



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

**FEB 12 2016**

MCPB No. 16-017  
Sketch Plan No. 320160040  
7272 Wisconsin Avenue  
Date of Hearing: February 11, 2016

**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 1, 2015, CP 7272 Wisconsin Avenue, LLC c/o Carr Properties ("Applicant") filed an application for approval of a sketch plan for up to 937,184 total square feet of mixed-use development, with 12.5% MPDUs, that will accommodate the Bethesda Purple Line Station, the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail, on 2.69 acres zoned CR 8.0 C 7.5 R 7.5 H 250, located in the southwest quadrant of the intersection of Wisconsin Avenue and Elm Street ("Subject Property") in the 2014 *Bethesda Purple Line Station Plan Minor Master Plan Amendment* to the 1994 *Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320160040, 7272 Wisconsin Avenue ("Sketch 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 1, 2016, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on February 11, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below.

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Approved as to  
Legal Sufficiency:  2/12/16

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320160040, 7272 Wisconsin Avenue, for up to 937,184 total square feet of mixed-use development, including up to 878,610 square feet of residential uses, with 12.5% MPDUs, and up to 878,610 square feet of commercial uses, that will accommodate the Bethesda Purple Line Station, the southern entrance to the Bethesda Red Line Station, and the Capital Crescent Trail on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

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

1. Density

The development is limited to a maximum of 937,184 square feet of total development on the Subject Property, including components of residential and/or commercial development of no more than 878,610 square feet each. The maximum amount and distribution of residential and non-residential uses, including number of dwelling units, will be determined at Preliminary Plan.

2. Height

The development is limited to the maximum height of 250 feet.

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 and be chosen from at least four categories as required by Section 59.4.5.4.A.2.a. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at site plan approval.

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. Major Public Facilities (Section 59.4.7.3.A), achieved through accommodation, including all necessary easements, of a multi-modal transit hub for the Purple Line;
  - b. Transit Proximity (Section 59.4.7.3.B), achieved through accommodation and access to both a new portal for the Red Line and a Purple Line Station including all necessary easements;
  - c. Connectivity and Mobility (Section 59.4.7.3.C), achieved through upgraded, sheltered pedestrian connections and easements for the new Red Line Metro southern portal adjacent to the site;
  - d. Quality Building Design (Section 59.4.7.3.E), achieved through Exceptional Design and Structured Parking; and
  - e. Protection and Enhancement of the Natural Environment (Section 59.4.7.3.F), achieved through the purchase of BLTs and provision of a vegetated roof.
4. Moderately Priced Dwelling Units (MPDUs)  
The Applicant must provide a minimum of 12.5 percent of the total number of units as Moderately Priced Dwelling Units on the Subject Property, in accordance with Chapter 25A.
5. Public Space  
The Applicant must provide a minimum of 5 percent of the Subject Property as Public Open Space. Final location, configuration, and character to be determined at Site Plan.
6. Transportation  
Consistent with the recommendations of the *Bethesda Purple Line Station Minor Master Plan Amendment*, the Applicant must:
- a. provide within the Subject Property the space necessary for the Bethesda Purple Line Station, including, but not limited to, the tracks, platform, mezzanine for access to both the Red Line elevators and Purple Line platform, required ventilation facilities, and access points;
  - b. locate the street-level access points for the mezzanine described in Condition 6.a. on site;
  - c. construct the on-site portion of the Capital Crescent Trail (CCT), with final alignment and design to be determined at Site Plan;
  - d. reserve within the Subject Property a minimum 10,000 square foot area abutting the CCT dedicated to a full-service bicycle storage facility;
  - e. provide all necessary easements for the facilities listed in subparagraphs 6.a.-6.d.;
  - f. coordinate with the Maryland Transit Administration (MTA), State Highway Administration (SHA), the Montgomery County Department of Transportation (MCDOT), Montgomery County Planning Department, and other necessary agencies to develop and implement the design and construction of the facilities identified in Condition 6.

7. Historic Preservation

- a. Before Site Plan review, unless there is a change in the historic designation status of the Community Paint and Hardware Store, the Applicant, in coordination with Planning Department and Historic Preservation Commission staff, must submit a Preliminary Consultation to the Historic Preservation Commission to determine if the Community Paint and Hardware Historic Site may be moved from the Subject Property and, if so, where it will be relocated.
- b. If the Historic Site is to be relocated, the new location must meet the following criteria:
  - i. Within Downtown Bethesda
  - ii. Proximate to Wisconsin Avenue so as to allow a clearly defined visual connection to the Avenue.
- c. Any activity impacting the Historic Site must be approved by the Historic Preservation Commission.

8. Future Coordination for Preliminary and/or Site Plan

- a. In addition to any other requirements for Preliminary Plans under Chapter 50, the following must be addressed at Preliminary Plan:
  - i. Implementation of the transportation improvements;
  - ii. Adequate Public Facilities review
  - iii. Provision of turning templates for the proposed access points
- b. In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed at Site Plan:
  - i. Design:
    1. Streetscape details;
    2. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
    3. Provision of a minimum 20ft building setback from the street curb along Wisconsin Avenue to accommodate high volumes of pedestrian traffic;
    4. Building design to articulate a low to mid-rise base to relate to pedestrian scale with as many active lining uses as possible and modulate massing above the base along Wisconsin Avenue, Elm Street and Woodmont Plaza to reduce the tower impacts;
    5. Vary building tower heights with the highest along Wisconsin Avenue;
    6. Provide façade articulation to reduce building bulk and add visual interest;
    7. Façade treatments along any above-ground structured parking floors facing a public road or public space must fully integrate these floors into the design of the facade;

8. Integrate sustainable design systems and materials to improve building performance;
  9. Provide additional information on the design of the Wisconsin/Elm corner plaza and the Purple Line entry off of Woodmont Plaza as critical public gateways to the transit stations; and
  10. Maximize windows, entries, and other openings on Elm Street.
- ii. Capital Crescent Trail design:
1. Straighten the trail alignment through the building so that the prevailing alignment is more "straight" than curvilinear;
  2. Coordinate a smooth transition to the trail at the western property line;
  3. Show the future eastern limits of the tunnel under Wisconsin (to the eastern ROW line on MD 355);
  4. Consider an art component in tunnel; and
  5. Work to minimize vertical change for the Capital Crescent Trail.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

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

a. Use Standards

The approved uses are allowed in the Subject Property's zone under the standards in Section 59-3.1.6 of the Zoning Ordinance.

b. Development Standards

The Subject Property includes approximately 2.69 acres zoned CR 8.0 C 7.5 R 7.5 H 250. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

| Sketch Plan Data Table |   |                        |                    |
|------------------------|---|------------------------|--------------------|
| Section<br>59 - 4      | Development Standard                                  | Permitted/<br>Required | Approved           |
|                        | Gross Tract Area (sf)                                 |                        | 117,148            |
| 4.5.4.B.2.b            | Density<br>CR8.0, C7.5, R7.5, H250                    |                        |                    |
|                        | Commercial FAR/GFA                                    | 7.5/878,610            | 7.5/878,610        |
|                        | Residential FAR/GFA                                   | 7.5/878,610            | 7.5/878,610        |
|                        | <b>TOTAL FAR/GFA</b>                                  | <b>8.0/937,184</b>     | <b>8.0/937,184</b> |
| 4.5.4.B.2.b            | Building Height (feet)<br>CR8.0, C7.5, R7.5, H250     | 250                    | 250                |
| 4.5.4.B.1              | Open Space (minimum)<br>Public Open Space (%/sq. ft.) | 5/4,076                | 5/4,076            |

The Application will provide the minimum required number of bicycle parking spaces for residents and visitors, and commuter shower/change facilities within the building, which will be determined at the time of Site Plan(s). The number of vehicular parking spaces will be determined at Site Plan(s) based on the number of residential dwelling units.

c. General Requirements

i. *Site Access*

The development associated with the Sketch Plan will include numerous site access improvements, including a new Purple Line transit station, a new access point to the Bethesda Metro Station, a new section of the Capital Crescent trail, in addition to improved sidewalks and vehicular site access.

ii. *Parking, Queuing, and Loading*

Adequate parking, queuing and loading for the buildings will be provided and will be determined at the time of Preliminary Plan(s) and Site Plan(s). The number of vehicular parking spaces will be determined at Site Plan(s) based on the number of residential dwelling units.

iii. *Open Space and Recreation*

The development associated with the Sketch Plan will provide open space and recreation tied to the access improvements. Along Wisconsin Avenue, a public open space will host the entrances to the Purple Line and Red Line station, while the regional Capital Crescent Trail will allow pedestrians and cyclists recreational access through the site from Woodmont Plaza to the west eventually to Elm Street park to the east. Final location and square footage of open space will be determined at the time of Site Plan(s), and the Applicant's recreation and amenity analysis, as required by M-NCPPC's Recreation Guidelines and the CR Zone, will be submitted at the time of Site Plan(s).

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. Final details will be determined at the time of Site Plan(s).

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

Planning Vision of the Sector Plan

The Sketch Plan is consistent with and furthers the recommendations of the 2014 *Bethesda Purple Line Station Minor Master Plan Amendment*. The Application realizes the Sector Plan's "Better Alternative" which incorporates the alternative station design that improves the quality of service provided by a new station as follows:

- The Purple Line platform will be larger and, without interrupting columns, will provide more room for riders and trains;
- The Purple Line station platform will be straight, eliminating gaps between the train and the platform;
- The Red Line Metro south entrance will be located within the new building with access to high-speed elevators directly from the street;
- CCT users will have a choice to cross Wisconsin Avenue either in a new tunnel or at street level;
- The 90-foot-tall ventilation tower will be incorporated into a new building and the over-run tracks would be significantly shortened, leaving more of Woodmont Plaza available for public enjoyment;
- The station area can accommodate space for full-service bike storage (i.e., a "bike station").

The Sketch Plan is consistent with the Sector Plan's recommendation to encourage coordinated redevelopment of the Subject Property, especially as it relates to realizing a vision to construct a better-designed Purple Line station and a new tunnel for the CCT. It will provide new housing and employment uses in the downtown. The Sketch Plan promotes the Sector Plan objective of reducing auto dependence by integrating a combination of uses near transit options, such as WMATA Metrobus service and the future Purple Line station, and near downtown retail, businesses, public facilities, and recreational amenities. The Sketch Plan's streetscape enhancements, including new sidewalks, streetlights and street trees, allow for increased pedestrian access and connectivity, provide access to shared roadways and shared use paths recommended in the Sector Plan, and provide a human-scaled streetscape.

#### Land Use and Zoning

The Application takes full advantage of the density and height provisions promoted by the Sector Plan, which increased the density from a 5.0 FAR to an 8.0 FAR and a height increase from 143 feet to 250 feet. The additional building height offers greater flexibility to accommodate the numerous program elements of the improved station and trail.

#### Infrastructure

The Sector Plan emphasizes that "the top priority public benefits for this Plan area are the provision of space on the Apex Building site necessary for planning, construction and operation of the 'major public facilities' of the improved transit station and the CCT tunnel". With the increased height and density, the Applicant will to accommodate the new Purple Line Station, which includes the Red Line Metro south entrance and the CCT trail through the building. The infrastructure is consistent with Sector Plan recommendations.

#### Public Open Space

The public use spaces are consistent with the Sector Plan recommendations for redevelopment of the station entrances, at the corner of Wisconsin Avenue and Elm Street, and the CCT tunnel.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.



4. *The Sketch Plan satisfies the green area requirement in effect on October 29, 2014.*

The Subject Property's zoning classification on October 29, 2014 was not a result of a Local Map Amendment.

5. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

As discussed above, the redevelopment of the Subject Property will establish a new center of activity for Downtown Bethesda, uniting several nearby places into one defined area. By design, the building heights on the Subject Property are taller than existing and proposed development on the surrounding blocks, with those blocks helping to transition from this transit center to the lower-density residential neighborhoods not far from the Subject Property. The CCT, station plaza, and other amenities will further attract people to and through the site, promoting the surrounding properties. The buildings and open spaces are compatible with existing and proposed nearby buildings, open spaces and uses.

6. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The CCT tunnel runs through the Subject Property and will feature a significant bicycle storage facility that will attract cyclists and promote alternatives to automobile trips. Adequate parking will be provided on-site to accommodate all users of the Subject Property, and access to parking and loading are located to minimize pedestrian-vehicular conflicts within the constraints of the site.

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

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and

7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

| Public Benefits Calculations   |                          |            |             |
|--|--------------------------|------------|-------------|
| Public Benefit   | Incentive Density Points |            |             |
|  | Max Allowed              | Requested  | Recommended |
| <b>59.4.7.3.A: Major Public Facility</b>                                 | <b>70</b>                | <b>57</b>  | <b>57</b>   |
| <b>59.4.7.3.B: Transit Proximity</b>                                     | <b>50</b>                | <b>50</b>  | <b>50</b>   |
| <b>59.4.7.3.C: Connectivity and Mobility</b>                             |                          |            |             |
| Transit Access Improvement   | 20                       | 20         | 20          |
| <b>59.4.7.3.E: Quality of Building and Site Design</b>                   |                          |            |             |
| Exceptional Design   | 10                       | 5          | 5           |
| Structured Parking   | 20                       | 15         | 15          |
| <b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b> |                          |            |             |
| Building Lot Terminations (BLTs)   | 30                       | 18         | 18          |
| Vegetated Roof   | 15                       | 5          | 5           |
| <b>TOTAL</b>   |                          | <b>170</b> | <b>170</b>  |

Major Public Facilities

The Subject Property will incorporate the proposed Purple Line station and the Red Line (south portal) connection as part of the Application. The Sketch Plan advances the "Better Alternative" described in the Bethesda Purple Line Station Minor Master Plan and describes the planning, construction and operation of the major public facility as "the top priority benefit for this Plan area." The Board supports the Applicant's request for 57 points at this time.

Transit Proximity

The Subject Property is located directly on top of the proposed Purple Line station and Red Line (south portal) connection, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. The Board supports the Applicant's request for 50 points at this time.

Connectivity and Mobility

Transit Access Improvements: The Applicant is constructing new access to the future Purple Line Station and improving access to the Red Line Station through a new south portal entrance. The Board supports the Applicant's request for 20 points at this time.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria and 10 points is appropriate for development that meets all six criteria. The Applicant asserts that the development associated with the Sketch Plan will meet 4 of the 6 criteria. The Board supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan(s).

Structured Parking: The Applicant requests 15 points for structured parking for parking above and below grade. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade, and the Applicant anticipates 95% of all parking will be structured below grade with final parking counts to be determined at Site Plan(s). The Board supports 15 points for the below-grade parking at this time.

Protection and Enhancement of the Natural Environment

Building Lot Termination: The Applicant requests 18 points for the purchase of 3 Building Lot Terminations (BLTs) easements. Section 59.4.7.3.F requires the Applicant to purchase BLT easements equal to 7.5 percent of the incentive density for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. The Applicant is required to purchase 2.09 BLTs under the following calculation:  $937,184 \text{ sf. (8.0 FAR)} - 58,574 \text{ sf. (.5 FAR)} = 878,610 \text{ sf. } / 31,500 = 27.89 \times .075 = 2.09$ . The Applicant is permitted 9 points for each required BLT, resulting in 18 points. The Board supports 18 points for this category at this time.

Vegetated Roof: The Applicant requests 5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment. This is consistent with the CR Guidelines, which recommend up to 7.5 points for development that meets the Zoning Ordinance requirements. The Board supports the requested 5 points in this case because the Sketch Plan meets the requirement of the Zoning Ordinance.

8. *The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development will be built in one phase. The phasing may be sequenced or modified to account for construction of the Purple Line. Phasing will be discussed in more detail at the time of Site Plan.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at 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

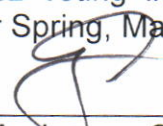
BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 7272 Wisconsin Avenue, Sketch Plan No. 320160040 submitted to M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is **FEB 12 2016** (which is the date that this Resolution is mailed to all parties of record); and

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**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 Fani-González, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, February 11, 2016, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board