

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APR 21 2023

MCPB No. 23-014
Site Plan No. 820230010
7340 Wisconsin Avenue
Date of Hearing: March 23, 2023

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 September 21, 2022, Greystar Development East, LLC (“Applicant”) filed an application for approval of a site plan for a 315,500-square-foot mixed use building, 250 feet in height, with 306,849 square feet of residential uses for 308 units with 15 percent MPDUs, and 8,651 square feet of commercial uses, with 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated Park Impact Payment (PIP) payment on 0.42 acres zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone, located at the northwest quadrant of the intersection of Wisconsin Avenue and Hampden Lane (“Subject Property”), in the Bethesda CBD Policy Area and *2017 Bethesda Downtown Sector Plan* area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820230010, 7340 Wisconsin Avenue (“Site Plan” 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 February 6, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 23, 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 Hedrick seconded by Commissioner Bartley, with a vote of 3-0; Chair Zyontz and Commissioners Bartley and Hedrick in favor, with Vice Chair Pinero and Commissioner Pedoeem absent.

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820230010 for a 315,500-square-foot mixed use building, 250 feet in height, with 306,849 square feet of residential uses for 308 units with 15 percent MPDUs, and 8,651 square feet of commercial uses, with 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated PIP payment on the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 315,500 square feet of total development on the Subject Property, including 306,849 square feet of residential uses, for up to 308 multi-family dwelling units, and up to 3,400 square feet of ground floor commercial uses, and up to 5,651 square feet of Live/Work Units, with the total square footage of commercial uses not to exceed 8,651 square feet.²

2. Height

The development is limited to a maximum height of 250 feet, as measured from the building height measuring point illustrated on the Certified Site Plan (CSP).

3. Previous Approvals

The development must comply with the conditions of approval for Sketch Plan No. 32020001A and Preliminary Plan 11990408C, as may be amended.

4. Moderately Priced Dwelling Units (MPDUs)

- a. The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated January 9, 2023 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided the amendments do not conflict with other conditions of the Site Plan approval.

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.

² The commercial use space can be changed to other commercial uses if there is no adverse impact on the Site Plan and APF findings and it is approved by Staff.

- b. The development must provide a minimum of 15 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A.
- c. Before issuance of any building permit for any residential unit(s), the MPDU Agreement to Build between the Applicant and the MCDHCA must be executed and provided to M-NCPPC Staff.

5. Bethesda Overlay Zone Density and Park Impact Payment

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of the Planning Board Resolution approving the Site Plan. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment (PIP) of \$1,197,958.72 before release of the first above-grade building permit for the allocation of 142,475 square feet of Bethesda Overlay Zone Density, not including 37,483 square feet of MPDU density exempt from the PIP calculation. In the event the final allocation of density from the BOZ is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the BOZ, and/or modify the PIP through a minor Site Plan Amendment.

OPEN SPACE, FACILITIES AND AMENITIES

6. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 1,377 square feet of public open space (7.6 percent of net lot area) on-site as illustrated on the Certified Site Plan.
- b. Before final Use and Occupancy certificates for the Residential units, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontages on Montgomery Avenue, Hampden Lane and Wisconsin Avenue, consistent with the Bethesda Downtown Streetscape Standards.

- c. Before the issuance of final Use and Occupancy certificates for the residential development, all public open space areas on the Subject Property must be completed.

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 Zone Incentive Density Implementation Guidelines* for each one.

- a. Connectivity between Uses, Activities, and Mobility Options

Minimum Parking –The Applicant must not provide/construct more than 157 parking spaces.

- b. Diversity of Uses and Activities

Enhanced Accessibility for the Disabled –The Applicant must construct eleven (11) dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.

- c. Quality Building and Site Design

- i. Architectural Elevations – Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.
- ii. Exceptional Design – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
- iii. Structured Parking – The Applicant must provide all onsite parking spaces within a below grade structure.

- 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 0.709 BLTs to the MCDPS and M-NCPPC staff.
- ii. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for mechanical roofs with a slope at or below a ratio

of 2:12, and a minimum SRI of 25 for slopes above 2:12, as shown on the Certified Site Plan.

- iii. Energy Conservation and Generation – The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5 percent, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The energy model must be submitted to DPS with the building permit application.

8. Recreation Facilities

- a. Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the required recreation facilities as shown on the Certified Site Plan. The Certified Site Plan must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements, including those in the Site's public open space area on Wisconsin Avenue.

ENVIRONMENT

10. Green Cover

The Applicant must provide on-site a minimum 35 percent of the site area as green cover (at least 6,343 square feet), as described in Section 2.4.1 of the *Bethesda Downtown Sector Plan*; any proposed tree canopy counted toward this requirement must utilize tree species and canopy sizes at 20-year maturity per the *M-NCPPC Approved Trees Technical Manual*. Green Cover must be illustrated on the Certified Site Plan.

11. Forest Conservation

The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

12. Noise Attenuation

- a. Before the issuance of the first above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. Any noise impacted units must be identified on the Certified Site Plan.
- b. Before the final inspection for any residential unit, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- c. If any changes occur to the Site or Preliminary Plan(s) which affect the validity of the noise analysis dated July 12, 2022, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- d. Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
- e. For all noise impacted residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

13. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water

Resources Section in its stormwater management concept letter dated December 7, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

TRANSPORTATION & CIRCULATION

14. Transportation

- a. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated December 5, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b. Before the issuance of any above-grade building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

15. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 96 long-term and 6 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room on the ground floor, and on Level 1 of the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed on Wisconsin Avenue in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must provide one bicycle repair station. Bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before issuance of the final use and occupancy permit.

- d. The Applicant must show on the Certified Site Plan and provide the following master-planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before the issuance of the final use and occupancy permit.
 - i. Wisconsin Avenue: The Applicant must install an eight-foot-wide sidewalk with six-foot-wide buffer from traffic.
 - ii. Montgomery Lane: The Applicant must provide the necessary space for ten-foot-wide two-way separated bike lanes on the south side of the street with six-foot-wide buffer from the street (to be built by MCDOT), and construct a six-foot-wide buffer from the sidewalk and an eight-foot-wide sidewalk.
 - iii. Hampden Lane: The Applicant must install an eight-foot-wide sidewalk with six-foot-wide buffer from traffic.

SITE PLAN

16. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.

17. Lighting

- a. Before certified Site Plan, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.

- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

18. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other forms of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon M-NCPPC Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, railings, sidewalks, private utilities, paths, and associated improvements of development, including storm drainage facilities, street trees, and streetlights. The surety must be posted before the issuance of any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon the inspector's recommendation and provided that the remaining surety is sufficient to cover the completion of the remaining work.

19. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

20. 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:

a. Include the stormwater management concept approval letter, development program, and Sketch Plan Amendment, Preliminary Plan Amendment, and Site Plan resolution on the approval or cover sheet(s).

b. Add the following notes:

i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."

ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."

"The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."

c. Fire and Rescue Access plan should be included in the Certified Site Plan.

d. Modify the data table to reflect development standards approved by the Planning Board.

e. Ensure consistency of all details and layout between Site and Landscape plans.

f. Provide a loading management plan to be reviewed and approved by Planning staff.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820230010, 7340 Wisconsin Avenue, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, February 6, 2023, 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/or as 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. *The development satisfies any previous approval that applies to the site.*

The Site Plan satisfies the requirements of Preliminary Plan I 1994080C and Sketch Plan 32020001 A. These Sketch and Preliminary Plan Amendments were specifically updated to be supportive of the development proposed by the Site Plan. The proposal is within the established density and height limitations, provides appropriate design elements that are responsive to the public benefits schedule, and includes the required public dedications.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014 that apply to this proposal.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 0.42 acres zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	34,605 sf (0.79 acres)
Prior Dedication	n/a	5,926 sf (0.37 acres)
Proposed Easement ³	n/a	557 sf (0.013 acres)
Site Area	n/a	18,122 sf (0.42 acres)
Mapped Density CR-5.0 C-5.0 R-4.75 H-250		
Residential (GFA/ FAR)	164,375 sf (4.75)	306,849 sf (8.8)
Commercial (GFA/FAR)	173,025 sf (5.0)	8,651 sf (0.25) ⁴
Total Mapped Density (GFA/FAR)	173,025 sf (5.0)	173,025 sf (5.0)
Bethesda Overlay Zone (BOZ) Density	142,475 sf	142,475 sf
MPDU requirement	15 percent	15 percent
MPDU Bonus Density (GFA/FAR)		37,483 sf (1.1)
Total GFA/FAR with MPDU bonus (GFA/FAR)	315,500 sf (9.12)	315,500 sf (9.12)
Building Height	250 ft	250 ft
Public Open Space (min sf)	906 sf	1,377 sf
Minimum Setbacks (ft)		
Front	0	0
Front	0	0
Front Side	0	0
	0	0

³ A Perpetual Easement for Public Improvement in lieu of dedication of land to achieve the full master-planned right-of-way width for Wisconsin Avenue on the Site's frontage is provided.

⁴ Commercial area includes up to 3,400 square feet of ground-floor retail space and up to 5,651 square feet of Live/Work Units, for a total maximum of 8,651 square feet of commercial density.

Residential Units		Min. Parking Rate (spaces/unit)	Min. Spaces Required	Max. Parking Rate (spaces/unit)	Max Spaces Allowed	Approved Spaces
Studio	45	0.8	36	1	45	23
Studio MPDU	7	0.5	4	0.5	4	4
1 Bedroom	119	0.8	96	1.25	149	60
1 Bedroom MPDU	20	0.5	10	0.625	13	5
2 Bedroom	85	0.8	68	1.5	128	52
2 Bedroom MPDU	19	0.5	10	0.75	15	4
3 Bedroom	12	0.8	10	2	24	8
3 Bedroom MPDU	1	0.5	1	1	1	1
Subtotal	308		235		379	157 ⁵
Retail Area	3400 sf	3.5 spaces / 1,000 sf	12	6 spaces/1,000 sf	20	0 ⁶
Total Vehicular Parking			247		399	157 ⁵
Bicycle Parking		Long-term Required		Short-term Required		Approved
308 residential units		95		5		95/5
3,400 square feet retail		1		1		1/1
Total Bicycle Parking						96/6
Loading Spaces		1		N/A		1

⁵ Per Section 59-6.2.3.H.1.a., when a project is located within a Parking Lot District (PLD), an applicant may provide fewer parking spaces than otherwise required. The Site is located within the Bethesda Parking Lot District and therefore this provision applies.

⁶ No parking is provided for retail uses in accordance with the LATR provisions for ancillary retail

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. The Applicant is subject to a Park Impact Payment (PIP) valued at \$11.41/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area.

Based on the requested 142,475 square feet of BOZ density, reduced by 37,483 square feet of MPDU density, the Applicant is required to pay for 104,992 square feet of BOZ density at a value of \$1,197,958.72. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls, and active entrances. The Project proposes ample fenestration and activating features on the ground-floor level, including an expansive residential lobby and amenity area wrapping its northeast corner, and retail space wrapping its southeast corner. The building incorporates an architectural design that leaves no blank walls. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan.

Division 4.7 Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59.4.7.1, as modified by Section 59.4.9.2.C.4 for the Bethesda Overlay Zone, the Site Plan proposes 113.01 public benefit points in four categories 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. The Site Plan public benefits proposal is consistent with the Sketch Plan Amendment, with one exception. The Site Plan does not request ten points for providing a Recycling Facilities Plan while the Sketch Plan Amendment included such. Thus, the Site Plan proposes a total of 113.01 public benefit points, which is ten points less than the

119.68 points provided with the Sketch Plan Amendment but remains greater than the 100 points required.

Public Benefit	Maximum Points Allowed	Proposed
Connectivity and Mobility		
Minimum Parking	20	15.92
Diversity of Uses and Activities		
Enhanced Accessibility	20	10.71
Quality Building and Site Design		
Architectural Elevations	30	20
Exceptional Design	30	20
Structured Parking	20	20
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	6.38
Cool Roof	15	5
Energy Conservation and Generation	25	15
Total Points	Minimum of 100	113.01

The Bethesda Overlay Zone increases the maximum amount of public benefit points available in certain public benefit categories. Applicable to this Site Plan are the Overlay Zone's increase in maximum points available for Minimum Parking (from 10 to 20 maximum points), Architectural Elevations (from 20 to 30 maximum points), Exceptional Design (from 10 to 30 maximum points), Cool Roof (from 10 to 15 maximum points), and Energy Conservation and Generation (from 15 to 25 maximum points).

Connectivity and Mobility

Minimum Parking

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Minimum Park from 10 points to 20 points within the Overlay Zone. The Applicant requests 15.92 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. Based on the formula set forth in the Incentive Density Implementation Guidelines, the Planning Board approves 15.92 public benefit points in this category.

$$\frac{((\text{Maximum Allowed Parking}) - (\text{Parking Provided}))}{((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))} * 10 = \text{number of public benefit Points}$$
$$(399-157) / (399-247) * 10 = 15.92 \text{ points}$$

The Application provides 157 parking spaces, which is 242 fewer spaces than the maximum, and yields 15.92 public benefit points. The Planning Board approves the allocation of 15.92 public benefit points for Minimum Parking.

Diversity of Uses and Activities

Enhanced Accessibility

The Applicant requests 10.71 public benefit points for providing 11 dwelling units that satisfy ANSI A117.1 Residential Type A accessibility standard or equivalent county standard. Each percentage of units provided to this standard is worth three points. Based on the formula set forth in the Incentive Density Implementation Guidelines, the proposed project is eligible for 10.71 public benefit points in this category. The Planning Board approves 10.71 public benefits points for the provision of enhanced accessible residential dwelling units.

$$(\text{ANSI 117.1 Type A Units} / \text{Total Units}) * 300 = \text{number of public benefit points}$$
$$(11 / 308) * 300 = 10.71 \text{ points}$$

Quality Building and Site Design

Architectural Elevations

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Architectural Elevations from 20 points to 30 points within the Overlay Zone. The Applicant requests 20 public benefit points for providing high-quality architectural elevations that include binding design elements approved with the Sketch Plan. These elements include maximum density and height, approximate location of lots and public dedications, general location and extent of public open space, general location of vehicular access points, and public benefits schedule. The Applicant has further agreed to provide particular elements in their façade design including minimum amount of transparency on the first floor, minimal spacing between operable doors, awning provisions, sign restrictions, lighting parameters, and other design priorities of the Sector

Plan. These are features and design parameters that affect the perception of building mass and pedestrian comfort. The provision of well-proportioned and attractive elevations is particularly significant with this proposal as three sides of the building will be highly visible from the public realm. The northern façade will face Montgomery Lane, southern façade will front on Hampden Lane and eastern façade will front on Wisconsin Avenue. The proposed elevations will frame the streets and help to create a safe and attractive pedestrian environment and add visual interest to the Wisconsin Avenue corridor. The Planning Board approves 20 public benefit points requested for Architectural Elevations.

Exceptional Design

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Exceptional Design from 10 points to 30 points within the Overlay Zone. The Applicant requests 20 public benefit points for providing a building and site design that enhance the character of the Wisconsin Avenue corridor setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to review by the Design Advisory Panel, which recommends awarding of points based on the quality of the design. The Applicant asserts the Project will fulfill recommendations of the Bethesda Downtown Sector Plan and associated Design Guidelines.

The Project proposes to replace an existing shuttered gas station with a multi-use, high-rise building that is architecturally distinct and complimentary to the existing and evolving neighborhood context in the center of downtown Bethesda. The site and building design work in harmony to create active streetscapes on the site's three frontages that balance multiple design requirements for different street types. At the ground-level, attention has been given to locating the residential lobby and amenity spaces, as well as retail space, at appropriate locations to foster activity in the street frontages. Ample fenestration is provided along these active areas to encourage a visual interface between those inside and outside of the building. Vehicular and loading access are located on Hampden Lane to reduce conflicts with pedestrians and reduce the visual impacts of vehicular access from the public realm. The use of large windows, as well the colors and masonry materials incorporated into the base design will accentuate the residential lobby and amenity area and retail spaces and serve as a solid visual anchor for the building's tower. This type of street front development continues a pattern street-level retail spaces fronting on Wisconsin Avenue on the blocks between the existing Bethesda Metrorail Station and future Purple Line Station.

Architecturally, the building incorporates a “pin-wheel” design into its tower, adding a high degree of visual interest to the façade and tower top. The building’s form will be enhanced with a high quantity of glazing and inclusion of balconies. At the building’s top, corners of the façade will angle and extend vertically beyond the rest of the façade, creating a “crown” for the building, which is a distinct feature of the design.

The Design Advisory Panel (DAP) reviewed the proposed project twice in 2022, at their meetings on May 25, 2022 and July 27, 2022. At the May meeting, the DAP was presented with changes the proposal is making to the previously approved Sketch Plan design concept. The DAP agreed the changes were consistent with the intent of the previously approved Sketch Plan, with details to be discussed with the review of a Site Plan submission. On July 27, 2022, the DAP reviewed the proposed Site Plan design and was supportive of it. The DAP voted 4-0 in support of awarding 20 points for Exceptional Design, with “refinement of the base to be reviewed through the site plan application process”. The Applicant subsequently enhanced the building’s base design during the site plan review process. The Planning Board approves 20 Exceptional Design public benefit points.

Structured Parking

The Applicant requests 20 public benefit points for providing Structured Parking. The proposal includes below-grade structured parking with 157 spaces. All on-site parking will be provided in the subsurface garage. The CR Zone Incentive Density Implementation Guidelines grants points on a sliding scale based on the percentage of total on-site spaces to be provided in a below-grade parking structure. The proposed parking regime qualifies for 20 public benefit points as 100 percent of the proposed parking spaces for the project will be located in a subsurface parking structure. The Planning Board approves 20 public benefit points for structured parking.

Protection and Enhancement of the Natural Environment

Building Lot Terminations (BLTs)

The Applicant requests 6.38 points for the purchase of 0.709 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, exclusive of any density allocated for MPDUs. Points are granted by the

calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board approves 6.38 public benefits points requested based on the following calculation:

$$\begin{aligned} &(((315,500-(17,302))*7.5\%)/31,500= 0.709 \text{ BLTs} \\ &0.709 \text{ BLTs} * 9 \text{ points/BLT} = 6.38 \text{ points} \end{aligned}$$

Cool Roof

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Cool Roof from 10 points to 15 points in the Overlay Zone. The Applicant requests five points for providing cool roof area. The Project will meet the minimum solar reflective index (SRI) on a total of 1,800 square feet of the building's non-vegetated roof area. The Planning Board approves the five public benefit points requested.

Energy Conservation and Generation

The Bethesda Overlay Zone increases the maximum amount of public benefit points available for Energy Conservation and Generation from 15 to 25 points in the Overlay Zone. The Applicant requests 15 points for providing a design that exceeds the energy efficiency standards for the building type by greater than 17.5 percent. The Applicant provided a preliminary energy use and generation model with comparisons to the average use and generation for the building type based on the Department of Energy Standards. The final model with specific methods used to achieve this reduction will be determined by MCDPS prior to the issuance of a Building Permit. As conditioned, the Applicant will meet the minimum reduction standards for this category and the Planning Board approves 15 points for this public benefit.

b. General Requirements

i. *Site Access*

The Subject Application proposes consolidating three curb cuts to a single point of vehicular access on Hampden Lane. All vehicular access to the loading and on-site parking garage will occur on the single, full-movement driveway on Hampden Lane. Consolidating the vehicular access to a single point on-site significantly reduces

the exposure of all travel modes to conflicts, which aligns with the County's commitment to Vision Zero.

Pedestrian access will be improved with wider street buffers which will include trees and understory plantings. The sidewalks will also be widened to eight feet, which exceeds ADA accessibility standards and significantly increases pedestrian comfort.

Bicycle access will be improved by two-way separated bike lanes that are under construction along Montgomery Lane. The Project is providing 95 long-term bicycle parking spaces in two areas on the Site. One is on the ground floor of the building and the other in Level 1 of the garage. Six short-term bicycle parking spaces are provided at the corner of Wisconsin Avenue and Montgomery Lane, where bicycle activity is expected to be highest on the Site.

ii. *Parking, Queuing, and Loading*

The Project proposes providing 157 vehicular parking spaces in a below-grade parking garage. The 2017 Bethesda Downtown Sector Plan recommends a constrained parking policy within the Plan area. The Site is also located within the Bethesda Parking Lot District, which permits the Applicant to provide fewer than the minimum required (i.e., zero spaces). Given the allowances of the Zoning Code, the recommendations of the Sector Plan, and the proximity of the Site to rapid transit, this quantity of parking is permitted.

The Zoning Code requires one (1) on-site loading area, and one (1) is provided, accessed from Hampden Lane. The Loading area as shown on the Site Plan meets the design requirements as outlined in Section 59-6.2.8.C.2.a.

MCDOT has evaluated the consolidated loading and parking garage access driveway for sight distance and has approved its design.

iii. *Open Space and Recreation*

In accordance with Section 59.4.5.4.B.1, as the Site has an area of 18,122 square feet and frontages on three existing rights-of-way, the proposal must include a minimum of five percent (906 square

feet) of the site area as public open space. The Project includes 1,377 square feet of site area dedicated to public open space, which equates to approximately 7.6 percent of the site area. This public open space area is located along the Site's Wisconsin Avenue frontage and will contribute to the creation of an attractive streetscape area.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and outdoor lighting is proposed as part of the Project. These elements, located along the Site's three street frontages, are generally designed to the Bethesda Streetscape Standards. Outdoor lighting is provided in appropriate locations around the Site and building to ensure safe and attractive nighttime illumination. Landscaping is provided on outdoor building terrace and rooftop areas where feasible and appropriate.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on December 7, 2022. The plan will meet stormwater management requirements using green roof and microbio-retention planter boxes.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This project has satisfied all applicable Chapter 22A Forest Conservation Requirements. As part of this Application, a Forest Conservation Exemption was confirmed for the Subject Property on October 30, 2019. The submitted Forest Conservation Exemption Plan identified the existing man-made and natural features associated with the Property, such as the buildings, associated parking, street trees and landscape elements. There are no rare, threatened, or endangered species, no stream/buffers, or steep slopes identified on Site. Furthermore, there are no historic or cultural properties identified on the Site as well.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing, and where required, open spaces and site amenities.*

All parking, loading and service areas for the development are located on-site, internal to the building. The proposal includes reducing vehicular access points to the property from three to one consolidated driveway. Existing curb cuts are located on Montgomery Avenue, Hampden Lane and Wisconsin Avenue. The proposal will remove curb cuts from Montgomery and Wisconsin Avenues and locate one, consolidated curb cut at the Site's southwestern corner on Hampden Lane. The consolidation of vehicular access points will improve circulation and safety around the site. Pedestrian safety and connectivity will be improved with the provision of enhanced streetscapes along the Site's three frontages. The building design also provides for resident amenities internal to the building and exterior on the roof, as well as open space area (as is discussed under Site Plan finding 2.d.iii.3 above) where required.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Property is within the area identified as the "Wisconsin Avenue Corridor" and is designated as part of Site 103 on page 99 of the Sector Plan, which recommended increasing the allowable maximum commercial density from 4.0 FAR to 5.0 FAR and allowable building height from 145 feet to 250 feet⁷. The intent of the increases was "to provide flexible development opportunities and allow future development to better adapt to market conditions". The character of the proposed development is consistent with the Sector Plan's recommendations regarding the scope and scale of developed desired for the location. The Site Plan conforms with the applicable goals of the Sector Plan for the Wisconsin Avenue Corridor as follows:

- i. *Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.*

The Project proposes infill redevelopment of a former gas station site that has sat vacant since prior to the approval of the Sector Plan in 2017.

- ii. *Encourage mixed income/affordable housing near transit stations.*

⁷ The allowable height and commercial density for the Site was increased from CR-5.0 C-4.0 R-4.75 H-145 to CR-5.0 C-5.0 R-4.75 H-250 by Sectional Map Amendment H-122 for the Bethesda Downtown Sector Plan.

The Proposal will include up to 308 new multi-family residential units including 15 percent MPDUs. A mix of studio, one, two and three-bedroom units are proposed. The development will be within walking distance of the Bethesda Metrorail Station, multiple bus stops, and future Purple Line Station.

- iii. *Encourage high-performance buildings and sites nearest the established centers.*

The Site is located in the High-Performance Area as shown on page 65 of the Sector Plan, which requires development proposals to exceed energy efficiency standards for the building type. As discussed in Section 7 Site Plan Findings and Analysis, the Proposal seeks to exceed energy efficiency standards for the building type by 17.5 percent.

- iv. *Improve the pedestrian environment with upgraded streetscapes.*

The Proposal provides the appropriate space and layout for the inclusion of streetscape elements to the Bethesda Downtown Streetscape Standard. This will include wider sidewalks, plantings, street trees and furnishings.

- v. *Emphasize mixed land uses focused on employment and high density residential.*

A mix of uses including high density residential, Live/Work Units and commercial uses are proposed.

- vi. *Create green, active, and walkable sidewalks that are designed to balance pedestrian and retail activity with vehicular and BRT traffic this major corridor.*

The Site Plan allows for the implementation streetscape improvements to the Bethesda Streetscape Standard on the Site's frontages on Montgomery Lane, Hampden Lane, and Wisconsin Avenue. The Proposal includes its required public open space along the Site's Wisconsin Avenue frontage, which allows for the creation of wider sidewalks and additional landscaping to further enhance the pedestrian realm.

Vehicular access to the Site is consolidated to a single point on Hampden Lane from three existing access points, one from each roadway abutting the Property. The removal of curb cuts from Wisconsin Avenue and Montgomery Lane will reduce points of conflict between vehicles, pedestrians, and bicyclists. The Proposal provides a perpetual easement for public improvement along the Site's Wisconsin Avenue frontage to allow for adequate space for a future BRT line envisioned for the corridor.

The Proposal also locates ground-floor commercial uses at the Site's southeast corner, adjacent to the intersection of Wisconsin Avenue and Hampden Lane. The main entry to the residential portion of the development is at the Site's northeast corner. These active spaces will span the Site's Wisconsin Avenue frontage and wrap its corners on to Hampden and Montgomery Lanes. The location of these uses and proposed street sections, including space for sidewalks and streetscape elements, is consistent with the Bethesda Streetscape Standards.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As discussed in Preliminary Plan 11994080C Finding 3, adequate public facilities exist to support the Project.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Property is located in the core of Downtown Bethesda and is surrounded by properties that have recently redeveloped, are in the process of redeveloping, or have received approvals to redevelop. The proposed high-rise, mixed-use building with a height of 250 feet is compatible with existing, approved, or pending adjacent development. Adjacent properties are zoned for similar maximum height, densities, and mix of uses. Abutting the west side of the Site is the approved Hampden East project (Site Plan No. 820210070), a mixed-use, high-rise tower. The Proposal provides for tower setback of 22.5 feet from the property line shared with Hampden East. The two abutting towers will have a minimum tower separation of 45 feet above their bases, as recommended by the Sector Plan. Across Hampden Lane to the south is the Metro Tower project (Site Plan No. 820190110), with the recently completed Wilson and Elm buildings beyond (Site Plan No.820160200), to the east across Wisconsin Avenue is the recently completed hotel and residential Avocet Tower building (Site Plan No. 820180040), and to the north, across Montgomery Lane is a historic post office building,

and two single-story commercial buildings, with the Bethesda Metro Center development beyond.

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 APR 21 2023 (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 a motion of Commissioner Hedrick, seconded by Commissioner Pedoem, with a vote of 4-0; Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedoem, voting in favor of the motion, Chair Zyontz necessarily absent, at its regular meeting held on Thursday, April 13, 2023, in Wheaton, Maryland and via video conference.



Roberto Piñero, Vice Chair
Montgomery County Planning Board

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7340 Wisconsin Avenue, Sketch Plan Amendment
No. 32020001A, Preliminary Plan Amendment No.
11994080C, and Site Plan No. 820230010