

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-012
Sketch Plan No. 32020001A
7340 Wisconsin Avenue
Date of Hearing: March 23, 2023

APR 21 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 May 7, 2020, the Planning Board, by Resolution MCPB No. 20-036, approved Sketch Plan No. 320200010 for up to 315,500 square feet of total development with up to 311,000 square feet for a high-rise senior residential building with independent living, assisted living, memory care and up to 4,500 square feet ground-floor commercial use 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, on September 21, 2022, Greystar Development East, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved sketch plan(s) to revise the previously approved uses from independent living, assisted living, memory care, and commercial, to multi-family residential and commercial, to revise the public benefits schedule, and revise plans to reflect an updated building footprint and site design on the Subject Property; and

WHEREAS, Applicant’s application to amend the sketch plan was designated Sketch Plan No. 32020001A, 7340 Wisconsin Avenue (“Sketch 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 February 6, 2023, providing its analysis and recommendation for

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

approval of the Application subject to certain binding elements and 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, Commissioners Bartley and Hedrick voting in favor; with Vice Chair Pinero and Commissioner Pedoeem absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 32020001A to modify the previously approved uses, public benefits schedule and plans to reflect an updated building footprint and site design by modifying the following conditions:¹

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

1. General location of vehicular access points; and
2. Public benefit schedule.

All other elements are illustrative.

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

1. Density

The Sketch Plan is limited to a maximum density of 315,500 total square feet, including up to ~~311,000~~ 306,849 square feet of multi-family residential development for senior housing including independent living, assisted living, memory care 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. The maximum number of residential units and use mix will be determined at Preliminary Plan. The maximum density includes up to ~~146,779~~ 142,475 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footages will be determined at Site Plan.

3. Incentive Density

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.

The development must be constructed with the public benefit categories listed below, unless modifications are made under Section 59.7.3.3.I. of the County code and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2 of the Zoning Ordinance. The requirements of Section 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. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ overlay, ~~and Streetscape Improvements;~~
- b. Diversity of uses and activities, achieved by providing ~~Small-Business Opportunities and~~ Enhanced Accessibility;
- c. Quality of Building and Site Design, achieved through Architectural Elevations, Exceptional Design and Structured Parking.
- d. Protection and Enhancement of the Natural Environment, achieved through Building Lot Terminations, Cool Roof, and Energy Conservation and Generation, ~~by incorporating materials and systems that exceed the required minimums.~~

13. Fire Department letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its ~~email memorandum~~ dated ~~April 16, 2020~~ December 22, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the email, which MCDPS may amend if the changes do not conflict with other conditions of the Preliminary Plan approval.

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 Subject Property includes approximately 0.42 acres zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone. The data table below demonstrates the Application's conformance to the applicable development standards of the zones.

Development Standard	Permitted/ Required	Approved by 320200010	Approved with 32020001A
Tract Area	n/a	34,605 sf	34,605 sf (0.79 acres)
Prior Dedication	n/a	5,926 sf	5,926 sf
Proposed Dedication	n/a	557	n/a
Proposed Public Improvement Easement	n/a	n/a	557 sf
Site Area	n/a	18,122 sf	18,122 sf (0.42 acres)
Mapped Density CR-5.0 C-5.0 R-4.75 H-250			
Residential (GFA/FAR)	164,374 sf (4.75)	164,374 sf (4.75)	164,374 sf (4.75)
Commercial (GFA/FAR)	173,025 sf (5.0)	4,347 sf (0.13)	8,651 sf (0.25) ²
Total Mapped Density (GFA/FAR)	173,025 sf (5.0)	168,721 sf (4.89)	173,025 sf (5.0)
Bethesda Overlay Zone (BOZ) Density	n/a	146,779 sf	142,475 sf
MPDU requirement	15 percent	15 percent	15 percent
Total GFA/FAR	173,025 sf (5.0)	315,500 sf (9.12)	315,500 sf (9.12)
Building Height, max average	250 ft	250 ft	250 ft

² 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, with the total not to exceed 8,651 square feet of commercial area.

Public Open Space (min sf / percent site area)	906 sf (5 percent)	906 sf (5 percent)	1,377 sf (7.6 percent)
Minimum Setbacks	0	TBD at Site Plan	TBD at Site Plan
Front			
Rear			
Front Side			

Vehicular and bicycle parking facilities will be provided within the proposed building, with the quantity of spaces to be determined at the time of Site Plan.

The Sketch Plan Amendment conforms to the intent of CR zone as follows:

i. Implement the recommendations of applicable master plans (59.4.5.1.A)

The Planning Board previously determined the Sketch Plan conforms with this requirement. The proposed Sketch Plan Amendment does not alter these findings, except where specific references to “senior” housing or “senior” residential units are made. The Amendment provides for multi-family residential housing in lieu of senior housing, a change in the project scope that does not alter the proposal’s ability to implement the recommendations of the Sector Plan in accordance with the Planning Board’s previous finding.

ii. Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.

This Sketch Plan Amendment does not alter the Planning Board’s previous finding of conformance with this requirement. The existing site includes a vacant one-story building and open paved areas associated with its former gas station use. The amendment to the Sketch Plan continues to propose the redevelopment of a long-vacant, single-use commercial lot and paved area with a high-density, mixed-use building within close proximity to the Bethesda Metrorail Station and future Purple Line Station.

iii. Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.

The proposed Amendment does not alter the Board’s previous finding of conformance with this requirement. The proposal provides for multi-

family residential housing to include a mix of unit types and 15 percent MPDUs, offering new housing opportunities for a range of incomes proximate to numerous transit options in Downtown Bethesda. The project will accommodate commercial uses, Live/Work Units and expand the pedestrian realm on its three street frontages. Parking is accommodated in a subsurface garage under the building, with no parking areas to be located in between the building and street.

- iv. *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The proposed Amendment does not alter the Board's previous finding of conformance with this requirement. The Sector Plan identifies the Wisconsin Avenue Corridor as area that should emphasize high-density residential and employment uses, as well as distinctive infill buildings. The amended Sketch Plan proposal provides for residential and commercial uses on-site in a building with the height, density and unique architectural character envisioned by the Sector Plan for this portion of Downtown Bethesda.

- v. *Integrate an appropriate balance of employment and housing opportunities.*

The proposed Amendment does not alter the Board's previous finding of conformance with this requirement. The Amendment provides for a mixed-use project containing high-density residential uses, ground floor commercial uses, and Live/Work Units, which is an appropriate balance for the Site's location.

- vi. *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project will provide the required 100 public benefit points from a minimum of four categories to achieve the desired incentive density above the standard method limit. This Amendment retains the previously approved public benefit categories but makes modifications to point subcategories and quantity of points requested. Final public benefit points will be determined at the time of Site Plan.

b. General Requirements

The Amendment does not change the Planning Board's previous finding of conformance with the general development requirements of Chapter 59.6. The Proposal provides for all previously approved general development elements including site access, parking and loading, open space and general landscaping.

2. The Sketch Plan substantially conforms to the recommendations of the Sector Plan.

The Sketch Plan Amendment substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. The amended Project will create a high-rise building with a mix of multi-family residential and commercial uses in an established area of activity within the Wisconsin Avenue Corridor. The proposal will increase housing and business opportunities, redevelop a vacant property, and enhance the streetscape along Wisconsin Avenue, Montgomery Lane, and Hampden Lane.

Regarding roadways, the 2017 *Bethesda Downtown Sector Plan* recommends a 122-foot total right-of-way width for Wisconsin Avenue. This would require a minimum right-of-way width of 61 feet from the centerline to the Site's property Line. The existing right-of-way between the centerline the property line is 55 feet, which is six (6) feet fewer than what is master planned. The Applicant is requesting relief of the requirement to dedicate an additional six (6) feet of right-of-way because the Applicant seeks to build an underground parking garage whereby the footprint would encroach within the right-of-way.

Wisconsin Avenue is a state road, which is operated by the Maryland Department of Transportation State Highway Administration (MDOT SHA). MDOT SHA will allow the Applicant to record a perpetual easement for public improvement measuring six feet in width to achieve the intent of the Master Plan right-of-way width on the Site. A portion of the required sidewalk will be located within the easement. The Applicant has also coordinated with MCDOT to ensure that the future MD 355 Bus Rapid Transit (BRT) project will not be impeded by recording an easement instead of dedicating right-of-way. No bicycle facilities are master planned on this road.

Montgomery Lane has a master planned right-of-way width of 70 feet and no further dedication is required. The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane along the south (Site) side of the roadway. The bicycle facility is currently under construction.

Hampden Lane has a master-planned width of 60 feet and no further dedication is required. No bicycle facilities are master planned on this roadway.

6. The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.

This Sketch Plan Amendment modifies the previously approved outline of public benefit categories and associated points. The Amendment retains all four originally approved public benefit categories but adjusts the subcategories under which points are requested. The total conceptual number of public benefit points requested is also modified with the Amendment, with the final number of points to be determined at the time of Site Plan. The Amendment still provides for greater than the 100 points required in the four categories previously approved. Within each point category, the key changes proposed by this Amendment are:

- Connectivity and Mobility – points no longer sought for Streetscape improvements;
- Diversity of Uses and Activities – points no longer sought for Small Business Opportunities, additional points sought for Enhanced Accessibility;
- Quality Building and Site Design – reduces requested points for Exceptional Design, adds Architectural Elevations subcategory with 20 points requested;
- Protection and Enhancement of the Natural Environment – adds Cool Roof and Recycling Facility Plan subcategories, with 15 points requested for each.

The following table shows the categories and points for the public benefits, as previously approved in concept with the original Sketch Plan and as approved in concept with this Sketch Plan Amendment, to demonstrate the project's ability to meet the requirement to provide sufficient public benefit points. The amendments to the outline of public benefit categories and the expected points associated with each benefit are as follows:

Public Benefit	Maximum Points Allowed	320200010 Approved in Concept	32020001A Approved in Concept
Connectivity and Mobility			
Minimum Parking	20	14.8	15.92
Streetscape Improvements	20	3.92	0
Diversity of Uses and Activities			
Enhanced Accessibility	20	6	10.71
Small Business Opportunities	20	10	0
Quality Building and Site Design			
Architectural Elevations	30	n/a	20

Exceptional Design	30	30	20
Structured Parking	20	20	20
Protection and Enhancement of the Natural Environment			
Building Lot Terminations (BLT)	30	3.05	3.05
Cool Roof	15	n/a	5
Energy Conservation and Generation	15	15	15
Recycling Facility Plan	10	n/a	10
Total Points	Minimum of 100	102.77	119.68

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 Planning Board finds that the following outline of public benefits supports the Applicant’s request for incentive density and is appropriate for the community surrounding the site. The final determination of public benefit point values will be determined at Site Plan(s).

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 2017 Bethesda Downtown 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 32020001A, 7340 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 APR 21 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 a motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0; Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedoeem, 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
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7340 Wisconsin Avenue, Sketch Plan Amendment
No. 32020001A, Preliminary Plan Amendment No.
11994080C, and Site Plan No. 820230010