

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAY 03 2023

MCPB No. 23-033
Sketch Plan No. 32022001A
5500 Wisconsin Avenue
Date of Hearing: April 13, 2023

RESOLUTION

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

WHEREAS, on December 30, 2021, the Planning Board, by Resolution MCPB No. 21-126, approved Sketch Plan No. 320220010 for construction of up to 406,563 square feet of density for a mixed use redevelopment (including 125,472 square feet of existing non-residential to remain), including up to 278,591 square feet of residential uses (which includes up to 50,238 square feet of MPDU bonus density for providing 15% MPDUs) and up to 137,972 square feet of nonresidential uses on 2.72 tract acres of CR 3.0 C 2.0 R 2.75 H 90T zoned-land, located in the northwest quadrant of the intersection of Wisconsin Avenue and South Park Avenue; ("Subject Property", in the 1998 *Friendship Heights Sector Plan* ("Sector Plan") area; and

WHEREAS, on December 14, 2022, KRE CDP Property Owner, LLC ("Applicant") filed an application for approval of an amendment to the previously approved sketch plan to allow for the transfer of up to 32,718 square feet of density from 4608 North Park Avenue through the FAR Averaging allowance of the Zoning Ordinance, to allow the construction of up to 446,478 square feet of density for a mixed use redevelopment (including 125,472 square feet of existing non-residential to remain), including up to 318,506 square feet of residential uses (which includes up to 318,506 square feet of residential uses (which includes up to 57,435 square feet of MPDU bonus density for providing 15% MPDUs) and up to 137,972 square feet of nonresidential uses on the Subject Property; and

WHEREAS, Applicant's application to amend the sketch plan was designated Sketch Plan No. 32022001A, 5500 Wisconsin Avenue ("Sketch Plan," "Amendment," or "Application"); and

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

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 April 3, 2023, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on April 13, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Bartley, seconded by Commissioner Hedrick, with a vote of 4-0; Commissioners Bartley, Hedrick, Pedoeem, and Vice Chair Piñero voting in favor with Chair Zyontz being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 32022001A for construction of a mixed use redevelopment of up to 446,478 square feet of density (including 125,472 square feet of existing non-residential to remain), including up to 318,506 square feet of residential uses (which includes up to 57,435 square feet of MPDU bonus density for providing 15% MPDUs) and up to 137,972 square feet of nonresidential uses on the Subject Property by modifying the following conditions:¹

A. Binding Elements. With this Application, the following site development elements are being amended:

1. Maximum density and height; and
2. Public benefit schedule.

All other elements are illustrative.

B. Modified Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of ~~406,563~~ 446,478 square feet of total development, including up to ~~278,501~~ 318,506 square feet of residential uses (which includes up to ~~50,238~~ 57,435 square feet of bonus density for providing 15 percent MPDUs) and up to 137,972 square feet of non-residential uses including 125,472 square feet of existing non-residential hotel uses to remain, and on the Density-Sending Site up to a total of 4,329 square feet of existing residential

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.

and/or commercial uses to remain. The maximum number of dwelling units and use mix will be determined at Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least ~~100~~ 150 and be chosen from at least ~~four~~ five categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Transit Proximity, achieved through level 1 transit proximity.
- b. Diversity of uses and activities, achieved by providing affordable housing beyond the zoning requirements and Enhanced Accessibility for the Disabled.
- c. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and a through-block connection.
- d. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, public open space, and structured parking; and
- e. Protection and Enhancement of the Natural Environment achieved through the purchase of building lot terminations and by providing a Recycling Facilities Plan. Additional public benefit subcategories within this Category may be considered at the time of Site Plan without further Sketch Plan amendment.

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

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as 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 and all applicable elements of the Zoning Ordinance, the Board FINDS, with conditions of approval, that the necessary elements of the Sketch Plan, as amended, are appropriate in concept and appropriate for further review at the site plan and that:

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

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Table 1: 5500 Wisconsin Avenue Sketch Plan Data Table for Subject Site, CR-3.0, C-2.0, R-2.75, H-90T Zone, Optional Method, Section 59.4.5.4

Development Standard	Permitted/ Required	Previously Approved	Approved with 32022001A
Subject Property Tract Area			
CR 3.0 C 2.0 R 2.75 H 90T	n/a	118,775 sf (2.72 ac)	No Change
Prior Dedication	n/a	39,763 sf (0.91 ac)	No Change
Approved Dedication	n/a	0 sf (0.00 ac)	No Change
Site Area	n/a	79,012 sf (1.81 ac)	No Change
Sending Property Tract Area			
CR-3.0 C-2.0 R-2.75 H-90T	n/a	n/a	12,349 sf
Prior Dedication	n/a	n/a	2,280 sf
Site Area	n/a	n/a	10,069 sf
Mapped Density			
CR 3.0 C 2.0 R 2.75 H 90T			
Residential (GFA/ FAR)	326,631 sf (2.75)	228,353 sf (1.92)	No Change
Commercial (GFA/FAR)	237,550 sf (2.0)	137,972 sf (1.16) ²	No Change
Sending Property Density			
Residential (GFA)	n/a	n/a	32,718 sf ¹
Pre-MPDU Bonus Residential Density Subtotal (GFA)	n/a	n/a	261,071 sf
MPDU Bonus Density (GFA): 22% of Subtotal	n/a	50,238 sf (0.42)	57,435 sf
Total Residential Density (GFA/FAR)	326,631 sf (2.75)	278,591 sf (2.35)	318,506 sf (2.68)
Total GFA/FAR³	n/a	406,563 sf (3.42)	446,478 sf (3.76)
MPDU requirement	15%	15%	No Change

¹3,087 square feet of commercial density and 1,242 square feet of residential density to remain at Sending Property.

² Commercial Density includes 125,472 square feet of existing hotel to remain and up to 11,015 square feet of additional non-residential density for the first floor of the Approved development.

³Approved Residential and Commercial density reflects 'up to' however the combination of each will not exceed 446,478 square feet.

Table 2: 5500 Wisconsin Avenue Sketch Plan Data Table for Subject Site,
 CR-3.0, C-2.0, R-2.75, H-90T Zone, Optional Method, Section 59.4.5.4 Continued

Development Standard	Permitted/ Required	Previously Approved	Approved with 32022001A
Building Height, max. average	90 ft	90 ft ^{1,2}	No Change
Building Height, max.	187 ft	187 ft	No Change
Public Open Space (min sf)	10%	10% (7,907 sf)	11.3% (8,900 sf)
Minimum Setbacks (ft)			
Front (Wisconsin Ave)	0	0	0
Front (South Park Ave)	0	0	0
Front (The Hills Plaza)	0	0	0
Side	0	0	0

¹Section 59.4.5.2.D of the Zoning Ordinance allows provisions for "T" zones, allowing height on a portion of the building to 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. Final maximum building height to be determined at Site Plan. Residential density may be increased above the mapped residential FAR by 22 percent for any application that includes more than 12.5 percent of the gross residential floor area as MPDUs.

²Section 59.4.9.2.C.7 of the Zoning Ordinance eliminates the height requirement to the extent necessary to provide MPDUs beyond 12.5 percent. Final maximum height to be determined at Site Plan.

The final number of vehicular parking spaces will be determined at Site Plan based on the residential units.

FAR Averaging (Section 59-4.5.2.B)

The Project proposes to use the FAR Averaging Provisions contained in the Zoning Ordinance. Section 4.5.2.B.3 of the Zoning Ordinance provides that density may be averaged over two or more non-contiguous properties in the CR Zone if:

4.5.2.B.3 - Density may be averaged over 2 or more non-contiguous properties in one or more CRT or CR Zones if:

- a. Each provision under Section 4.5.2.B.2 is satisfied;***

4.5.2.B.2.

- a. The properties are under the same site plan or sketch plan; and, if a sketch plan is required, the density averaging must be shown on the sketch plan;***

The Sending Property is encompassed by this Application.

- b. The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;***

The Sending Property will satisfy the phasing plan approved as part of this Sketch Plan Amendment – the Project will be constructed in one phase.

- c. The maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;***

The density of development on the combined lots does not exceed the total density permitted on the Property and Sending Property as separate lots.

- d. The total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and***

This provision is not applicable.

- e. Public benefits are required to be provided under any phasing element of an approved sketch plan.***

The Project will be developed in one phase and will provide adequate public benefits, as discussed in the Sketch Plan finding 10 below.

4.5.2.B.3 (Continued)

- b. The properties are within ¼ mile of each other or in a designated master-planned density transfer area, or are part of a Signature Business Headquarters plan or Biohealth Priority Campus plan;***

The Sending Property is located within ¼ mile of the subject Property.

c. The minimum public benefit points required under Section 4.5.4.A.2 are exceeded by at least 50%; and

As demonstrated in the Sketch Plan finding 10 below, in accordance with this requirement, the Project will provide a minimum of 150 public benefit points.

d. The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

The *Friendship Heights Sector Plan* does not prohibit the averaging of density between non-contiguous properties.

Section 59-7.3.3.E Necessary Findings

10. Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the approved development, the Zoning Ordinance requires 150 points in four categories. The Applicant proposes to meet the 150-point requirement utilizing five categories. Although at the time of Sketch Plan review only an outline of public benefits needs to be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Table 3: Public Benefit Calculations – Division 59-4.7

Public Benefit	Maximum Points Allowed	Previously Approved 320220010	Approved in concept with 32022001A
Transit Proximity	40	30	30
Connectivity and Mobility			
Minimum Parking	10	8	8.63
Through-Block Connections	20	10	20
Diversity of Uses and Activities			
Enhanced Accessibility	20	N/A*	4
Moderately Price Dwelling Units	N/A	30	30
Quality Building and Site Design			
Architectural Elevations	20	10	15
Exceptional Design	10	10	7
Public Open Space	20	N/A	1.26
Structured Parking	20	19	18.09
Protection and Enhancement of the Natural Environment			
Building Lot Terminations (BLT)	25	7	6.36
Recycling Facility Plan	10	N/A*	10
Total Points		124	150.34

*Indicates a public benefit category that was not included with the Previously Approved Sketch Plan 320220010.

Transit Proximity

Level 1: The Applicant requests 30 points for locating new development near transit stops. Level 1 allows up to 50 points based on proximity to an existing or master planned Metrorail station. The Property is located within ¼-mile from the Friendship Heights Metro Station; therefore, the Board supports the category at this time.

Connectivity and mobility

Minimum Parking

The Applicant requests 8.63 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 numbers of spaces on-site. The Board supports the category at this time.

Through-Block Connection

The Applicant requests 20 points for providing a through-block connection from Wisconsin Avenue to The Hills Plaza. Through-block connections are intended to create safe and attractive pedestrian only connections between streets. While the approved through-block connection would not be exclusive to pedestrians, the connection will serve as an important access to the Friendship Heights Community Center and is envisioned as a flush curb street that will prioritize pedestrians. The vehicular travel pattern has been restricted to one-way (as opposed to the two-way movements approved during the Sketch Plan) and the vehicular travel lane has been significantly narrowed (from 20 feet to 12-16 feet). This, in combination with the activating ground floor uses that line the shared street, will create an inviting space that will draw people through the block. Importantly, the Applicant has also eliminated the previously proposed arcades, so the shared street will be open aired for the full 55-foot width (with the exception of the small existing arcade at the hotel entrance that is a structural design element and cannot be eliminated). The shared street will be open to the public at all times. Catenary lights have been incorporated overhead to provide a ceiling to this space and facilitate evening use. The Board supports the category at this time.

Diversity of Uses and activities

Enhanced Accessibility for the Disabled

The Applicant proposes a minimum of three of the units will meet American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard. As such, the Applicant is seeking 4 points for enhanced accessibility for the disabled, per the calculation below:

$$\begin{aligned} (A/T) * 300 \\ A \text{ (ANSI 117.1 units)} &= 4 \\ T \text{ (total units)} &= 300 \\ (4/300) * 300 &= 4 \text{ points} \end{aligned}$$

Affordable Housing

The Applicant requests 30 points for providing 15 percent Moderately Priced Dwelling Units. While 15 percent MPDUs is the requirement for areas of the County where 45 percent of the census tracts have a median income of 150 percent of the County's AMI, the Applicant is still eligible to receive public benefit points for the provision of 15 percent MPDUs. Per the Zoning Ordinance,

12 public benefit points are available for every 1 percent of MPDUs greater than 12.5 percent. The Applicant proposes providing a total of up to 300 units, of which at least 15 percent must be MPDUS. The Board supports the category at this time.

Quality of building and Site Design

Architectural Elevations

The Applicant requests 15 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the applicable Sector Plan and implementing design guidelines. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. The Board supports the category at this time with further details and refinement to be provided at the time of Site Plan.

Exceptional Design

The Applicant requests 7 points for building and/or site design that enhances the character of a setting. The design of the future mixed-use development and the relationship to the future shared street responds uniquely to the surrounding context and provides an enhanced space for pedestrians and members of the community. The Board supports the category at this time.

Public Open Space

Under the Optional Method of Development in the CR Zone (given the Tract area attributable to the Property and number of frontages), the Applicant is required to provide a minimum of 10 percent on-site public use space (or 7,901 square feet). The Project exceeds this requirement and is proposing to provide 8,900 square feet of diverse public open space offerings. As such, per the calculation below, the Applicant is seeking 1.26 points from this category. The Board supports the category at this time.

(P/N) * 100

P (public open space) = 999 square feet (above minimum)

N (net lot area) = 79,012 square feet

999/79,012 * 100 = 1.26 points

Structured Parking

All of the parking provided on-site will be located in above- or below-grade structured parking. Since the Site Plan seeks approval of a range of parking, the Applicant has conservatively calculated the Structured Parking points on the minimum number of parking spaces, given that if more parking were to be provided, on the higher end of the range, that parking would be located below-grade.

$$\begin{aligned} & [(A/T)*10+(B/T)*20] \\ A \text{ (above-grade spaces)} & = 36 \\ B \text{ (below-grade spaces)} & = 273 \text{ (minimum)} \\ T \text{ (total spaces)} & = 315 \\ & [(36/315) * 10] + [(267/315) * 20] = 18.09 \text{ points} \end{aligned}$$

The Applicant requests 18.09 points for providing structured parking. The Board supports the category at this time.

Protection And Enhancement Of The Natural Environment

Building Lot Termination (BLT)

The Applicant requests 6.36 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Based on the density approved by this Project, the Applicant is required to purchase 0.7069 BLTs, based on the following calculation:

- 356,325 square feet total new development approved – (59,387.5 square feet base density) = 296,937.5 square feet of incentive density
- 296,937.5 square feet x 0.075 = 22,270.31/31,500 = 0.7069 BLTs

Since one BLT is equivalent to nine public benefit points, the Applicant is seeking approximately 6.36 points for this category. The Board supports the Applicant's request at this time.

Recycling Facility Plan

The Applicant proposes to incorporate a recycling plan and facilities that will meet or exceed the Executive Regulations 15-04AM and 18-04. In accordance with the CR Incentive Density requirements, five points are appropriate for developments that meet this requirement. The Applicant requests additional points for providing dedicated recycling containers within the shared street, as well as a paper shredder and a cooking oil container in the trash/recycling room. The Applicant will coordinate with the Department of Environmental Protection on the plan. The Board supports the category at this time.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at the site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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 all binding site development elements shown on the latest version of Sketch Plan No. 32022001A, 5500 Wisconsin Avenue, received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 03 2023 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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 Hedrick, seconded by Commissioner Bartley, with a vote of 4-0-1; Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedoeem, voting in favor of the motion, Chair Zyontz abstaining, at its regular meeting held on Thursday, April 27, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
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