet of commercial uses; ii) reduce the amount of BOZ density; iii) reduce the parking from 139 to 124 spaces; and, iv) make minor revisions to the landscape and architectural plans, on the Subject Property by *modifying* conditions 3, 5a, 6, 7ai, and 7di, as provided below:¹

3. Density

The Site Plan is limited to a maximum of 196,744 square feet of total development on the Subject Property, including a maximum of 189,000 square feet of residential uses, for up to 181 dwelling units (17.6% MPDUs), and up to 7,744 square feet of non-residential uses.

5a. Bethesda Overlay Zone Density

The Planning Board approves 103,813 square feet of Bethesda Overlay Zone (BOZ) density for this Application.

6. Park Impact Payment

The Applicant must pay to the M-NCPPC a Park Impact Payment of \$896,383, based on the current rate of \$11.08 per square foot, prior to release of the first above-grade building permit, or as may be adjusted through a minor amendment as set forth in Condition 5.c.

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 and Employment Zones Incentive Density Implementation Guidelines for each one.

a. Connectivity between Uses, Activities, and Mobility Options

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.

- i. Minimum Parking – The Applicant must provide no more than 124 parking spaces for the residential use and no parking spaces for the commercial use is to be provided.
- d. Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.4315 BLTs to MCDPS and M-NCPPC staff.

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 82020009A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report (December 6, 2021), are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations 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, and all findings not specifically addressed remain in effect.*

Modified Findings:

2. *To approve a Site Plan, the Planning Board must find that the proposed development:*

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

i. Division 4.5. Commercial/Residential Zones

Development Standards

The Tract is approximately 0.71 acres or 30,977 gross square feet, zoned CR-3.0, C-3.0 R-2.75 H-120' and is within the Bethesda Overlay Zone ("BOZ"). The following Data Table shows the Application's conformance to the development standards of the zone, with the changes shown in bold font and underline.

| Table 1: Project Data Table (Section 59.4) CR- 3.0 C- 3.0 R- 2.75 H-120 | | | |
|--|---|---|---|
| Development Standard | Permitted/Required | Previously Approved 820200090 | Approved 82020009A |
| Tract Area (Square Feet/ Acres) | n/a | 30,977 sf (0.71 ac) | No Change |
| Site Area (Square Feet/ Acres) Prior Dedication Approved Dedication Site Area (Tract Area – Dedications) | n/a | 8,981 sf (0.21 ac) 1,950 sf (0.04 ac) 20,046 sf (0.46 ac) | No Change |
| Total Residential Density GFA (FAR w/BOZ) | 85,187 sf (2.75) | 200,000 sf (6.45) | <u>189,000 sf (6.10)</u> |
| Total Commercial Density GFA (FAR w/BOZ) | 92,931 sf (3.0) | 10,000 sf (0.32) | <u>7,744 sf (0.19)</u> |
| Total Mapped Density GFA (FAR) | Residential 85,187 sf (2.75) Commercial 92,931 sf (3.0) 92,931 sf (3.0) | Residential 82,931 sf (2.68) ⁴ Commercial 10,000 sf (0.32) 92,931 sf (3.0) | <u>Residential 85,187 sf (2.75)</u> <u>Commercial 7,744 sf (0.25)</u> 92,931 sf (3.0) |
| MPDU Density GFA (FAR) | 15% | 17.6% (36 units) 29,520 sf (0.95) ¹ | <u>17.6% (32 units)</u> <u>22,912 sf (0.74) ¹</u> |
| Bethesda Overlay Zone Density GFA (FAR) | n/a | 117,069 sf (3.77) | <u>103,813 (3.35)</u> |
| Total GFA/ FAR | n/a | 210,000 (6.77) | <u>196,744 (6.29)</u> |
| Building Height | 110 feet ² | 122 feet ³ | No Change |
| Public Open Space (min) | 0% | 7% (1,440 sf) | No Change |
| Green Cover | 35% | 35% (7,017 sf) | No Change |
| Minimum Setbacks | n/a | 0 | No Change |

¹ MPDU density, assumed at an average size of 842 square feet per unit for all 32 units (4 units above 15% requirement).

² The Sector Plan limits height to 110 feet because the Project does not provide a movie theater.

³ Section 59.4.9.2.C.3.b eliminates the height requirement to the extent necessary to provide MPDUs beyond 15%. These additional 4 MPDUs account for an additional 4,577 square feet of residential density. Given the Project's estimated average floorplate of 15,148 SF, the Applicant requests one additional floor (12 feet) of additional height to accommodate the additional MPDUs.

⁴ The originally approved mapped residential density was incorrectly reported and is corrected with the Subject Amendment.

| Parking | Spaces Required | Previously Approved 820200090 | Approved 82020009A |
|--|-----------------------------------|----------------------------------|------------------------|
| Vehicle Parking | | | |
| Residential (Approved) | | | |
| Efficiency (19 market rate units; 4 MPDUS) | (21 minimum/ 23 maximum) | -- | -- |
| 1 Bedroom (64 market rate units; 13 MPDUS) | (71 minimum/ 96 maximum) | -- | -- |
| 2 Bedroom (66 market rate units; 15 MPDUS) | (74 minimum/ 122 maximum) | -- | -- |
| Total Residential Units (181 market rate; 36 MPDUs) | (166 minimum/ 241 maximum) | -- | -- |
| Reduced 20% (Bethesda Overlay Zone) | 132 Minimum | 139 | <u>124</u> |
| Commercial (Ancillary Retail) ⁴ | 0 | 0 | No Change |
| Total | 146 | 139⁵ | 124⁵ |
| Bicycle Parking (Long Term/Short Term) | | | |
| Residential | (95/5) 100 ⁶ | (95/5) 100 ⁶ | |
| Commercial | (1/1) 2 | (1/1) 2 | |
| Total Bicycle Parking | (96/6) 102 | (96/6) 102 | No Change |
| Loading Spaces | 1 | 1 | No Change |

⁴ In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail, no parking may be provided for the commercial use.

⁵ The Project is providing less parking than the minimum requirement in support of the Sector Plan recommended constrained parking policy and due to the Site's location within the Bethesda Parking Lot District.

⁶ Bicycle Parking requirement is limited to a maximum of 100 spaces.

ii. Division 4.7. Optional Method Public Benefits

In accordance with 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 of Building and Site Design, and Protection of the Natural Environment

| Table 2: Public Benefits Calculator | | | |
|---|---------------------------------|----------------------------|---------------------------|
| Public Benefit | Incentive Density Points | | |
| | Max Allowed | Previously Approved | Approved 82020009A |
| 59.4.7.3C: Connectivity and Mobility | | | |
| Minimum Parking | 20 | 17 | 11 |
| Through-Block Connections | 30 | 20 | No Change |
| 59.4.7.3D: Diversity of Uses and Activities | | | |
| Affordable Housing ¹ | Unlimited | 39 | No Change |
| 59.4.7.3E: Quality of Building and Site Design | | | |
| Exceptional Design ¹ | 30 | 10 | No Change |
| Public Open Space ¹ | 30 | 7.2 | No Change |
| Structured Parking | 20 | 20 | No Change |
| 59.4.7.3F: Protection and Enhancement of the Natural Environment | | | |
| BLTs | 30 | 4.2 | 3.85 |
| Energy Conservation and generation ¹ | 25 | 15 | No Change |
| TOTAL | | 132.4 | 126.85 |

¹Denotes Sector Plan Priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 12 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 the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum number of spaces on site. Based on the formula set forth in the 2017 *Commercial/ Residential and Employment Zones Incentive Density Implementation Guidelines*, provided below, the Board approves 11 public benefit points in this category; the slight decrease is due to an error in the Applicant's calculation.

$$\frac{((\text{Maximum Allowed Parking}) - (\text{Parking Provided}))}{((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))} * 10$$

$$(241 - 124) / (241 - 132) * 10 = 11 \text{ points}$$

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 3.8 points for the purchase of 0.4315 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Based on the calculation set forth in Section 59.4.7.3.F of the Zoning Ordinance, the Planning Board approves 3.8 points for this category.

$$\begin{aligned} &(((\text{Incentive Density} - \text{Standard Method Density}) * 7.5\%) / 31,500) * 9 = \\ &(((195,100) - (15,488 \text{ sf})) * 7.5\%) / 31,500 * 9 = 3.88 \text{ points} \end{aligned}$$

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 DEC 28 2021 (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 Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Commissioner Rubin absent at its regular meeting held on Thursday, December 16, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board