

**5500 Wisconsin Avenue  
Sketch Plan No. 320220010  
Statement of Justification and Narrative Description**

**I. INTRODUCTION**

Carr Companies, LLC and Donohoe Development Company, LLC, on behalf of KRE CDP Property Owner, LLC, (the "Applicant") are submitting this Sketch Plan application (the "Application") for consideration by the Montgomery County Planning Board (the "Planning Board").<sup>1</sup> The Sketch Plan covers the entire property located at 5500-5520 Wisconsin Avenue and 4407-4411 South Park Avenue and proposes to redevelop the single-story retail portion of the existing building (referred to as "5500 Wisconsin Avenue") with an 18-story, mixed-use, predominately residential building component that is more reflective of the Property's transit-oriented location (the "Project").<sup>2</sup>

**II. PROPERTY DESCRIPTION**

**A. Property, Location, and Characteristics**

The property is prominently located along Wisconsin Avenue, within approximately ¼ mile of the Friendship Heights Metro Station. The property is both a through-lot and a corner lot, having frontage on Wisconsin Avenue (to the east), South Park Avenue (to the south) and The Hills Plaza (to the west). The property falls within the Village of Friendship Heights.

The property is comprised of approximately 79,012 square feet (or 1.81 acres) net lot area and is more particularly known as Lot 21, Block 1 in the "Friendship Heights" subdivision as recorded among the Land Records of Montgomery County, Maryland at Plat No. 9126 (the "Property"). Including land area previously dedicated to public rights-of-way, the Property has a gross Tract area of 118,775 square feet (or 2.72 acres). The Property is developed with a single building, connected by one continuous below-grade parking garage. As such, the Property cannot be subdivided into multiple lots, given the longstanding requirement in the County that precludes buildings from crossing a lot line.

**B. Zoning and Permitted Uses**

The Property is zoned "Commercial/Residential," CR-3.0, C-2.0, R-2.75, H-90T. The Property is a "T" zone, which allows for special allowances, including "height averaging" (discussed further below). Pursuant to Section 3.1.6 of the Zoning Ordinance, Multi-Unit Living,

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<sup>1</sup> 5520 Wisconsin Hotel Property, LP has authorized the Applicant to submit all necessary land use, zoning and entitlement applications necessary for the proposed redevelopment. The owner authorization letter is being submitted with this Application.

<sup>2</sup> Approximately 125,472 square feet of existing commercial associated with the hotel will remain.

Restaurant, Hotel, and Retail/Service Establishments (up to 50,000 square feet) are all permitted uses in the CR Zone.

### **C. Existing Conditions**

As mentioned above, the Property is currently developed as a single building, with a continuous below-grade parking structure that spans the entire lot. The northern portion of the Property is currently improved with a Courtyard by Marriott hotel and associated parking, which will remain. The southern portion of the Property is currently improved with single-story retail and above- and below-grade parking. The Property is held as two condominium units: (1) on the north, the hotel unit (“Land Unit H”); and (2) on the south, the retail unit (“Land Unit R”). The Applicant is proposing to redevelop the retail component on Land Unit R. Following redevelopment, the building will continue to be connected by a continuous, below-grade parking garage.

Vehicular access to the Property is currently provided along The Hills Plaza and Wisconsin Avenue. There are two access points on Wisconsin Avenue – The northern-most, two-way access point provides access to the parking garage; the other access point is restricted to egress only and is used almost exclusively for the hotel’s valet parking services and assisting guests with luggage. There is one full-movement access point along The Hills Plaza, which provides access to the structured parking. These existing access points will remain, as required by hotel ownership.<sup>3</sup>

Because the building shares one parking garage that spans the width of the entire lot, it is important to provide separate garage access for the residential building component and hotel. In a previous concept for the Project, the Applicant proposed to provide vehicular access, for parking and loading, to the residential building component off of South Park Avenue. As discussed in detail below, the Applicant, based on feedback received from Village leadership, relocated the proposed access internal to the site, off of the shared-street (or “Woonerf”). The vehicular access improvements are discussed in greater detail below.

### **D. Height Averaging Allowance**

Given the Property’s “T” zone designation, Section 4.5.2.D.2.d of the Zoning Ordinance allows for height averaging. Specifically, the Zoning Ordinance allows the height on a portion of the building to be increased above 90 feet (*i.e.* the maximum height allowed by the mapped zone), so long as the maximum average height of the building is no greater than 90 feet. As demonstrated on Sheet SK A.16 and A.17, the Applicant has averaged the height of the various roof sections to achieve a maximum average height of less than 90 feet. The height averaging would actually allow for a maximum height in excess of 185 feet, even before taking advantage of the bonus height for providing MPDUs above 12.5% as allowed by Section 4.5.2.C.7 of the Zoning Ordinance (which would allow for an additional 12’). The Department of Permitting Services has reviewed and

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<sup>3</sup> The hotel portion of the Property is owned by a different entity with different equity investors. The hotel ownership entity has consented to this Applicant conditioned on there being no substantive change to the hotel operations.

confirmed the height calculations for the Project (*See* Exhibit “A”). As discussed herein, while the Code would allow additional height, the Applicant is capping its maximum height at 185 feet (which results in a maximum average building height less than 90 feet).<sup>4</sup>

### **E. Surrounding Zoning and Land Uses**

The area surrounding the Property is predominately characterized by high-rise development, with the tallest buildings having heights of up to 21 stories. Immediately adjacent to the Property to the north is the 15-story medical office building zoned CR-3.0, C-2.0, R-2.75, H-90T (which is not included within this Sketch Plan application). Confronting the Property to the south, across South Park Avenue, is the 15-story building known as The Highland of Chevy Chase Apartments (colloquially, “Highlands House East”), with multi-family apartments over ground floor retail, zoned CR-3.0, C-2.0, R-2.75, H-90T. Confronting the Property across The Hills Plaza is the Hubert Humphrey Park and the Village of Friendship Heights municipal center, also zoned CR-3.0, C-2.0, R-2.75, H-90T. Located across Wisconsin Avenue is the Saks 5<sup>th</sup> Avenue department store and large surface parking lot split zoned CR-3.0, C-2.0, R-2.75, H-90T and R-60.<sup>5</sup>

Friendship Heights has struggled in recent years to retain retail users. Many of the surrounding developments, like the Collection, have gone through significant renovations in an effort to revitalize Friendship Heights and to attract and retain retail tenants. As discussed below, the proposed Project will significantly contribute to the revitalization of Friendship Heights and also to the County’s goals of providing additional housing (including MPDUs) in close proximity to transit.

### **III. PROPOSED DEVELOPMENT**

The Applicant is proposing to redevelop the aging, underperforming, single-story retail component of the Property with a mixed-use, predominately residential development containing up to 380 residential units, including 15% Moderately Priced Dwelling Units (“MPDUs”) (or up to 57 MPDUs), and up to 12,500 square feet of ground floor commercial use. Collectively, including the existing hotel, the Property will have a maximum overall density of up to 406,563 square feet, including up to 278,591 square feet of residential use and up to 137,972 square feet of commercial use, with any given combination of residential or commercial uses not to exceed 406,563 square feet.<sup>6</sup> The Project will achieve an overall density of 3.42 FAR, after taking advantage of the MPDU bonus density allowed under Section 4.5.2.C.2, for the provision of MPDUs over 12.5%; the entire Village of Friendship Heights currently has zero MPDUs. While the proposed mixed-use, largely residential building component will have a maximum height of

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<sup>4</sup> The maximum height proposed is 185 feet, as measured from the average measuring point. The height, as measured from The Hills Plaza is approximately 180 feet.

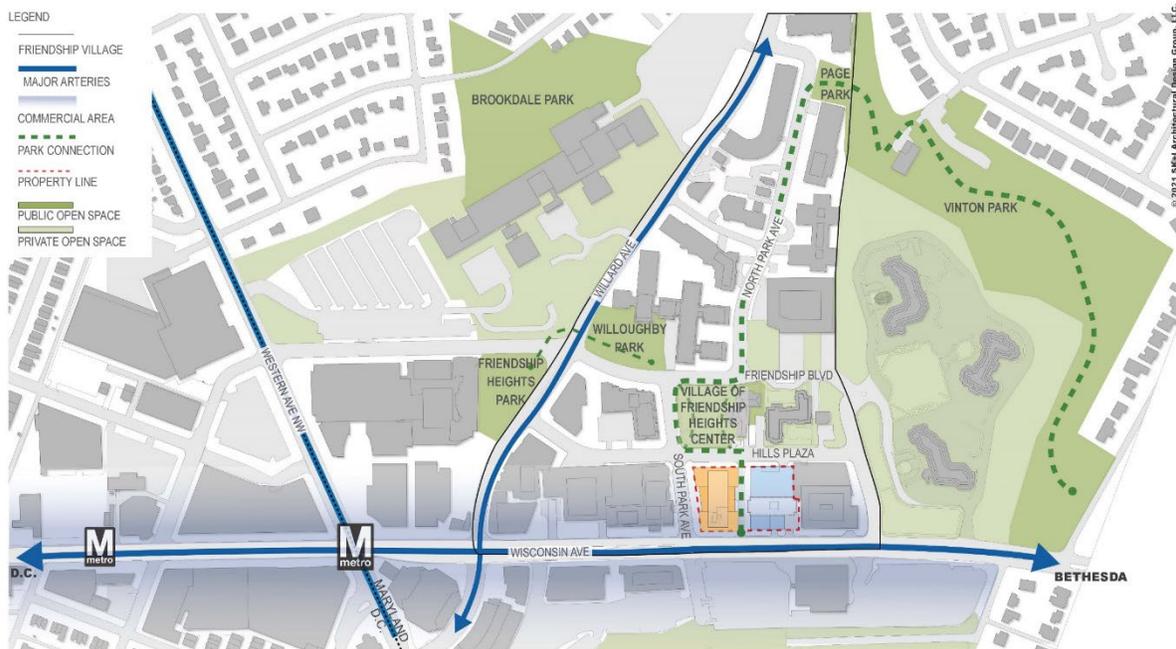
<sup>5</sup> Wisconsin Avenue is a 122 foot Master Planned right-of-way and therefore, the Saks 5<sup>th</sup> Avenue property is not “confronting” based on the definition in Section 1.4.2 the Zoning Ordinance.

<sup>6</sup> Final allocation of commercial/residential density to be determined at time of Site Plan, when square footage of existing/remaining hotel is confirmed.

185' or 18 stories, the overall building will have a maximum average building height of less than 90 feet, as permitted by the height averaging allowances contained in Section 4.5.2.D.2.d of the Zoning Ordinance (discussed in greater detail below).

Through this Project, the Applicant is seeking to substantially reinvest in the Property. The Project will provide a modern residential development, in close proximity to transit, and street-activating commercial, retail uses that will help bring desired vitality back to Friendship Heights.

The existing retail development is not configured to serve the modern demands of retailers. The stores are too deep, the windows too few, and the ceilings too low. In addition, the retail was designed at a time before fierce competition from the on-line shopping market. Based on the Applicant's significant experience, the following factors are critical to attracting and sustaining retail: tenants which are neighborhood-serving and neighborhood-supported, spaces which are high-ceilinged, well-fenestrated with high visibility, restaurant-specific infrastructure, and outdoor spaces that allow for café tables and other street activation. Additionally, retailers demand placemaking, which comes with well designed spaces. Finally, brick-and-mortar retailers are looking for more 'roof-tops' (or households) to support daily business. The Applicant's proposed development has been specifically designed and conceived to address retailers' needs and to provide the additional households to help off-set the continued competition that comes from on-line competitors. Beyond the benefits to the subject Property, the additional residential density proposed is an important component to supporting and sustaining the existing and future retail/restaurant uses in Friendship Heights as a whole. Furthermore, the Project provides significant public benefits and improved connectivity, within and around the Property. One of the most unique public benefits that will come from the Project is the new mid-block connection between Wisconsin Avenue and The Hills Plaza, which will be designed as a "Woonerf" or shared-street. The Woonerf, described in greater detail below, is designed to allow for vehicular movements, but will favor pedestrians. This space is being designed to provide an environment that is pedestrian friendly but flexible to allow vehicular movements internally through the site. Pavement textures will indicate the area where vehicles can circulate and generous sidewalk-like treatment will delineate the exclusively pedestrian areas. The Woonerf will break up this otherwise super block and provide additional pedestrian connections through the site and to the existing parks beyond.



Connectivity provided by the Property.

The Project will be constructed in one phase.

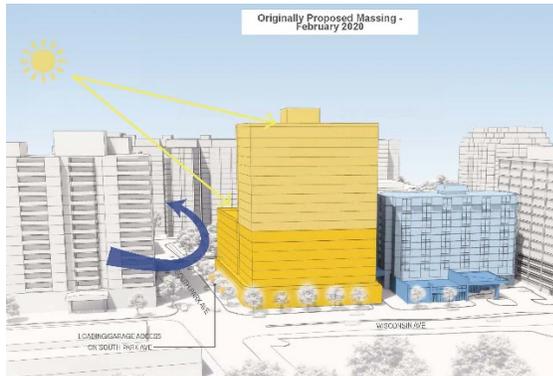
### A. Architecture and Design

The Property is located within approximately ¼ mile of the Friendship Heights Metro Station. The Project provides a context-sensitive design that responds to the transit-oriented nature of its location. The Project will contribute to the strength of Friendship Heights as a vibrant, pedestrian-friendly, mixed-use district. The Project will provide additional residential use, in close proximity to existing office and other non-residential uses, along with significant public benefits. The architectural design of the Project enhances the pedestrian environment and emphasizes the urban nature of the Property.

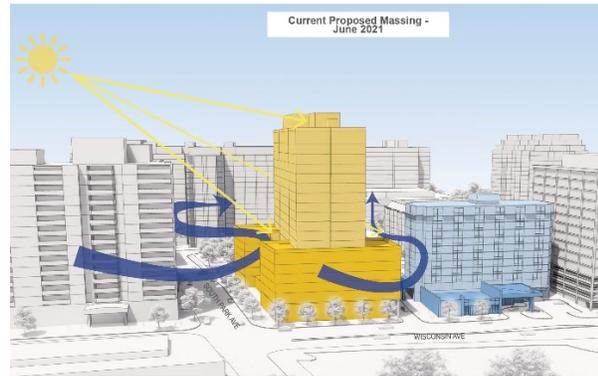
As mentioned above, the Property is a “T” Zone that allows for height averaging. Pursuant to Section 4.5.2.D.2.d of the Zoning Ordinance, and as illustrated on Sheet SK-A.16 and A.17 of the Sketch Plan, the Project averages the roof heights across the entire building, to achieve a maximum average building height of less than 90 feet. The height averaging calculations would actually allow for a maximum height in excess of the 185 feet proposed as the highest of the various roof heights. On top of that, an additional 12 feet could be achieved based on the MPDU height bonus, allowed for projects that provide MPDUs above 12.5%, pursuant to Section 4.5.2.C.7 of the Zoning Ordinance. This Project is not proposing to take advantage of the eligible, MPDU height bonus. As such, the proposed 18 story (or 185 foot) building component falls well below the maximum height allowance (both in terms of height averaging and the MPDU height bonus).

The Applicant originally proposed to orient the building mass along Wisconsin Avenue, with the height stepping down towards The Hills Plaza. However, the Applicant received feedback from Village leadership that this created an undesirable “building wall” along Wisconsin Avenue.

Based on this feedback, the Applicant reconfigured the building massing to provide a more slender, central tower, oriented east/west, which resulted in greater visual porosity between the Village of Friendship Heights and Wisconsin Avenue. The proposed building steps down in height as it approaches the external streets. Specifically, the building base has a height of six stories or 70 feet and provides generous tower step-backs between eight and 50 feet.



Originally Proposed Massing



Revised/Currently Proposed Massing

The originally proposed concept also included a narrow, covered passageway between the residential and hotel components, with access to the loading and vehicular parking along South Park Avenue. Based on feedback received from Village leadership, the Applicant significantly expanded this through-block connection. As discussed in greater detail below, the proposed Woonerf (or shared street) has been widened to approximately 47 feet (with the final width and design to be determined at time of Site Plan) and is largely open to the sky. This shared street will provide improved connectivity through the site and also serve to conceal the vehicular parking and loading internal to the site. The parking and loading area has been designed to move vehicles off Village streets and the Woonerf, and inside the building. This design element not only minimizes the impact to Village roads, but also opens up the Woonerf for shared use by pedestrians and bikes. The Woonerf also aligns with North Park Avenue to the west of the Village center building, further reinforcing the importance of the Village center.

The building benefits from its helpful east/west orientation and as a result, will not cast any shadows on Hubert Humphrey Park and minimizes impacts to surrounding apartment/condominium buildings. This is illustrated on the Applicant's shadow studies included with the Sketch Plan submission. Shadows fall largely on the Property (e.g. the Courtyard by Marriott portion of the Property) and the adjacent 5530 Wisconsin Avenue commercial office building.

The Applicant and design team studied the existing context of the Village in order to determine a design direction for the Project. The Village of Friendship Heights is filled with many examples of post-war modern, international style modern, and post-modern architecture. Through this study, the project team is considering two primary architectural design directions. The first direction would be revisiting and reimagining an international / modern design. This would be a singular language to unify the building while introducing the language to contemporary urban form

of setbacks and pedestrian friendly site planning. The second direction would be a “principle based” design involving a glass and panel tower landing on a more solid masonry base. The idea here would be to contrast a light and airy tower with a more solid, masonry base and allow the massing, openings, and textures to create a contrast between the pedestrian focused base and the view-oriented tower. Both Architectural design directions were selected to complement the surrounding character of the Village. The building architecture will be finalized at the time of Site Plan but will include both horizontal and vertical plane and material changes to break down the perceived mass of the building. In either design direction, the ground floor will have a strong retail base to support the commercial uses and further activate the pedestrian environment.

### **B. Public Use and Amenities**

Under the Optional Method of Development in the CR Zone (given the Tract area attributable to the Property and number of frontages), the Applicant is required to provide a minimum of 10% on-site public use space (or 7,901 square feet). The Project will exceed this requirement and will provide diverse public open space offerings that will enhance the pedestrian circulation and create opportunities for social gathering. The public open space strategy is comprised of three parts, all of which enhance the public realm: (1) the Woonerf; (2) an urban pocket park on South Park Avenue; and (3) streetscape improvements.

The Woonerf provides a significant public benefit. As mentioned above, the Woonerf will provide improved pedestrian connectivity by introducing a new through-block connection between The Hills Plaza and Wisconsin Avenue, on what is otherwise a superblock. The Woonerf is a shared street that provides for vehicular access but at a pace that favors the pedestrian. The shared street will be designed with specialty pavers, to signal to vehicles that they are entering a pedestrian realm. The shared street will be a curbless environment to read as one unified space, but will employ different paving textures and/or patterns to distinguish the pedestrian realm. The retail uses along Wisconsin Avenue and the residential lobby along The Hills Plaza will help to activate the shared street. Adequate lighting will also be provided to make the Woonerf inviting and to draw people through the space and making it safe and attractive. The architectural treatments and overhead design elements will be finalized at the time of Site Plan but will provide a human scale to this passageway.

Additionally, along South Park Avenue, the Project provides an approximately 2,000 square foot urban pocket park. This space is envisioned as a restful space, that will also allow for social interactions. The design of the park will include various seating opportunities, hardscape, and landscaping, and will interact with the retail that fronts onto it.

Lastly, but equally importantly, the Project will provide significant streetscape improvements along all three of the external street frontages. The streetscape improvements include new paving, additional landscaping, seating opportunities and needed, additional bicycle parking. The streetscape improvements will significantly enhance the pedestrian environment.

Section 6.3.9 of the Zoning Ordinance requires that any building containing 20 or more dwelling units must offer recreational facilities in accordance with M-NCPPC's Recreation Guidelines. The Project will provide a recreational component for future residents. 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 and will meet or exceed the residential recreational/amenity space requirement.

### **C. Parking and Loading**

Section 6.2.4 of the Zoning Ordinance requires a minimum of 288 parking spaces, taking advantage of the parking reductions in Section 6.2.3.H, and allows for a maximum of 895 parking spaces.<sup>7</sup> The Property will provide two levels of below-grade parking, for a maximum of approximately 391 parking spaces (with the final number to be determined at time of Site Plan). Given the Property's proximity to multiple forms of transit, including the Friendship Heights Metro Station and bus terminal (which is served by numerous bus lines), and existing and planned bicycle facilities, the Applicant anticipates that a significant number of its residents, patrons, visitors, and guests will utilize transit to access the site.

Section 6.2.4.C of the Zoning Ordinance requires 0.5 bicycle spaces be provided per dwelling unit, up to a maximum of 100 spaces, for every new multi-family residential building containing 20 or more dwelling units. Of the residential bicycle parking spaces required, 95% must be provided as long-term spaces. For retail/service establishments and restaurants, the Zoning Ordinance requires one (1) bicycle space for every 10,000 square feet of gross floor area, of which 15% must be devoted to long term use (up to a maximum of 50 spaces for retail/service establishments and 10 spaces for restaurants). For hotel, the Zoning Ordinance requires one (1) bicycle parking space for every 10 guest rooms (up to 25 spaces), of which 100% must be provided as long-term spaces. The Project will provide sufficient bicycle parking on-site to satisfy the requirements of Section 6.2.4. Accordingly, the Project will incorporate a minimum of 125 bicycle parking spaces, of which 118 spaces are required to be long-term spaces (with the final number to be determined at time of Site Plan).<sup>8</sup>

Loading and servicing for the new residential development has been strategically located to minimize disruptions to the pedestrian environment on the surrounding streets and in the Woonerf. As such, loading and servicing for the residential building component will be provided off of the Woonerf, internal to the site. As discussed in detail above, the Woonerf has been designed to accommodate vehicles but at a pace that favors the pedestrian. The servicing and loading will be timed at off-peak hours to minimize disruptions. A detailed loading management

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<sup>7</sup> Parking is calculated based on 380 units, 12,500 square feet of retail, 230 guest rooms and 11,255 sf of meeting room and dining area for the existing hotel. Final parking counts will be determined at Site Plan, when the exact number of retail/residential units is determined.

<sup>8</sup> Minimum requirement calculated for up to 380 units, up to 12,500 square foot retail, and 230 guest rooms. Final bicycle parking counts will be determined at Site Plan, when the exact number of residential units and commercial mix is determined.

plan and truck turning templates will be submitted in connection with the subsequent Site Plan application.

#### **D. Vehicle and Pedestrian Circulation**

Vehicular access to the hotel component of the Project will remain unchanged and will continue to be provided off The Hills Plaza and Wisconsin Avenue. The Applicant is unable to eliminate the second curb cut for the hotel on Wisconsin Avenue, which is used almost exclusively for valet service. The valet service cannot be relocated or reconfigured given the location of the newly renovated double-height interior lobby, existing elevator core, and depth of the Property frontage, which does not allow sufficient room for vehicles to circulate entirely on-site. Furthermore, the valet access enhances circulation on-site, by allowing a location for pick-ups and drop-offs, which continues to keep vehicular activity on the Property, rather than on area roads. As such, the Applicant is seeking approval of an alternative method of compliance, as discussed below in Section VII, to allow the existing vehicular access points in front of the hotel, along Wisconsin Avenue, to remain.

Vehicular access to the new, residential building component will be provided internal to the Property, off of the Woonerf. As mentioned above, the Applicant was originally proposing to provide residential vehicular parking and back-in loading off of South Park Avenue, similar to the built condition at Highland House East Apartments across South Park Avenue. However, based on feedback received from Village leadership, the Applicant relocated these services internal to the site, to minimize disruptions to the pedestrian environment on the external streets.

#### **IV. SECTOR PLAN COMPLIANCE**

The Project is in substantial conformance with the goals and recommendations of the *1998 Approved and Adopted Friendship Heights Sector Plan* (the “Sector Plan”). The Sector Plan is “silent” regarding recommendations for the Property, in that there are no site-specific recommendations. It is common for Sector Plans to focus on properties that may be poised for redevelopment for various reasons. At the time of the adoption of the Sector Plan 23 years ago, the Property consisted of vibrant uses, and thus the Plan’s focus was elsewhere. While the Sector Plan specifically recommended against development or recommended limited heights on some properties, there were no restrictions placed on the Property.<sup>9</sup>

The Project promotes the overall goals and objectives of the Sector Plan. The Sector Plan “seeks to encourage economic growth in Friendship Heights” and recommends “concentrating new growth in the Metro-served area while preserving the surrounding neighborhoods, in support of County policies.” (*See* Page XIX). As discussed in this Statement, the Project reinvests in the existing development and will provide needed, additional vitality to the area through new, more modern residential development (with 15% MPDUs); street-activating uses; improved connectivity; and significant public benefits and amenities. As discussed in detail above, the

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<sup>9</sup> For example, the Sector Plan recommends a density cap of 132,000 square feet on Parcel 4 unless the existing office building is demolished with any redevelopment (*see* page 77).

building has been designed to step-down in height as it approaches the surrounding external streets, to provide a pleasing pedestrian experience. The Project's beneficial orientation ensures that no shadows will be cast on the Hubert Humphrey Park and minimizes impacts on apartment/condominium buildings. Additionally, the revised orientation of the building and open-air Woonerf provide for views between Wisconsin Avenue and the Village, and "preserves views from existing high-rise apartment buildings." The Project thus accomplishes the Sector Plan's objective to locate "the greatest densities in the Metro Core and scal[e] down building heights toward the residential edges" (see page XXIII).

The Project also promotes the following planning objectives:

- *Create a vital, diverse urban center with a balanced mix of land uses, including places where one can live and work;*

As discussed above, the Project will help bring vitality back to Friendship Heights. The Project proposes to redevelop the existing, single-story retail development with a mixed-use, predominately residential development that provides diverse housing choices in close proximity to transit, employment and other non-residential uses with the Friendship Heights community. The additional residential density proposed is critical to sustaining a successful retail environment in Friendship Heights.

- *Concentrate the highest density in the Metro Core, stepping down towards the surrounding neighborhoods;*

The Project provides desirable, additional residential development in the Metro Core, within walking distance of the Friendship Heights Metro Station. The building has been strategically designed to step-down to the surrounding streets, to provide a pleasing pedestrian environment. Additionally, the building orientation preserves views between the Village and Wisconsin Avenue.

- *Preserve the existing strong single-family residential neighborhoods around the CBD;*

The Project proposes infill redevelopment within the Metro Core. As recommended by the Sector Plan, the Project will provide new housing in close proximity to the Metro, while preserving the single-family residential neighborhoods around the CBD.

- *Preserve and enhance the environment for residents of high-rise buildings; and*

As discussed herein, the Applicant reoriented the building to respond to comments received from Village leadership, to provide more visual porosity between the Village of Friendship Heights and Wisconsin Avenue. As a result, the proposed Project respects and preserves views for the surrounding high-rise buildings. Additionally, given the favorable orientation of the Property, and the building massing, the Project will not cast any shadows on the Herbert Humphrey Park and minimizes impacts on nearby apartment and condominium buildings. Additionally, the Property is surrounded by streets on three sides, including: Wisconsin Avenue, which is a 122 foot Master

Planned right-of-way, and The Hills Plaza and South Park Avenue, which are both approximately 80 feet in width. These streets result in significant separation between the Project and the surrounding buildings. This separation, in combination with the building massing, which steps down to the streets, makes the Property one of the few sites in the Village that is well situated to accommodate higher heights and be respectful of, and compatible with, other high-rise buildings in the area. Furthermore, the unique and context-sensitive massing of the building, with a slender component, which steps down in height to the adjoining streets, ensures light, air and views to and from the Village.

- *Help knit the diverse districts into a stronger community and provide spaces for activities that bring people together.*

The Project provides substantial public amenities and benefits on-site, including diverse open space offerings that promote social gatherings. A major public benefit proposed is the Woonerf (or shared-street) that will connect The Hills Plaza and Wisconsin Avenue. The Woonerf will not only provide an additional, physical connection within Friendship Heights, on what is otherwise a super-block, but will also provide an activated, pedestrian-friendly space that will promote informal social interactions. This is in addition to the urban pocket-park on South Park Avenue and the streetscape improvements proposed around the site. The activated lobby entrance along The Hills Plaza will also help to activate and engage Hubert Humphrey Park and the Village center building, to enliven this “heart” of the Village. In its current condition, the Property’s frontage along The Hills Plaza consists of a long blank wall devoid of activity or architectural articulation. This is true of most of the frontage along this street. As such, the activation proposed along The Hills Plaza by the Project will be a game changer in redefining this street from service/back-of-house to a new enlivened and active frontage, particularly as it relates to Hubert Humphrey Park across the street. The proposed design will bring new vitality to the park, activating and defining the eastern edge that, until now, has always been seen as the” backside” of the park.

## **V. ZONING ORDINANCE CONFORMANCE**

### **A. Objectives**

Section 4.5.1 of the Zoning Ordinance states that the CR zone "permit[s] a mix of residential and nonresidential uses at varying densities and heights. The zones promote economically, environmentally and socially sustainable development patterns where people can live, work, recreate, and access services and amenities." The Project responds to the specific objectives of the CR Zone as follows:

- i. Implement the recommendations of applicable master plans;*

As discussed in Section IV above, the Project is in substantial conformance with the overall goals and objectives of the Sector Plan.

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

The Project accomplishes this, and proposes to redevelop the single-story retail with a mixed-use, predominately high-rise residential building component that better responds to the transit-oriented nature of the Property. The Project provides a mix of uses on-site (including residential, retail and hotel) and provides new residential development within walking distance of various transit options and the existing employment base within Friendship Heights.

- 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;*

Because of the Project's location, within approximately ¼ mile of the Friendship Heights Metro Station, it is anticipated that many of the users will utilize transit to access the Property. Reflective of the Property's transit-oriented location, the Project will significantly improve the pedestrian environment and connectivity, as discussed above. The Project will provide additional residential uses to support the commercial and retail uses within the CBD. Additionally, the Project will facilitate diverse housing opportunities within walking distance of transit, by providing more modern, residential units, with a range of unit sizes, including 15% MPDUs.

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

The building massing has been strategically redesigned to provide view corridors between the Village of Friendship Heights and Wisconsin Avenue. Furthermore, the new building component steps down in height as it approaches the surrounding streets to promote a pleasing pedestrian environment (as compared to the existing high-rise buildings in Friendship Heights, whose full building mass is located against the property lines).

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

The Property will provide a diverse mix of uses on-site, including retail, hotel and residential. Additionally, the Project is located in close proximity to employment and other non-residential uses. As such, the additional residential density proposed will help support the existing and future employment base within the CBD and importantly, provide needed patrons for the existing and planned retail uses. Since there are no MPDUs in Friendship Heights Village, the 15% MPDUs provided by the Project will expand housing opportunities and economic diversity.

- 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 include significant public benefits, in accordance with the requirements in Section 4.5.4.A.2 of the Zoning Ordinance. See Section V (B) below.

**B. Special Regulations for the Optional Method of Development and Development Standards**

Properties developed under the Optional Method of Development must comply with the general requirements and development standards of the CR Zone and must provide public benefits under Section 4.5.4.A.2 to obtain greater density and height than allowed under the Standard Method of Development. The Project complies with this standard.

*1. Incentive Density*

The Project will provide substantial public benefits and address the Incentive Density Guidelines for the CR Zone. The Applicant will utilize incentive density as part of the Optional Method of Development. Accordingly, the Project will achieve at least 100 public benefit points from four categories. However, because the Project achieves points for providing 15% MPDUs, only three categories are required (see Section 4.7.3.D.6). Specifically, it is anticipated that the Project will provide the following public benefits:

<b>Public Benefit</b>	<b>Total Points Possible</b>	<b>Total Points Achieved</b>
<b>Transit Proximity</b>	40	30
<b>Connectivity and Mobility</b>		
Minimum Parking	10	8
Through-Block Connection	20	10
<b>Diversity of Uses and Activities</b>		
Affordable Housing	N/A	30

<b>Quality Building and Site Design</b>		
Architectural Elevations	20	10
Exceptional Design	10	10
Structured Parking	20	19
<b>Protection and Enhancement of the Natural Environment</b>		
BLT's	25	7
<b>TOTAL POINTS</b>		<b>124</b>
<b>TOTAL NUMBER OF CATEGORIES</b>		<b>5</b>

a. Transit Proximity

As discussed above, the majority of the Property is located within ¼ mile of the Friendship Heights Metro Station, a level 1 transit facility. Therefore, the Project is seeking 30 points for Transit Proximity.

b. Minimum Parking

Given the Property's location in close proximity to transit, the Applicant is proposing to provide a maximum of 391 parking spaces on-site. As such, the Applicant is seeking 8 points for minimum parking.

$$[(A-P)/(A-R)] * 10$$

- A (maximum allowed spaces) = 895
- R (minimum required spaces) = 288
- P (proposed spaces) = 391

$[(895-391)/(895-288)] * 10 = 8 \text{ points}$

c. Through-Block Connection

An important public benefit of the proposed Project is the through-block connection between The Hills Plaza and Wisconsin Avenue. The through-block connections will be designed as a Woonerf, which will allow for vehicular access but at a pace that favors the pedestrian. The through-block connection will: be largely open-air, approximately 47 feet wide (with the final width and design to be determined at time of Site Plan), and open to the public 24/7. Accordingly, the Applicant is requesting 10 points from this category.

d. Affordable Housing

As discussed in this Statement, the Project will provide a minimum of 15% MPDUs. Per the Zoning Ordinance, 12 public benefit points are available for every 1% of MPDUs greater than 12.5%. As such, the Project is seeking 30 points from this category.<sup>10</sup>

e. Architectural Elevations

The new building will be designed to provide attractive, well-proportioned faces to the public realm of streets, parks, and Woonerf. The increase of activity along the streets will create pedestrian interest, give scale to open spaces, and ultimately provide for greater public safety through eyes on the street. The ground floor will be designed to provide ample transparency and articulation, while activating and enhancing the pedestrian environment. Furthermore, the building will incorporate various building materials, and horizontal and vertical plane changes, to help break down the perceived mass of the building. The proposed building design will be finalized at the time of Site Plan and the Applicant agrees to be bound by particular elements of design at time of Site Plan.

f. Exceptional Design

The Applicant is seeking 10 Public Benefit points for exceptional design. It is the Applicant's intention to deliver a sustainable, timeless, and lasting contribution to the Property's most urban location, along this prominent corridor, steps from the intersection of Montgomery County and the Nation's Capital. Although the Project is only at Sketch Plan level of design, multiple meaningful urban gestures and architectural massing decisions are being deliberately made to set up a project that will resonate in quality, value, and community pride within the Village of Friendship Heights. The Project satisfies a minimum of four of the Exceptional Design criteria.

- *Providing innovative solutions in response to the immediate context;*

The creation of the "Woonerf" provides an innovative solution that solves the Project's loading demands, while responding to the immediate context. In recognition of the transit-oriented

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<sup>10</sup> Public benefit points are available for providing MPDUs above 12.5%, even though the Project is required to provide 15% MPDUs under Chapter 25-A. (See Section 4.7.1.B).

nature of the Property's location, the "Woonerf" will minimize disruptions to the surrounding streets to create a continuous, safe and activated pedestrian environment.

- *Creating a sense of place, that serves as a landmark;*

The "Woonerf" separates the existing hotel component from the new multifamily residential component, all while creating a shared, attractive, pedestrian friendly and meaningful public space. This is in addition to the streetscape improvements proposed on all external streets and the urban pocket park proposed on South Park Avenue. Collectively, the Project will create a true sense of place that will help to re-enliven Friendship Heights.

- *Enhancing the public realm in a distinct and original manner;*

Collectively, the Project will significantly enhance the public realm and create a true sense of place in the Village of Friendship Heights. The Project proposed significant public use space, include the "Woonerf" (or shared street), which provide a pedestrian-friendly connection between Wisconsin Avenue and The Hills Plaza (in what is otherwise a super block), streetscape improvements along all three exterior street frontages, and an urban pocket park along South Park Avenue. The Project will be designed to enhance and activate the pedestrian environment and importantly, has been designed to provide a more compatible edge to the Hubert Humphrey Park.

- *Introducing materials, forms, or building methods unique to the immediate vicinity or applied in a unique way;*

The massing of the Project has been strategically designed to allow light and air to pass through and around the new residential component (e.g. the new component steps down in height to approximately 7-stories as it approached the external streets to create a pedestrian friendly expression. With the stepbacks and tower orientation proposed, the Project will not replicate the overpowering experience of many other 14-21 story buildings located in the Village of Friendship Heights. The building design, including materiality and façade forms, will be further refined at the time of Site Plan.

- *Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site; and*

This "infill" Project will provide needed, additional residential density within walking distance to various forms of public transportation, including the Friendship Heights Metro Station and numerous bus routes. The additional residential component will be set upon a retail base. This new retail base is designed with high ceilings, expansive storefronts, and market driven depths to accommodate contemporary retail expectations. As such, the Project will provide a much-needed replacement to the existing, dark and low-ceilinged retail.

- *Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements.*

The Project will pursue and integrate many low-impact design elements. The design team will pursue engineered, vegetated, and integrate innovative materials to enhance the Project. More detail will be provided at Site Plan.

g. Structured Parking

All of the parking provided on-site will be located in above- or below-grade structured parking. As such, the Applicant is requesting 19 points from this category.

$$\begin{aligned}
 & [(A/T)*10] + [(B/T)*20] \\
 \text{A (above-grade spaces)} & = 24 \\
 \text{B (below-grade spaces)} & = 367 \\
 \text{T (total spaces)} & = 391 \\
 & [(24/391 * 10) + [(367/391) * 20] = \mathbf{19 \text{ points}}
 \end{aligned}$$

h. BLTs

The Applicant will purchase Building Lot Termination easements, or make an equivalent payment to the Agricultural Land Preservation Fund, in an amount equal to 7.5 percent of the incentive density floor area. Based on the density proposed by this Sketch Plan (up to 406,563 square feet) the Applicant would be required to purchase 0.82 BLTs, based on the following calculation:

- 406,563 square feet total development proposed – (59,387.5 square feet base density)  
347,175.5 square feet of incentive density
- 347,175.5 square feet x 0.075 = 26,038.16/31,500 = 0.82 BLTs

Since one BLT is equivalent to nine public benefit points, the Applicant is seeking approximately **7 points** for this category.

2. Development Standards

Section 4.5.4 of the Zoning Ordinance sets forth the development standards for the optional method of development within the CR Zone. A development table is included with the Sketch Plan, on sheet SK-001, which compares these development standards with the Project.

**VI. FINDINGS REQUIRED FOR SKETCH PLAN APPROVAL**

The purpose of this portion of the Statement is to provide justification that the Sketch Plan satisfies the requirements of Section 7.3.3.E, which govern the approval of a Sketch Plan application. As set forth below, the Sketch Plan satisfies each of these requirements:

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

As discussed in this Statement, this Application satisfies the objectives, general requirements and standards of the CR Zone. As mentioned above, and discussed in greater detail in Section VII below, the Applicant is seeking approval of an Alternative Method of Compliance to allow the existing hotel access points along Wisconsin Avenue to remain.

*B. The Sketch Plan substantially conforms with the recommendations of the applicable master plan.*

As discussed in Section IV above, the Project substantially conforms with the goals and recommendations of the Sector Plan.

*C. The Sketch Plan satisfies any development plan or schematic development plan in effect on October 29, 2014.*

This provision is not applicable.

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

The Property is surrounded primarily by high-rise developments, with heights up to 21 stories. The proposed 18-story building component is compatible with its immediate surroundings and will transform the single-story retail component of the Property into a retail-and-residential, transit-oriented development. As discussed in detail in this Statement, the Applicant has strategically re-oriented the new building component to provide greater porosity between the Village of Friendship Heights and Wisconsin Avenue. Given the intervening streets that surround the Property on three sides, the beneficial orientation on the Property, and the proposed massing, which has a slender component that steps down as it approaches the streets, the proposed Project will lay “lighter” on the land (as compared to the existing high-rise buildings in the Village, whose full mass is located directly against the sidewalk). Importantly, the Project will bring much-desired vitality back to Friendship Heights through this modern residential development (with 15% MPDUs), active ground floor uses, improved connectivity and significant public benefits.

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

The Project will significantly improve pedestrian circulation within and around the site. The proposed Woonerf will provide an additional connection between The Hills Plaza and Wisconsin Avenue, on what is otherwise a super block. As discussed herein, although the Woonerf will provide for vehicular access, it has been designed to favor the pedestrian. The addition of the Woonerf or shared street will provide for an area that facilitates service and access to the parking garage internal to the Property, allowing for a more continuous uninterrupted streetscape and free flow of traffic along the external street frontages. The Woonerf is also a place where pedestrians can move through, in ample sidewalk like areas carefully designated as such by pavement

treatments. The overall Woonerf width is approximately 47 feet wide (with the final width and design to be determined at time of Site Plan) – this generous width allows for ample space for vehicular movements (for both cars, service and deliveries) and a safe pedestrian environment. This concept has been used extensively in Europe and other parts of the Country, as well is in our area. Cady’s Alley and The Wharf both have very successfully used this approach to provide porosity on the site – the shared streets in these developments connect the surrounding fabric, while providing access to parking and service, more efficient circulation, and creating inviting pedestrian passageways- all of which will also be accomplished within this Project.

Adequate vehicular and bicycle parking will also be provided on-site (with the final number of parking to be determined at time of Site Plan) to accommodate residential and hotel users of the Property. In response to comments received from Village leadership, vehicular access to the loading and parking will be provided internal to the site (as opposed to on the external streets). The proposed vehicular access will be safe, adequate and efficient.

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

The public benefits are sufficient to justify the requested density. The public benefits and incentive density are discussed in Section V.B.1 above.

*G. 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 Project will be developed in one phase.

## **VII. ALTERNATIVE METHOD OF COMPLIANCE**

Pursuant to Section 6.8.1, the Applicant is seeking approval of an alternative method of compliance for the site access requirements in Division 6.1. Specifically, Section 6.1.4.D allows for “[a] maximum of 2 driveways... for every 300 feet of site frontages along any street.” The existing hotel currently has two essential driveways in front of the main lobby entrance that have served the hotel for the past 50 years. These entrances are grandfathered today as an existing site condition under Section 7.7.1.A.1, and are proposed to remain unchanged by the proposed redevelopment. However, because the entire property is included in this Sketch Plan application, we are seeking approval of an alternative method of compliance to affirmatively allow the existing driveways, which have been serving the hotel for many years. The Planning Board can waive the site access requirements if it is determined that there is a unique site, a use characteristic, or a development constraint, such as an existing building or structure, which precludes safe or efficient development under the requirements of Division 6.1. The retention of the existing site condition satisfies the findings of Section 6.8.1, as demonstrated below:

- *Satisfy the intent of the applicable Division;*

The intent of Division 6.1 is to “ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to reduce traffic congestion.” The proposed alternative method of compliance merely seeks to preserve the existing, long-standing site condition. The existing access points work in tandem to ensure that there is safe and convenient access to the hotel, and importantly eliminate the need for queuing or traffic congestion on Wisconsin Avenue. The northern-most curb cut provides important access to the existing parking garage and leads internally to a semi-circular drive that allows for internal pick-up and drop off and valet services in front of the hotel’s newly renovated lobby entrance. The southern curb cut is needed to allow cars to exit the semi-circular driveway and is restricted to egress only – there is not enough room within the existing property frontage (given the location of the existing building) to allow cars to turnaround entirely on-site. As such, the existing access points are critical to the successful hotel operations and importantly, to keep cars from queuing on Wisconsin Avenue.

- *Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;*

The Applicant is seeking to retain the existing access points for the hotel. As mentioned above, given the location of the existing hotel building component, there is no way to meet this standard without significantly compromising the operations of the hotel and resulting in adverse impacts on the traffic flow along Wisconsin Avenue. The hotel recently went through extensive lobby and facility renovations, and as such – there are no proposed hotel modifications as part of this Application. The only direct entrance to the lobby is off of Wisconsin Avenue. Without the proposed alternative method of compliance, the hotel will not be able to continue to accommodate busses, pick-ups and drop-offs, and valet service, on-site. This will result in undesirable queuing on Wisconsin Avenue, which would have a greater impact on the surrounding community.

Importantly, no additional driveway entrances are proposed along Wisconsin Avenue. In fact, the Project proposes to construct a through-block connection/shared street, between Wisconsin Avenue and The Hills Plaza, which will allow loading and parking access for the new residential building component to be accommodated internal to the site. This through-block connection will not only improve pedestrian and vehicular circulation by breaking up what is otherwise a superblock, but will also minimize disruptions to the pedestrian environment along the three external street frontages.

- *Provide necessary mitigation, alleviating any adverse impacts; and*

The existing hotel entry points have been in place for quite some time and are an important operational component of the hotel that, in and of itself, eliminates adverse impacts on the surrounding community. As discussed above, the Project seeks to minimize disruptions to the external street frontages through the construction of a shared street. The Project also proposes significant streetscape improvements along Wisconsin Avenue, South Park Avenue and The Hills

Plaza. Collectively, the existing hotel access points and proposed improvements (to circulation and the streetscape) will result in significant improvements to the existing site conditions.

- *Be in the public interest.*

The proposed alternative method of compliance (of preserving the existing hotel entrance points) is critical to prevent queuing on Wisconsin Avenue and will allow for the continued, successful operation of the existing hotel. Furthermore, a grant of the requested alternative method of compliance will facilitate the redevelopment of the single-story retail portion of the Property with a vibrant, mixed-use development. Collectively, the Project will bring desired vitality back to Friendship Heights and will result in significant public benefits. Included among these benefits, as discussed above, are significant streetscape improvements that will provide improved circulation for pedestrian both through and around the Property. In connection with these streetscape improvements, the Applicant is proposing to underground the utilities along Wisconsin Avenue, which will visually improve the streetscape and provide for a clear uninterrupted pedestrian realm.

For all of these reasons, we respectfully request approval of this alternative method of compliance, to allow for the retention of the existing hotel driveways.

#### **VIII. ADEQUATE PUBLIC FACILITIES**

The public facilities will be more than adequate to accommodate the proposed development. The location of the Project, in close proximity to the Friendship Heights Metro Station and other transit facilities, ensures that a significant portion of the Project's users will rely upon transit for purposes of accessing the site.

The Property is located within the Red Policy Area and the Applicant is bound by the Local Area Transportation Review standards in evaluating transportation impacts. In accordance with those standards the Applicant is submitting a Traffic Exemption Statement prepared by Wells + Associates, the Applicant's transportation consultant, which addresses the Project's projected trip generation compared to the existing use's trip generation.

The results of the trip generation analysis show that the proposed development will result in a reduction in site trips with the proposed redevelopment of the property. The proposed redevelopment will generate 208 AM peak hour person trips and 401 PM peak hour person trips compared to the existing retail, which generates 244 AM and 445 PM peak hour person trips. Thus, the Project will generate 36 fewer AM and 44 fewer PM peak hour person trips than the existing uses on the site. The Traffic Statement provides a summary of the trip generation calculations and concludes that the Property is exempt from providing an LATR study in accordance with the 2021 LATR Guidelines.

The Development is assigned to Somerset Elementary School, Westland Middle School, and Bethesda Chevy-Chase High School. Based on the FY 2022 Annual School Test (effective July 1, 2021), all schools are currently operating with adequate capacity.

The Property is currently serviced by public water and sewer and is located within water and sewer categories W-1 and S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines.

Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently adequate and will continue to be sufficient following construction of the Project.

#### **IX. FOREST CONSERVATION LAW**

The Property is subject to the requirements of Chapter 22A of the Montgomery County Code (the "Forest Conservation Law"). An NRI/FSD has been prepared for the Property and is being submitted concurrently with this Sketch Plan Application. The NRI/FSD demonstrates that there is no forest on-site. A combined Preliminary/Final Forest Conservation Plan will be submitted in connection with the subsequent Site Plan application, which will demonstrate the Project's conformance with the Forest Conservation Law. The Project will provide the required 0.27 acres of afforestation through an off-site mitigation bank or through a fee-in-lieu payment.

The Property contains no protected soils, endangered species, or other natural features that would impact development.

#### **X. STORMWATER MANAGEMENT**

Currently, there is no stormwater management on the Property. As such, the site does not treat either water quality or water quantity on-site. Rather, any water that falls on the Property, continues to flow into the stormdrain system unmanaged. Redevelopment of the Property will include new Environmental Site Design ("ESD") practices to the maximum extent practicable. The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. Because the Project will result in more than 5,000 square feet of disturbance, the Applicant must prepare a Stormwater Management Concept Plan. The Applicant is submitting a Stormwater narrative with this Sketch Plan and will file a Stormwater Management Concept Plan in connection with the subsequent Site Plan application. In accordance with 2010 MDE Stormwater Management Regulations, the site will incorporate ESD measures such as bioretention planters and green roofs with a minimum depth of eight inches.

The Property is not in a Special Protection Area, so no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be submitted to DPS for approval prior to commencement of construction.

#### **XI. CONCLUSION**

As demonstrated by this Statement, the Application complies with all applicable requirements of the Zoning Ordinance that govern Optional Method of Developments under the CR Zone. Furthermore, the Project substantially complies with the recommendations of the Sector

Plan. The Project will transform the underperforming, single-story retail component of the Property into a vibrant, transit-oriented, pedestrian friendly, mixed-use development that includes Moderately Priced Dwelling Units. The Project provides enhanced pedestrian connectivity and significant public amenities and benefits. For all of the reasons discussed herein, the Application should be approved.

## **Exhibit “A”**

**Stacy Silber**  
301-841-3833  
[spsilber@lerchearly.com](mailto:spsilber@lerchearly.com)

**Elizabeth Rogers**  
301-841-3845  
[ecrogers@lerchearly.com](mailto:ecrogers@lerchearly.com)

April 6, 2021

**VIA ELECTRONIC DELIVERY**

Mark Beall, Zoning Manager  
Division of Zoning & Site Plan Enforcement  
Montgomery County Department of Permitting Services  
2425 Reddie Drive, 7th Floor  
Wheaton, Maryland 20902

Re: Zoning Confirmation – Height Averaging for “T” Zoned Properties  
5500/5520 Wisconsin Avenue, Friendship Heights, Maryland

Dear Mr. Beall:

We are writing to confirm our understanding of the applicability and calculation of the height averaging allowances for “T” Zoned properties in the Zoning Ordinance, specifically as it relates to the proposed redevelopment of 5500/5520 Wisconsin Avenue in Friendship Heights, Maryland, more particularly described as Lot 21, Block 1 in the “Friendship Heights” subdivision (the “Property”). Pursuant to Section 2-42B of the Montgomery County Code, the Department of Permitting Services (“DPS”) is charged with interpreting the Zoning Ordinance. As such, we are seeking your confirmation of the following interpretations.

**Background**

The Property is a record lot, recorded in the Land Records for Montgomery County, Maryland at Plat No. 9126. The Property is zoned CR-3.0, C-2.0, R-2.75, H-90T and is currently improved with an existing building containing retail and hotel uses, connected by a shared parking structure. Our client is proposing to redevelop the single-story retail component of the building with a new, multi-family residential tower, connected to the hotel tower (to remain) by an underground parking structure.

The Zoning Ordinance includes special provisions for “T” Zoned properties. Specifically, Section 4.5.2.D.2.d provides: “[h]eight on a portion of a building may be increased above the

number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. Average building height is calculated as the sum of the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.”

### **Applicability of Height Averaging to the Proposed Building**

The proposed residential tower and existing hotel are treated as a single building under the Zoning Ordinance and County Code, given that they are connected by a shared, below-grade parking structure. Section 59-1.4.2 of the Zoning Ordinance defines building as “[a] structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.” Furthermore, Section 8-1 (c)(2)(a) of the Montgomery County Code provides that “[a] building permit may only be issued for a building located on... a lot or parcel shown on a plat recorded in the County Land Records...” This requirement has been consistently interpreted by the County to preclude subdivision of properties, such as this, where the building crosses a lot line due to the presence of a below-grade parking structure. Given that the project is classified as a single building, Section 4.5.2.D.2.d allows height to be averaged across the various roof sections of the existing hotel and proposed residential tower.

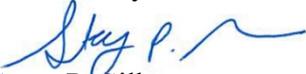
### **Calculation of Average Building Height**

Pursuant to Section 4.5.2.D.2.d, “[a]verage building height is calculated as the sum of the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.” The Property is a corner and through-lot, with three right-of-way frontages. As such, as demonstrated on the attached drawings (Attachment “A”), we have taken the grade at the mid-point of each frontage, and averaged the three, to get an “average grade” of 319.33 feet. Each of the building roof sections were then measured from this average grade (*i.e.* 319.33 feet), multiplied by the area of each roof section, and then divided by the total roof area. This calculation yields an average building elevation/height of 399.6 feet, which is below the allowed elevation/height of 409.33 feet (or 90’ measured from the average grade of 319.33 feet).

### **Conclusion**

We are seeking your confirmation of our application and calculation of the height averaging allowances for the proposed redevelopment of the Property, pursuant to Section 4.5.2.D.2.d of the Zoning Ordinance, as summarized herein and illustrated on Attachment “A.” If you agree with our calculations, and that we have accurately summarized the position of DPS with respect to the above-described issues and related provisions of the Zoning Ordinance and County Code, please confirm by countersigning this letter on the line below and returning this letter to us.

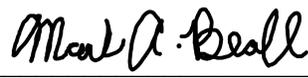
Very truly yours,  
Lerch, Early & Brewer, Chtd.

  
Stacy P. Silber

  
Elizabeth C. Rogers

**AGREED AND ACCEPTED:**

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

  
\_\_\_\_\_  
NAME: Mark Beall  
TITLE: Zoning Manager  
DATE: 4/6/2021

Enclosures

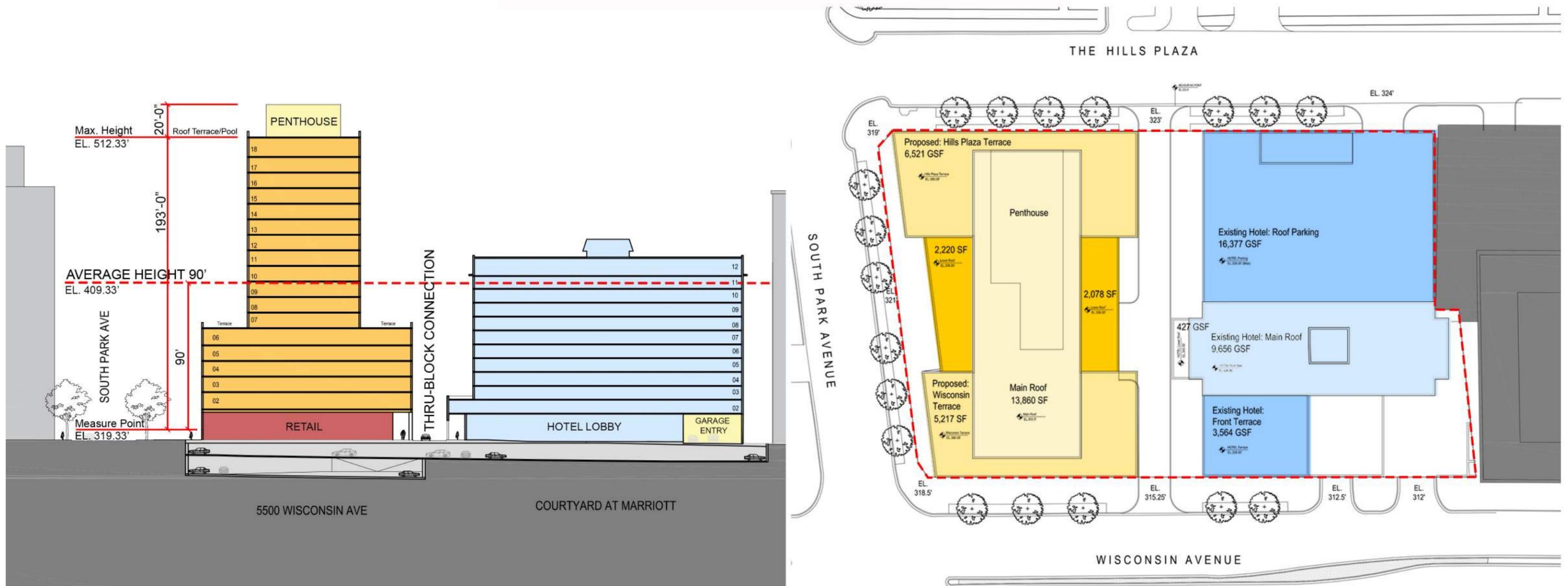
cc: Jad Donohoe

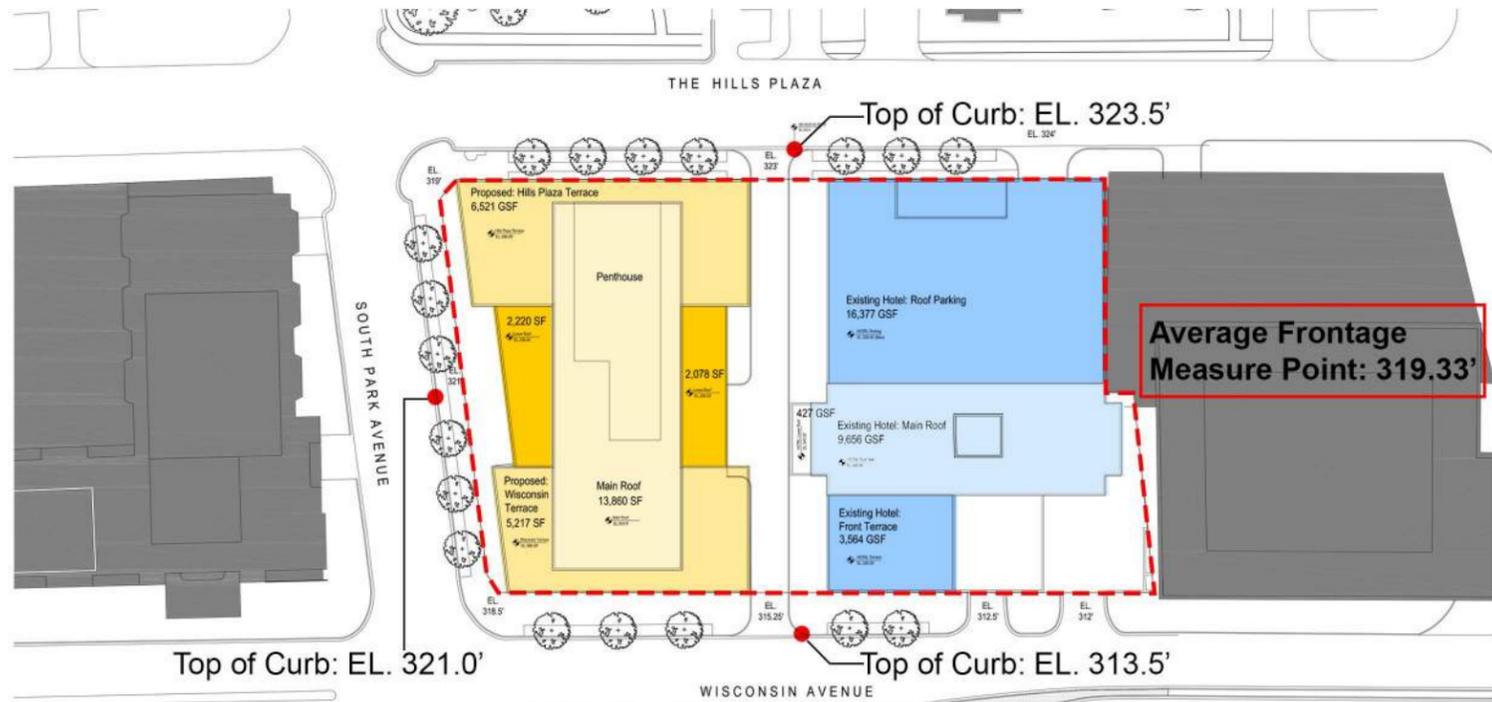
## **Attachment “A”**

**Section 4.5.2.D.2.d Special Provisions for "T" Zones Translated from Certain Zones Existing Before October 30, 2014:**

d. Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. Average building height is calculated as the sum of the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.

\* Additional Story (+12'-0" height) available by to providing 15% MPDU per Chapter 59 Section 4.5.2.C





**CAR02 5500 Wisconsin**  
April 5, 2021

**CR-T Zone: 90' Maximum Average Height**

Hills Plaza Frontage Measure Point: Elevation **323.5'** on **The Hills Plaza**  
 South Park Frontage Measure Point: Elevation **321.0'** on **South Park**  
 Wisconsin Frontage Measure Point: Elevation **313.5'** on **Wisconsin \*\***  
 Average Frontage Measure Point: Elevation **319.33'**

90' Max Avg. Height from Average Frontage MP\*: Elevation **409.33'**

\* Height is measured at the midpoint of each roof section along each property line's frontage. Due to the frontages on Wisconsin Avenue, South Park, and The Hills Plaza, we averaged the measure point, as an average of top of curbs, at the midpoint of each frontage.

Portion of Development	Stories	Roof SF	Elevation	Product of Roof SF x Elevation
Existing Hotel: Main Roof	12	9,656	426.86	4,121,760.16
Existing Hotel: Lower Roof	2	427	340.00	145,180.00
Existing Hotel: Front Terrace	1	3,564	328.00	1,168,992.00
Existing: Hotel Parking	1	16,377	328.00	5,371,656.00
Proposed: Main Roof	18	13,572	512.33	6,953,342.76
Proposed: Wisconsin Terrace	6	5,217	392.33	2,046,785.61
Proposed: Hills Plaza Terrace	6	6,521	392.33	2,558,383.93
Proposed: Lower Roof	1	4,295	340.00	1,460,300.00
<b>Total</b>		<b>59,629</b>		<b>23,826,400.46</b>

Average Height of Development **399.6** Average Elevation  
 Max. Allowable Height on The Hills Plaza Frontage **409.33** Max Elevation

\*\* If the Measure Point (Top of Curb at the midpoint of the property line) along Wisconsin Avenue was chosen (313.5'), the 90' average maximum height would be Elevation 403.5'. The proposed average height of 399.6' would still be under this maximum allowable height.



PRESENTATION FOR ILLUSTRATIVE PURPOSES AND SUBJECT TO CHANGE

**5500 Wisconsin Ave** | Village of Friendship Heights - Chevy Chase, MD

April 06, 2021 | **A.15**



Height Averaging