



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Staff Report: Project Plan 920080010 and Preliminary Plan 120080360,
 4500 East West Highway**

ITEM #: 10

MCPB HEARING

DATE: October 16, 2008

REPORT DATE: October 6, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
 Robert Kronenberg, Supervisor *RAK*
 Catherine Conlon, Supervisor *CC*
 Development Review Division

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APPLICATION

DESCRIPTION: 223,300 square feet of office and retail on 1.28 acres in the CBD-2 Zone; located in the southwest quadrant at the intersection with East-West Highway and Pearl Street; Bethesda CBD Sector Plan

APPLICANT: 4500 Highway, LLC (The Clarett Group)

FILING DATE: May 30, 2008

RECOMMENDATION: Approval with conditions

EXECUTIVE

SUMMARY: The proposed development would demolish the existing fast-food restaurant and office; consolidate ~~parcels~~ lots 1, 2, 3, part of 14, and 15 in block 2 of the Highland Park Subdivision; and construct a nine-story office building with retail and/or commercial services on the ground floor. A 4,500 square foot public plaza with plantings, a water feature, and artwork would occupy the corner of East West Highway and Pearl Street – a Sector Plan “Gateway” location. Vehicular access to the proposed underground garage and loading will be from Montgomery Avenue. This Report incorporates the analyses and recommendations of MNCPPC transportation, environmental, and community planners.

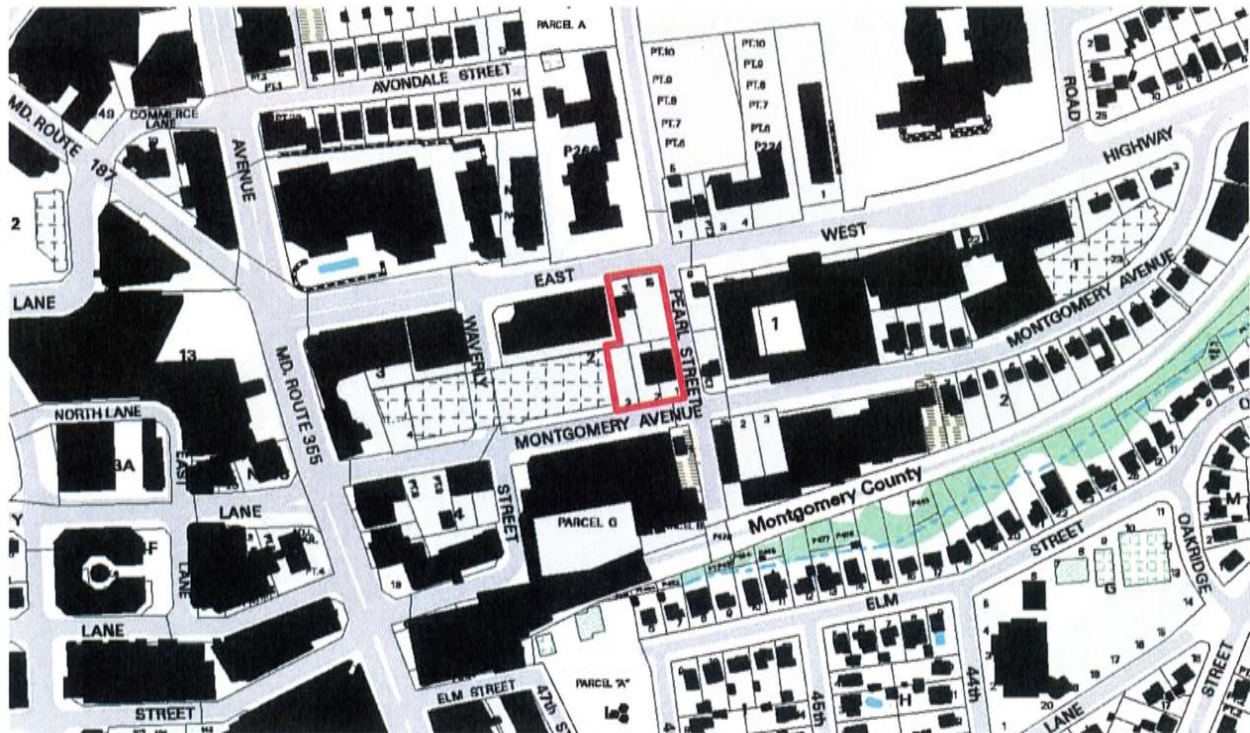
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SITE DESCRIPTION

Vicinity

The subject property is located along the entire western frontage of Pearl Street between Montgomery Avenue and East West Highway. The adjacent uses include a County parking garage and office building to the West and two one-family dwelling units occupied by commercial uses directly across Pearl Street. To the north, across East West highway, is Our Lady of Lourdes Church and the Waverly House Apartments. To the south, across Montgomery Avenue is the Air Rights Center complex. The site is within easy walking distance of local schools, residential areas, and the Bethesda Metro Center.

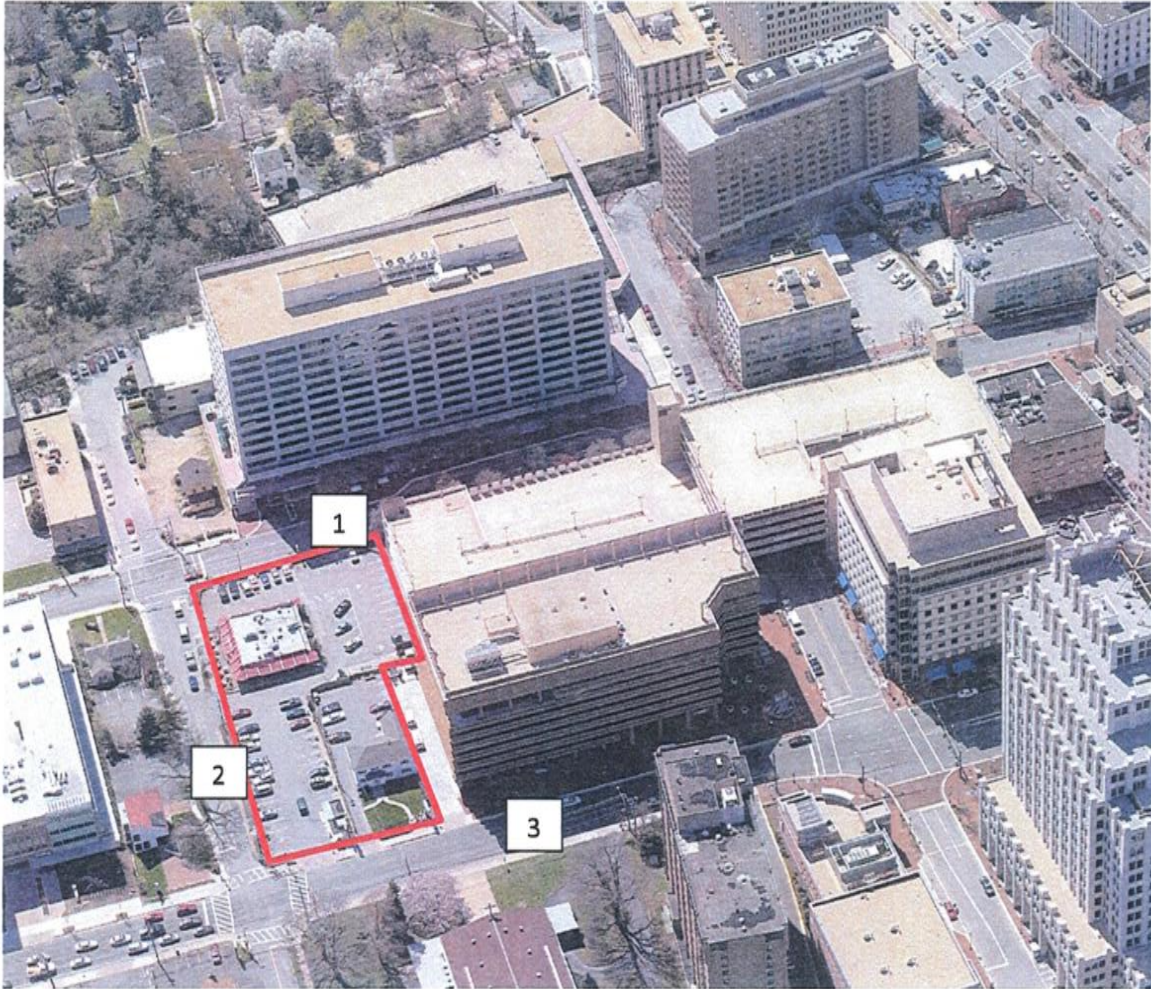


Vicinity Map

Site Analysis

The subject property is currently improved with a fast food restaurant, a small office building, and associated surface parking. There are four curb-cuts – two on East West Highway and two on Pearl Street providing access to the existing buildings. The site has a slight grade, approximately 2.5%, from a high point in the northwest corner down to the southeast corner; more importantly, there is a slope across the East West Highway frontage of about four feet that will directly impact the proposed design of the plaza. There are no historic or environmental features on site. There is little vegetation and only a small patch of lawn – the remaining area of the site is paved or covered by buildings.

The sidewalks along each frontage provide minimal but adequate pedestrian access. A master-planned bikeway along Pearl Street has not been implemented and will be required of this project.



Aerial Photo Looking South

1. Montgomery Avenue
2. Pearl Street
3. East West Highway

PROJECT DESCRIPTION

Proposal

The project plan proposes to use the optional method of development in the CBD-2 Zone to construct a 98-foot (9-story) office building with ground floor commercial uses. The building will occupy virtually all of the surface area of the net lot except for an approximately 4,500 square-foot plaza on the north end. The plaza will contain public amenities, which are conceptually designed at this stage but will be fully developed during site plan review. A subsurface parking garage will be built to the property line on all sides.

The Bethesda CBD streetscape will be constructed along the frontages of East West Highway, Pearl Street, and Montgomery Avenue. The confronting side of Pearl Street will be improved with a 5-foot sidewalk that, although not the streetscape standard, is all that can be accomplished within the existing right-of-way. When these properties are developed, the remainder of the right-of-way will be dedicated and the streetscape can be completed.



Illustrative Perspective of Plaza and North Façade

Subdivision of Land

The application proposes to combine five ~~unplatted parcels~~ lots and parts of lots into one 34,425 gross square foot lot. Vehicular access to the site will be from a driveway on Montgomery Avenue. Existing driveways on East West Highway and Pearl Street will be removed. Pedestrian access will be from sidewalks on East West Highway, Pearl Street, and Montgomery Avenue. A pedestrian plaza will be constructed at the north end of the property, adjacent to East West Highway. The preliminary plan includes dedication of 6,825 square feet of land for the rights-of-way of East West Highway, Pearl Street, and Montgomery Avenue.

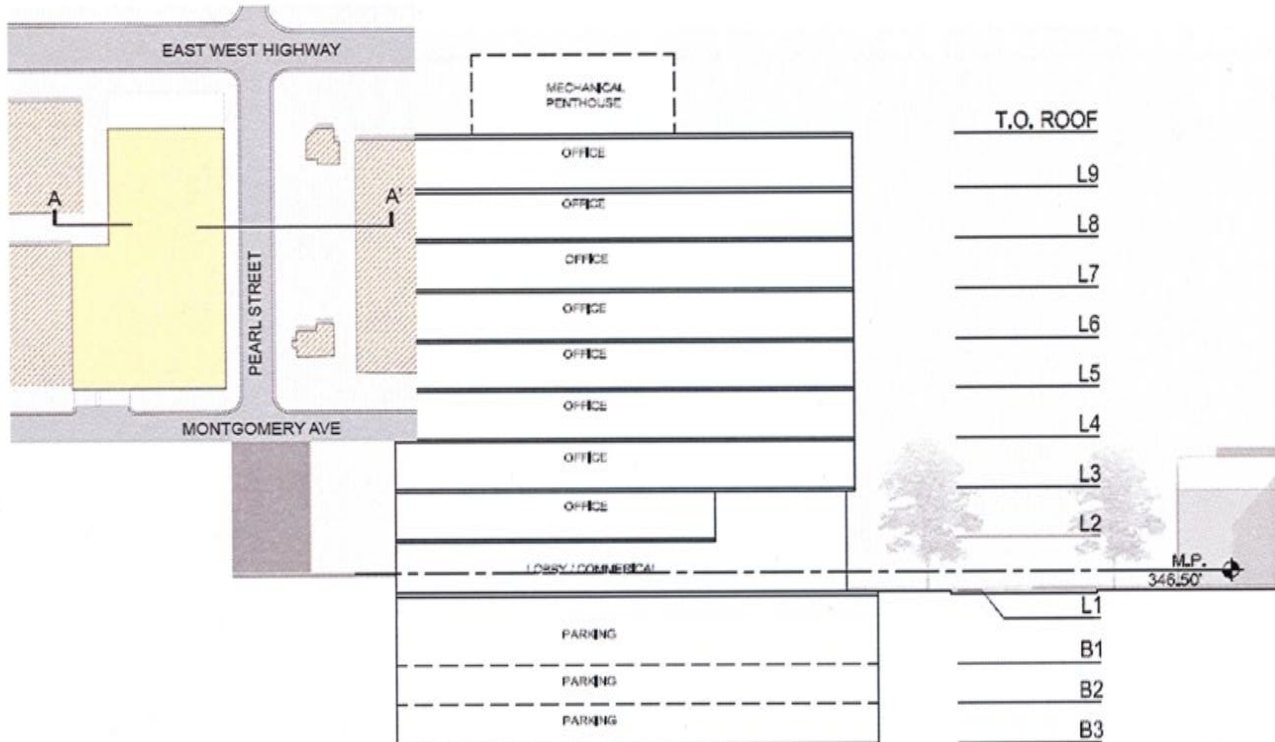
Land Use

The proposed development would provide 223,300 square feet of total gross floor area (4.0 floor area ratio) for office and other commercial uses. Although service and retail oriented, the uses remain purposely flexible at this stage because some commercial uses are listed as “office” uses while others are listed as “retail” uses in the Zoning Ordinance land use tables. It is Staff’s opinion and the Applicant’s position that a ground floor restaurant and commercial uses will best serve the area and the site. The existing restaurant and commercial occupants have the choice to remain on site in the new building. The upper floors will be dedicated to Class A office space.

The sidewalks and open space will provide ample pedestrian connectivity, on-street bike paths and space for congregating, relaxing, and enjoying the public art and water feature. The plaza dimensions and orientation are in direct response to the Sector Plan recommendation that this site serve as a gateway to downtown Bethesda.

Architecture

The footprint of the proposed building is set back from the southern property line four feet, the eastern property line seven and one-half feet, the northern property line (where the plaza is located) 44 feet, and is directly on the western property line. The subsurface garage abuts all property lines. Above the first floor, the building will cantilever slightly (about two feet) above the sidewalk along Pearl Street within the property boundary. This allows for proper office dimensions, while maintaining the proper streetscape width at the narrowest point – a lay-by for deliveries on Pearl Street. The points of access between the sidewalks, open space, and building are located on all frontages; the main office lobby is midway along the Pearl Street frontage.

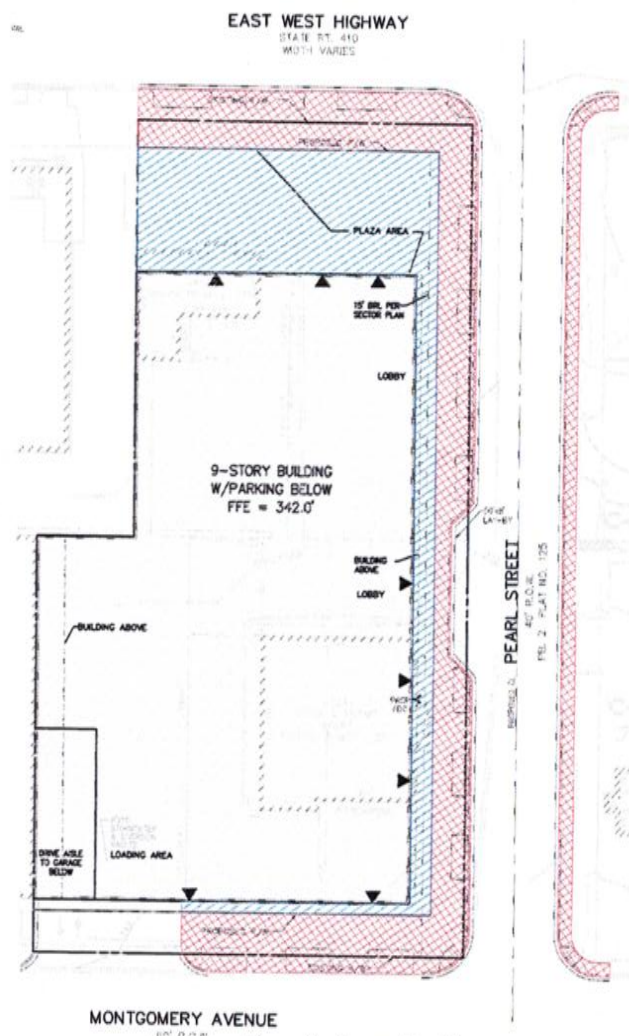


Illustrative Section

The building is positioned approximately 67 feet from the curb along East West Highway and rises to 98 feet. The façade is expected to be a glass skin and the building to be built to LEED certified standards. The detailed specifications of the building façade and of all public amenities and their integration into the landscape and architecture will be detailed with the site plan submission.

Public Use Space & Amenities

The proposed development would provide 6,885 square feet of on-site public use space and 9,800 square feet of off-site public amenity space. The on-site space is primarily composed of the plaza but also includes the sidewalk improvements within the property boundaries. The off-site amenity space would improve the sidewalks along East West Highway, Montgomery Avenue, and both sides of Pearl Street.

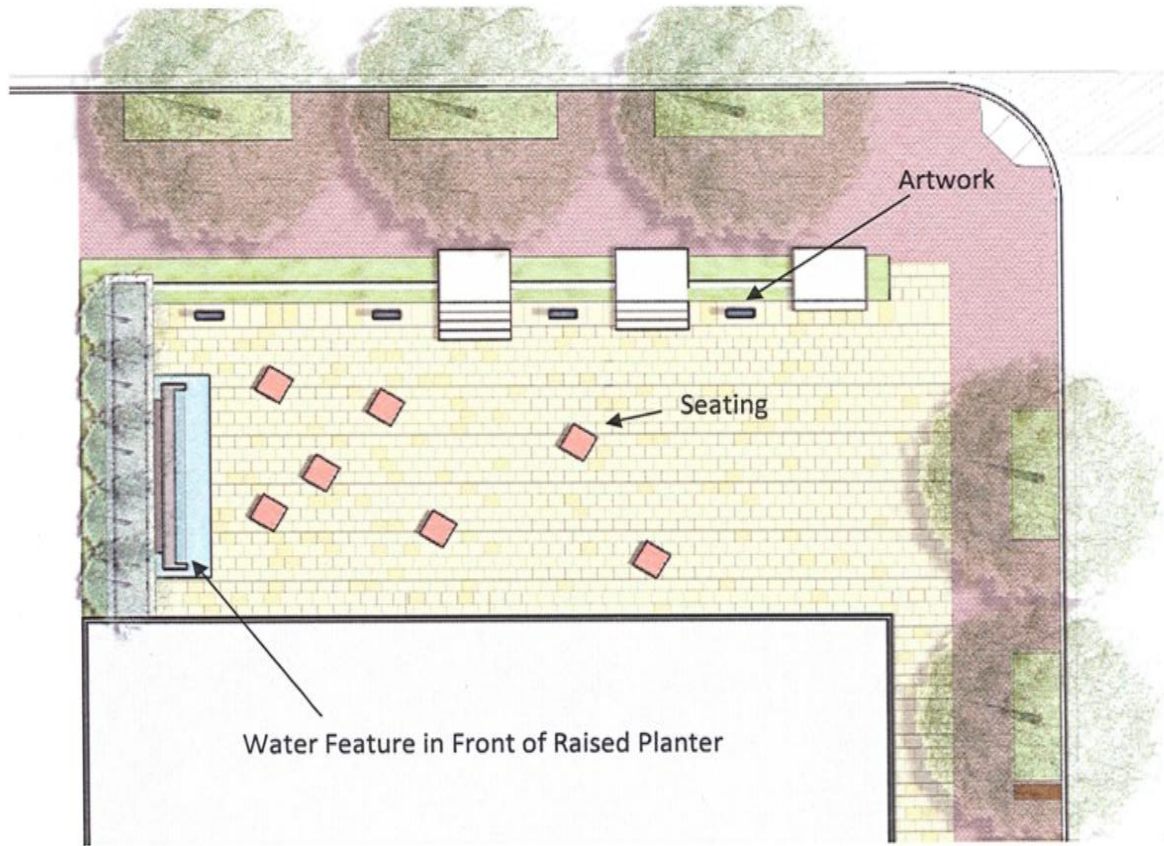


Public Use & Amenity Space

The plaza will be finished with distinctive paving and will provide seating for visitors and pedestrians. The dominant features include a water wall at the western end and the artworks along the northern perimeter. These pieces are yet to be finalized and will be presented to the

Art Review Panel for comment prior to site plan review. At this point, they are envisioned as columns of glass or panels with possible text, light, or other interactive and distinctive surfacing.

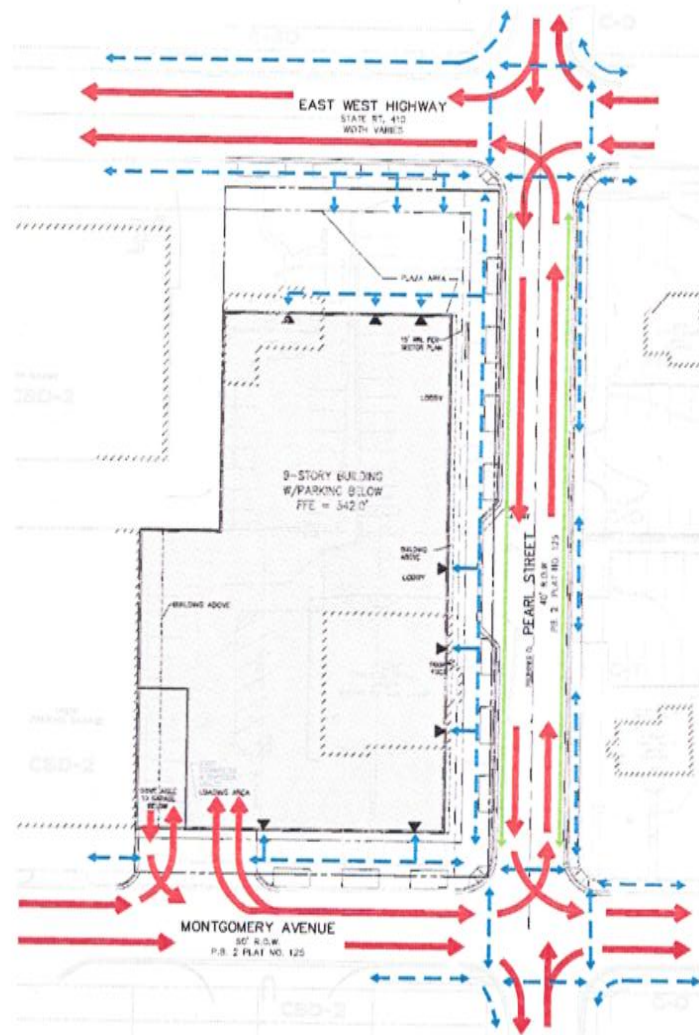
Access to the plaza is primarily from Pearl Street, where the grade is flush, but also from steps to East West Highway because of the cross slope of this sidewalk. Final details of the proposed open space and public amenities will be determined during the review of the site plan.



Illustrative Landscape Plan

Vehicular and Pedestrian Circulation

Vehicular access for customer/office parking from Montgomery Avenue to the site is provided at the western edge of this frontage via a two-way ramp down to the garage. Loading is provided adjacent to this access so that there is only one curb cut. The access and loading is designed as a driveway apron in order to keep the sidewalk flush along this frontage. A “lay-by” along Pearl Street provides a second location for small delivery trucks and taxis directly in front of the main lobby. This keeps these vehicles from double parking or intruding on the bike lanes along Pearl Street.



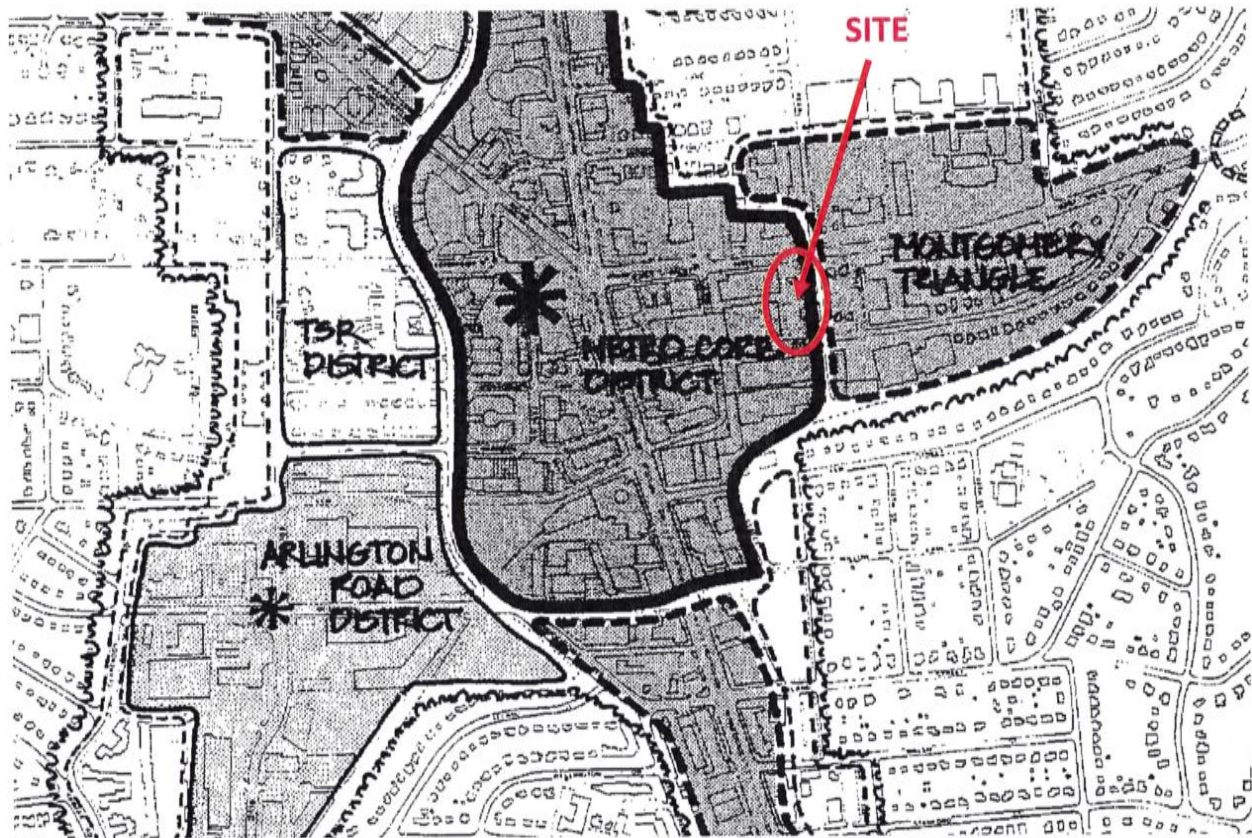
Circulation Plan

Pedestrians will access the site along East West Highway and Montgomery Avenue. Within the site, pedestrians will have access to seating between tree planters on the sidewalks and within the plaza. The site is frequented by local Bethesda-Chevy Chase High School students and, thus, requires a great deal of emphasis on safety and pedestrian access. Cyclists are provided racks near entrances and lockers within the garage to safely store their bikes on-site. As recommended in the Sector Plan, two 5-foot wide, on-street bike lanes will be created on each side of Pearl Street. These provide access to-and-from the Georgetown Branch Trail.

PROJECT ANALYSIS

Sector Plan

The Bethesda CBD Sector Plan has several general goals and additional specific recommendations. While no plan can meet all of the recommended guidelines this plan meets a majority of the recommendations and the intent of all of the overall goals of the Sector Plan.



Sector Plan Map

Downtown Environment

Downtown Bethesda is envisioned as a place with diversity and liveliness generated by redevelopment and the establishment of varied activities. The proposed amendment provides several features that address this goal:

- The office density will balance the numerous residential and retail projects that have recently been completed or approved;
- The retail and services on the ground floor will continue to activate the street and encourage walking;
- The landscape and architecture are distinct and innovative, providing a more appropriate gateway to the Bethesda CBD;
- The proposed amenities will provide a landmark feature and become integrated into walking and cycling tours; and,
- The redevelopment will fulfill the recommendations to provide medium to high density office employment at this location.

The Sector Plan also identifies particular themes for development downtown, namely, the garden and cultural districts. These proposed amenities will enhance the cultural character of the area by integrating several recommended objectives of the Sector Plan:

- The visual environment will be enhanced by providing a true gateway feature along East West Highway;
- The building will provide variety to the streetscape and skyline;
- The artistic and cultural amenities will become part of the wider public art program downtown; and,
- The environmentally sustainable building provisions and plantings will reinforce the garden district theme.

Urban Form

In general, the Sector Plan encourages compact employment uses around the Metro Core that also provide choices and activities associated with retail, restaurants, cultural programming, open space and pathways. The Urban Design Guidelines Map (Figure 4.7) shows a larger setback along Pearl Street, but this would reduce visibility and the unity of any gateway open space. Instead, the proposed design strengthens the ties to the surrounding buildings and provides a more focused open space. The proposal meets the general urban form objectives in several ways:

- The adjacent urban form will be strengthened by continuing the street-wall along East West Highway and terminating the larger setback to the east with a proper gateway feature;
- The open spaces will encourage more use by providing seating, sound, interest, and dynamic art features;
- The new circulation connections and choices will encourage pedestrians and cyclists; and,
- The cultural and artistic amenities will enhance the stature and visibility of downtown.

With regard to building height and the surrounding context, numerous Sector Plan citations speak to anticipated infill development with higher-density employment and housing uses downtown. The shade and massing relationships associated with this proposal are typical of such an urban environment and are in-line with the recommendations of the Plan. Although the Sector Plan recommends a building of six stories along East West Highway that steps up to 90 feet, this would not have provided the open space for the gateway feature also recommended in the Plan. The Applicant has provided an innovative solution – stepping the building back from the right-of-way 44 feet to provide an appropriate plaza that contains a water feature and artwork. This setback also keeps the building from dominating the street and maintains the street-wall of the less-dense development to the east. Shadow studies have confirmed that the 8-foot increase in height has no significant impact on the sidewalk or plaza and will not adversely affect any surrounding buildings. The proposed height still reinforces the step-down theory from the Metro Core and is also well within the Zoning Ordinance requirement.



Height Study

Employment, Housing, & Land Use

The applicable maps in the Sector Plan refer to the need for a gateway feature for westbound traffic entering the CBD and for employment uses. The specific objectives with regard to this site are met as indicated:

- The proposal creates jobs near transit and along bike paths;
- The proposed uses will continue the restaurant and service uses frequented by local students and residents;
- The design promotes a pedestrian and street-activating environment by providing ground-floor commercial uses; and,
- The infill development is more environmentally sustainable because it concentrates growth near transit and other day-to-day needs, thereby reducing vehicular travel and saving open space in our suburban and agricultural areas.

Zoning and Density

The subject site is zoned CBD-2, as recommended in the Sector Plan. The zone allows up to 200 dwelling units per acre for residential projects and up to a floor area ratio (FAR) up to 4.0 for non-residential projects, or an FAR of up to 5.0 for mixed-use projects but “in no case more than the density recommended by the sector plan”. The proposed 4.0 FAR for this non-residential development meets the zoning and density goals of the Sector Plan.

Specific Site Recommendations

There is no text directly relating to this site in the Sector Plan.

Transportation

The subject site is located on the west side of Pearl Street between East-West Highway and Montgomery Lane (MD 410). The vehicular access point into the underground parking garage and loading dock is from Montgomery Lane. Temporary parking for delivery vehicles is provided with a proposed lay-by along Pearl Street so these vehicles will not block other traveling motorists and bicyclists on the bike lane.

Sector-Planned Transportation Demand Management

The site is located in the Bethesda Transportation Management District (TMD). The Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the Bethesda Transportation Management Organization (TMO) to assist in

achieving the 37% non-auto-driver mode share goal for employees working in Bethesda Central Business District (CBD).

Public Transit Availability

The site is located within approximately 800 feet of the Bethesda Metrorail Station. Bus service is available with Ride-On route 33 running along Pearl Street. Metrobus routes J-2, J-3, J-4 and Ride-On route 33 run along East-West Highway and Montgomery Lane.

Purple Line

The current alignment for the Purple Line includes the proposal for the Bus Rapid Transit (BRT) alternatives to operate along Pearl Street within the existing travel lanes. MTA proposes that the BRT would operate in a one-way direction along Pearl Street with six-minute headways during the weekday peak periods. The MTA Purple Line Project team has reviewed the Applicant's plan and does not believe that the plan presents any conflict with any of the BRT alternatives under consideration at this time.

Sector-Planned Roadways and Bikeway

In accordance with the *Bethesda Central Business District Sector Plan*, the sector-planned roadways and bikeway are as follows:

1. Pearl Street is designated as a business district street with a recommended 60-foot right-of-way and on-road bike lanes designated as part of Route J.

According to the *Countywide Bikeways Functional Master Plan*, a signed shared roadway, SR-11, is designated along Pearl Street. The recommended bike lanes on this particular stretch of Pearl Street are a critical link in the Bethesda CBD bikeway system because they serve as the primary connection to the Capital Crescent Trail/Georgetown Branch east of Wisconsin Avenue.

2. East-West Highway (MD 410) is designated as a major highway, M-20, with a recommended 80-foot right-of-way.
3. Montgomery Lane (MD 410) is designated as a business district street with a recommended 80-foot right-of-way.

Pearl Street Frontage Improvements

The Applicant proposes to upgrade Pearl Street to a business district street standard as specified in the *Bethesda CBD Sector Plan* and the draft standards developed per the new County Road Code. The cross-section includes two 11-foot-wide through lanes, two 5-foot-wide bike lanes, street trees, a five-foot-wide sidewalk on the east (opposite side), and a 21-foot-wide sidewalk on the west/site side.

In addition, the application proposes to modify the standard cross-section to add a 50-foot-long and-8-foot wide lay-by along Pearl Street in front of the main entrance. This lay-by will permit delivery vehicles to temporarily park next to the curb without blocking the other vehicles and

possible future Purple Line buses or bicyclists on the bike lane. MCDOT supports the modification of the cross-section to add this lay-by.

Pedestrian Facilities

Pedestrian facilities would not be adversely impacted by the proposed redevelopment. The existing sidewalk along the property frontage of Montgomery Lane, Pearl Street, and East-West Highway are proposed to be upgraded to the current standards.

Local Area Transportation Review (LATR)

In accordance with the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, a traffic study was submitted because the proposed commercial redevelopment generates 30 or more peak-hour trips within the weekday morning and evening peak periods. Table 1 below shows the net increase in the future peak-hour trips generated by the proposed land uses during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). The trips shown are total trips that include the new, diverted, and pass-by trips. The new trips are shown in parentheses after the total trips.

Table 1: Site-Generated Peak-Hour Trips

<i>Land Uses</i>	<i>Square Feet</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
Existing Land Uses			
McDonald’s Fastfood Restaurant without Drive-Through Window	3,590	129 (23)	149 (34)
Office Use in the 2-Story House	10,578	16 (16)	16 (16)
Subtotal- Peak-Hour Trips	14,168	145 (39)	165 (50)
Proposed Mixed Use Alternative Land Uses			
General Office Use	210,000	315 (315)	315 (315)
General Retail Use that may include a Fastfood Restaurant without a Drive-Through Window	13,300	9 (3)	35 (11)
Subtotal- Peak-Hour Trips	223,300	324 (318)	350 (326)
Net Increase in Peak-Hour Trips		179 (266 279)	185 (262 276)
Proposed All Office Alternative Land Use			
General Office Use	223,300	335 (335)	335 (335)
Net Increase in Peak-Hour Trips		190 (190 296)	170 (170 285)

*=Peak-hour trips calculated using the *LATR and PAMR Guidelines* for all but the fastfood restaurant that used the Institute of Transportation Engineer’s *Trip Generation* report.

Table 2 below shows the calculated Critical Lane Volume (CLV) values at studied intersections for existing, background (trips generated form approved but un-built developments in the study area) and total future traffic condition.

Table 2: Calculated Critical Lane Volumes at Analyzed Intersections

Intersection	Congestion Standard	Peak Hour	Traffic Condition			
			Existing	Background	Total-Office Only	Total-Mixed Use
East-West Highway & Connecticut Avenue	1,600 Bethesda/ Chevy Chase	Morning	1,474	1,574	1,594	1,592
		Evening	1,470	1,543	1,554	1,553
East-West Highway & Chelton Road	1,800 Bethesda CBD	Morning	1,007	1,138	1,163	1,162
		Evening	635	854	856	856
East-West Highway & Pearl Street	1,800 Bethesda CBD	Morning	898	965	1,015	1,013
		Evening	697	803	1,010	1,002
East-West Highway & Waverly Street	1,800 Bethesda CBD	Morning	875	960	989	987
		Evening	806	1,022	1,100	1,097
Wisconsin Avenue & Elm Street- Waverly Street	1,800 Bethesda CBD	Morning	818	951	964	961
		Evening	913	1,097	1,119	1,118
Wisconsin Avenue & Montgomery Avenue	1,800 Bethesda CBD	Morning	1,222	1,408	1,538	1,531
		Evening	1,080	1,410	1,444	1,444
Montgomery Avenue & Waverly Street	1,800 Bethesda CBD	Morning	845	938	1,096	1,086
		Evening	951	1,075	1,118	1,118
Montgomery Avenue & Site Access Point	1,800 Bethesda CBD	Morning	Not Built		668	660
		Evening			971	961
Montgomery Avenue & Pearl Street	1,800 Bethesda CBD	Morning	682	769	761	760
		Evening	968	1,049	1,104	1,101

The CLV values do not exceed the applicable congestion standard at all the analyzed intersections for any of the traffic conditions. Therefore, the application satisfies the LATR requirements. At the East-West Highway/Connecticut Avenue (MD 185) intersection, the original traffic count collected on December 11, 2007, was much lower compared to the previously collected counts. Another traffic count was collected by the Applicant's traffic consultant on September 3, 2008, and shown to be comparatively close to the December, 2007 count. Transportation Planning staff took sample counts at this intersection and found it to be comparable to the counts taken by the Applicant's traffic consultant. Thus, the December 11, 2007 count was accepted as being reflective of the current traffic conditions.

Policy Area Mobility Review (PAMR)

Under the current *Growth Policy*, the PAMR test will require the applicant to mitigate 30% of the net new peak-hour generated site trips within the weekday morning and evening peak periods. To accomplish this, the Applicant's transportation engineer is proposing off-site non-

auto improvements such as sidewalks, bike paths, and real-time transit information signs. The specific measures have not yet been determined, so approval of the preliminary plan application should be conditioned upon identifying and obtaining approval from MNCPPC and MCDOT of all mitigation measures, including non-auto transportation improvements within the Bethesda/Chevy Chase Policy Area, prior to site plan approval.

The lower trip generation rate associated with proximity to Metrorail Station is considered part of the trip reduction credit associated with PAMR mitigation when compared to the countywide trip generation rates (higher rates). Tables 3a and 3b below depict the range of proposed land uses and how the site trip reduction could contribute towards meeting the PAMR requirements.

Table 3a: Mixed Use Alternative - New Trips Mitigated by being Conveniently Located near a Metrorail Station

<i>Land Use</i>	<i>Square Feet</i>	<i>New Peak Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
Mixed Use Alternative: Starting Base Condition using Countywide Trip-Generation Rates			
Proposed General Office Use	210,000	+349	+322
Proposed Ground Floor Retail	8,300	+ <u>59</u> <u>5</u>	+ 17
Existing Office Space Proposed Ground Floor Fast Food	10,578 <u>5,000</u>	-15 <u>+59</u>	-24 <u>+39</u>
Existing Fastfood Restaurant	3,590 <u>223,300</u>	-42 <u>+413</u>	-28 <u>+378</u>
Total Proposed Land Uses			
Existing Office Space		<u>10,578</u>	<u>-15</u> <u>-24</u>
Existing Fast Food Restaurant	<u>3,590</u>	<u>-42</u>	<u>-28</u>
Total Existing Land Uses	<u>14,168</u>	<u>-57</u>	<u>-52</u>
Base New Vehicular Trips		<u>413</u> <u>356</u>	<u>379</u> <u>326</u>
PAMR 30% New Site- Generated Vehicle Trips		107	98
Compared with Bethesda CBD Trip-Generation Rates			
Resultant <u>New</u> Peak-Hour Trips from in Table 1		<u>-318</u> <u>-279</u>	<u>-326</u> <u>-276</u>
Reduction: Base minus Bethesda CBD Office Trip Rates		95	<u>53</u> <u>52</u>
<i>Does it meet the PAMR reduction?</i>		No	No
Number of Peak-Hour Trips to be Mitigated		12	<u>45</u> <u>46</u>

Table 3b: Office Only Alternative - New Trips Mitigated by being Conveniently Located near a Metrorail Station

Land Use	Square Feet	New Peak Hour Trips	
		Morning	Evening
Office Only Alternative: Starting Base Condition using Countywide Trip-Generation Rates			
Proposed General Office Use	223,300	+372	+342
Proposed Ground Floor Retail Existing Office Space	10,578	- 15	- 24
Existing Fast Food Restaurant	3,590	- 42	- 28
Total Existing Land Uses	14,168	-57	-52
Base New Vehicular Trips		315	290
PAMR 30% New Site-Generated Vehicle Trips		94	87
Compared with Bethesda CBD Trip-Generation Rates			
Resultant <u>New</u> Peak-Hour Trips from in Table 1		-335	-335
Reduction: Base minus Bethesda CBD Office Trip Rates		-37	-7
Does it meet the PAMR reduction?		No	No
Number of Peak-Hour Trips to be Mitigated		58 57	80

Between 2 8 and 23 88 percent of the new peak-hour trips can be satisfied for PAMR simply by being located in the Bethesda CBD Policy Area which is conveniently located near a Metrorail Station. For the remaining ~~45~~ or 80 trips (i.e., the highest of the morning versus evening numbers), the Applicant's traffic engineer is working with Transportation Planning staff and MCDOT to implement feasible trip reduction measures to reduce the required number of new peak-hour vehicular trips.

Right-of-Way Truncations for Pearl Street

Section 50-26(c)(3) of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections that ensures that adequate sight distance is available and creates space for traffic channelization. But the regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and channelization needs at the intersections adjacent to the subject property.

In this case, the applicant is proposing to provide no truncation at the intersections of Pearl Street with East West Highway and Pearl Street with Montgomery Avenue. Truncation at these intersections is not necessary because adequate sight distance exists at both intersections. Further, East West Highway is one-way westbound and Montgomery Avenue is one-way eastbound, reducing the potential for vehicular and pedestrian conflicts. Both intersections are signalized, which further enhances their safety and removes the concern that there is not sufficient space within the right-of-way to place traffic signal equipment. Providing truncation would negatively impact the design of the proposed public plaza and the relationship of the proposed building to the public street. The Maryland State Highway Administration has no objection to approval of the preliminary plan without truncation. For these reasons, staff recommends that the Planning Board find that truncation is not necessary at these intersections.

Environment

The entire proposed development is built on compacted, urban soils; there are no existing environmental features on site. There are numerous environmental issues, however, that this project should and does address. Given the extraordinary amount of non-porous surfaces in our downtown environments, planting beds and containers should be maximized to absorb rainfall. In addition, these planting areas should contain a variety of plantings, some of which should grow to a large size to increase the amount of overall biomass within the area. This will provide, to some extent, environmental comfort, shade, beauty, and carbon sequestration.

Included in this redevelopment is construction of a green roof using the most current technology. The green roof will cover ~~0.47~~ approximately 0.35 acres of the building rooftop and will reduce impervious surface area. The site is not located inside a Special Protection Area and there are no natural resources.

This site is exempt from the Montgomery County Forest Conservation Law in 42008148E. There are no other environmental planning related issues associated with this site but Staff will continue to work with the Applicant through the preliminary and site plan reviews to minimize the environmental impacts, while maximizing the environmental benefits of renovating the site in a sustainable manner.

Development Standards

The subject site is zoned CBD-2, which is governed by the development standards in Section 59-C-6.23 of the Montgomery County Zoning Ordinance. The minimum lot size of 18,000 square feet for optional method projects is met. There is no maximum building coverage for optional method projects, but there is a requirement for the provision of a minimum of 20% of the net lot area to be devoted to public use space, which this project plan amendment also satisfies by providing a plaza and sidewalks. Third, the maximum density for optional method projects in the CBD-2 Zone is 4.0 FAR for non-residential uses; the proposed density is 4.0 FAR. The CBD-2 zone normally limits height for optional method projects to 143 feet but may be increased to 200 feet under Section 59-C-6.235(b) of the Montgomery County Zoning Ordinance for various reasons. However, as discussed in the Sector Plan analysis, the proposed height of 98 feet is appropriate for this densely-zoned area of the Bethesda CBD and does not adversely affect the surrounding properties in any detrimental way given the urban context.

As the data table shows, all of the requirements of the zone are met by the subject project plan. Because this project is within a Parking Lot District, parking spaces are not required to be provided but parking calculations have been made on the submitted project plan. Some parking will be provided onsite.

Project Data Table for the CBD-2 Zone

Development Standard	Permitted/ Required	Proposed for Approval
Building Height (feet)	143	98 ¹
Setbacks (feet)²		
East Property Line	n/a	7.5
North Property Line	n/a	44
West Property Line	n/a	0
South Property Line	n/a	4
Site Area (square feet)		
Net Tract Area	n/a	34,425
Dedications	n/a	21,400
Gross Tract Area	18,000	55,825
Density		
Floor Area Ratio	4.0	4.0
Public Use Space (% of net lot)		
On-Site Public Use Space	20	20
Off-Site Amenity Space	n/a	28.2
Total Public Use & Amenity Space	20	48.2
Parking³		
Total Spaces	601	180

¹ The Sector Plan recommends a building height of 90 feet.

² Setbacks are provided in accordance with the Zoning Ordinance but may be adjusted during the site plan review process to account for adjustments to the building footprint.

³ Parking is not required in the Bethesda Parking District but is provided for informational purposes.

FINDINGS

Project Plan

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a project plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

As the following Findings demonstrate, the subject project plan amendment adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the

Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

(a) As conditioned, the proposal complies with all of the intents and requirements of the zone.

Intents and Purposes Of The CBD Zones

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

(1) "To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."

With respect to density, the Sector Plan recommends high to medium office employment, which this Project Plan provides. The building height recommendation, indicated on Figure 3.2 of the Sector Plan, is 90 feet – the proposed height of 98 feet is substantially in conformance with this recommendation. In addition, the additional height allows for provision of the recommended density of office employment, while retaining street-activating service and retail uses on the ground-floor. Given that the 8-foot difference presents no adverse impacts to surrounding buildings or uses, the height is appropriate for this project on this site.

The Sector Plan's recommendations vis-à-vis the type and intensity of development in the Metro Core District are to develop the site as densely as appropriate given the adjacent uses and open space requirements. This plan conforms to the sector plan objectives of providing jobs near transit and open space at this gateway location.

(2) "To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."

The Sector Plan indicates that office land uses are appropriate for the site. The current Application will provide office uses above retail and service uses on the ground floor. These uses will be visible and accessible to pedestrians. Especially in light of the large number of residential and retail proposals in the vicinity that have recently been approved by the Planning Board, this intensity and diversity of land use conforms to the Sector Plan recommendations: both the general goals of the Sector Plan and the specific objectives of the area advocate approval of optional method projects that provide employment and housing opportunities near both transit stations and other day-to-day necessities.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed development will enhance pedestrian, cyclist, and vehicular circulation by improving sidewalks, providing an urban plaza, and restriping for bike lanes on Pearl Street. The layout of doors, sidewalks, lobbies, and open space, will efficiently direct pedestrians in and around the site.

The relationship of the proposed buildings to existing buildings is typical and appropriate for a central business district. In most cases in the CBD, adjacent buildings with windows are required to be setback at least 15 feet from each other; this proposal meets that standard in order to minimize the impacts on available sunlight and existing views and the setback from East West Highway creates the same effect as would a building stepped to six stories directly adjacent to the sidewalk. The setbacks are provided in the data table although no setbacks are required by the Ordinance for optional method projects and may be adjusted at site plan.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development promotes effective use of nearby transit facilities because it is located two blocks from Metro and even closer to the nearest bus stop. As conditioned, the location and accessibility of the proposed development to the local transit system is an excellent realization of the Sector Plan transit and sustainability goals. This project also proposes to build only 30% of the usually required parking spaces. This will increase the incentive to take transit.

- (5) *“To improve pedestrian and vehicular circulation.”*

Vehicular circulation around the site will be greatly enhanced and will be safer because the number of curb cuts (and potential pedestrian/vehicle conflict points) will be reduced from four to one. The current drive-through will also be removed. Pedestrian and cyclist circulation is improved by the creation of bike lanes and improvement of sidewalks.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

The proposed development does not provide any housing.

- (7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The proposed development will combine several small lots and parts of lots to meet the requirement for net lot area for optional method projects. It is only by combining these

lots and developing by the optional method that a high to medium density office use can be built as recommended by the Sector Plan.

Further Intent of the CBD-2 Zone

Section 59-C-6.213(b) of the Zoning Ordinance states:

In the CBD-R1, CBD-R2, CBD-2 and CBD-3 zones it is further the intent to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.

Section 59-C-6.213(c) of the Zoning Ordinance states:

In the CBD-2 zone, it is further the purpose:

- (1) To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; and*
- (2) To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.*

The proposed development will provide employment and living opportunities for residents with nearby jobs, commercial services, and restaurant uses. The plaza and improved sidewalks will further enhance these opportunities for day-to-day interaction and enjoyment of the CBD.

The density is appropriate for the site - a transition to less dense peripheral areas is not necessary because the building height and massing are greater toward the east and west. The project does not provide any residential uses.

Requirements of the CBD-32 Zone

The table on page 19 of the staff report demonstrates the conformance of the project plan with the development standards under the optional method of development. Among other standards, the proposed development meets the area, public use space, building height, and density requirements of the zone.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

The Applicant has proposed to enhance the public elements of the project. To this end, the proposed development is proffering the following package of amenities and public facilities:

Amenities and Facilities Summary

On-Site Public Use Space Improvements

- Green Building
- Improved Sidewalks
- Public Art
- Fountain
- Seating
- Planting

Off-Site Amenity Improvements

- Sidewalks
- Benches
- Street Trees
- Street Lamps

- (b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

Zoning and Land Use

The subject property is zoned CBD-2, which is recommended by the Sector Plan. All proposed uses are allowed in the CBD-2 Zone and the proposed development is in keeping with the general guidelines to provide employment uses in the Sector Plan. Specifically, the Sector Plan recommends high to medium office uses. The proposed office and commercial uses are appropriate for the subject site and conform to the Sector Plan.

Sector Plan Conformance

The Approved and Adopted Bethesda CBD Sector Plan is organized around several objectives for the Metro Core District that the Project satisfies:

- Strengthen the Metro Core as the center of Bethesda, with greatest emphasis on and around the Metro Center and plaza.
- Increase the choices and activities in the Metro Core associated with retail, restaurants, cultural programming, open space, and pathways.
- Develop a compact core that places the highest intensity in the center, provides distinctive infill buildings, and steps down to lower densities and heights near the edge of the district.
- Emphasize employment near Metro transit to complete Metro Core development.

The proposed development will help fulfill these objectives.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The location is optimal for as much intensity of use and density as are found to be compatible with the context, i.e., the proposed development must be designed so as not to adversely affect adjacent buildings and uses. The architecture and open space have been designed to

provide a gateway to downtown Bethesda, infuse art and interest into the area, and create a landmark building near the heart of the CBD.

The operational characteristics will enhance the safety and efficiency of the site by limiting vehicular access to one point and providing sidewalks and entrances around the entire periphery of the building.

- (d) As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

A traffic management agreement will be finalized prior to the site plan review process. A final Policy Area Mobility Review must also be satisfied prior to site plan approval. Other public facilities, such as utilities, exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to preliminary plan approval. Public schools will not be impacted by this development.

- (e) The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

A standard method project would only allow a density of 2.0 FAR on this site. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density near transit hubs is a core value of smart growth and given the quality of public amenities being proffered, the optional method of development is more desirable and more efficient for this particular site.

- (f) The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The proposed development does not require MPDUs because it does not provide any residential uses.

- (g) When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

The proposed development will consolidate several lots or parts of lots, but will be built on the one new lot and does not propose any open space or density transfers.

(h) As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.

The project is exempt from the requirements of the forest conservation law.

(i) As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.

The proposed development is subject to the water quality resources protection requirements. The stormwater management concept consists of on-site water quality via green roof and an underground proprietary filter. On-site recharge is not required since this is redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0cfs.

Preliminary Plan

1. The Preliminary Plan substantially conforms to the sector plan.

The Bethesda CBD Sector Plan recommended CBD-2 zoning for the subject property, which was accomplished by a sectional map amendment in 1994. The proposed subdivision amendment complies with the recommendations adopted in the Master Plan in that it proposes commercial office and retail development consistent with surrounding development patterns and the current zoning designation.

Further, the proposed preliminary plan specifically is consistent with the sector plan because:

- The proposal creates jobs near transit and along bike paths;
- The proposed uses will continue the restaurant and service uses frequented by local students and residents;
- The design promotes a pedestrian and street-activating environment by providing ground-floor commercial uses; and,
- The infill development is more environmentally sustainable because it concentrates growth near transit and other day-to-day needs, thereby reducing vehicular travel and saving open space in our suburban and agricultural areas.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Roads and Transportation Facilities

The subject site is located on the west side of Pearl Street between East-West Highway and Montgomery Lane (MD 410). The vehicular access point into the underground parking garage and loading dock is from Montgomery Lane. Temporary parking for delivery vehicles is provided with a proposed lay-by along Pearl Street so these vehicles will not block other traveling motorists and bicyclists on the bike lane. Pedestrian facilities would not be adversely impacted by the proposed redevelopment. The existing sidewalk along the property frontage of Montgomery Lane, Pearl Street, and East-West Highway are proposed to be upgraded to the

current standards. Vehicle and pedestrian access and circulation will be safe and adequate with the proposed improvements.

In accordance with the *Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) Guidelines*, a traffic study was submitted because the proposed commercial redevelopment generates 30 or more peak-hour trips within the weekday morning and evening peak periods. In the traffic study, the critical lane volume (CLV) values were calculated for the existing, background, and total future traffic conditions. The CLV values do not exceed the applicable congestion standard at all the analyzed intersections for any of the traffic conditions. Therefore, the application satisfies the LATR requirements.

Under the current *Growth Policy*, the PAMR test will require the applicant to mitigate 30% of the net new peak-hour generated site trips within the weekday morning and evening peak periods. To accomplish this, the Applicant's transportation engineer is proposing off-site non-auto improvements such as sidewalks, bike paths, and real-time transit information signs. The specific measures have not yet been determined, so approval of the preliminary plan application should be conditioned upon identifying and obtaining approval from MNCPPC and MCDOT of all mitigation measures, including non-auto transportation improvements within the Bethesda/Chevy Chase Policy Area, prior to certification of the site plan.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical, gas, and telecommunications services are also available to serve the Property.

3. *No corner truncations are necessary at the intersections of Pearl Street and East West Highway and Pearl Street and Montgomery Avenue.*

The application proposes no truncation at the intersections of Pearl Street with East West Highway and Pearl Street with Montgomery Avenue. Truncation at these intersections is not necessary because adequate sight distance exists at both intersections. Further, East West Highway is one-way westbound and Montgomery Avenue is one-way eastbound, reducing the potential for vehicular and pedestrian conflicts. Both intersections are signalized, which further enhances their safety and removes the concern that there is not sufficient space within the right-of-way to place traffic signal equipment. Providing truncation would negatively impact the design of the proposed public plaza and the relationship of the proposed building to the public street. The Maryland State Highway Administration has no objection to approval of the preliminary plan without truncation. For these reasons, truncation is not necessary at these intersections.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The site contains no environmentally sensitive areas or natural resources, and the application is exempt from the Forest Conservation Law.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.

The MCDPS Stormwater Management Section approved the stormwater management concept on August 6, 2008. The stormwater management concept includes water quality control via a green roof and underground filter. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

6. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the CBD-2 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Appendix A. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

RECOMMENDATION AND CONDITIONS

Project Plan

Approval of Project Plan 920080010, 4500 East West Highway, as depicted on the plans stamped as received by M-NCPPC on August 11, 2008, subject to the following conditions:

1. Development Ceiling

The proposed development is limited to 223,300 square feet of gross floor area.

2. Building Height and Mass

- a. The proposed development is limited to the building footprint as delineated in the project plan drawings submitted to MNCPPC dated August 11, 2008 unless modified at site plan review.
- b. The proposed development is limited to a maximum height of 98 feet in height from the approved building height measurement point.

3. Public Use Space & Amenities

- a. The Applicant must provide a minimum of 20% of the net lot area for on-site public use space and a minimum of 28.2% of the net lot area for on and off-site public amenity space. The final design and details will be determined during site plan review.
- b. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
- c. The Applicant must provide a water feature **or other focal element**, seating, plantings, and other features in general conformance with the illustrative landscape plan depicted in the staff report, **with final details to be determined during site plan review**.
- d. The Applicant must present the plaza design and public artwork to the art review panel for comment prior to approval of the site plan **amendment**.

4. LEED Rating

The Applicant must achieve a LEED Silver rating, **or other certification based on equivalent energy and environmental design standards**, unless the Planning Board finds at site plan review that this requirement **is economically infeasible may be waived in light of the final quantity, quality, and expense of the other amenities provided by the Applicant such as the artwork and focal element**.

5. Staging of Amenity Features

- a. The proposed development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
- ~~b. The Applicant must complete the on-site public use space issuance of use and occupancy permits unless modified by the site plan development program.~~
- c. The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.

6. Maintenance

Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space and amenities unless an alternative arrangement is made with the Bethesda Urban Partnership or another entity.

7. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan Approval

a. The Applicant must obtain written approval from the Montgomery County Department of Transportation (DOT) for the final design and extent of any and all streetscape improvements within the rights-of-way.

b. The Applicant must obtain written approval of the Maryland State Highway Administration for all access permits and waivers of truncation.

~~c. The Applicant must present preliminary and final public art and amenity designs to the Art Review Panel prior to approval of the site plan.~~

Preliminary Plan

Approval of Preliminary Plan 120080360, 4500 East West Highway, including a waiver of the requirement to provide 25-foot corner truncations at the intersections of Pearl Street with East West Highway and Pearl Street with Montgomery Avenue pursuant to Section 50-26(c)(3) of the Subdivision Regulations, and subject to the following conditions:

1. Approval under this preliminary plan is limited to one lot for a maximum of 223,300 square feet of building space that consists of one of the following options:
 - a. A total of 210,000 square feet of general office use and 13,300 square feet of commercial use, which may include retail, restaurant, and/or office uses; or
 - b. A total of 223,300 square feet of general office use.
2. The Applicant must comply with the conditions of approval of Project Plan 920080010.
3. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by installing and/or funding sidewalks, bike paths, real-time transit information signs, and/or similar non-auto transportation improvements within the Bethesda/Chevy Chase and CBD Policy Areas. The Applicant must identify the specific PAMR improvements, scheduling of their implementation, and be approved by the Montgomery County Department of Transportation (MCDOT) and the Transportation Planning staff prior to the Planning Board's hearing for the site plan. The improvements may be implemented by governmental agencies with payment schedule, bond, or other acceptable financial instruments from the Applicant.
4. The Applicant must dedicate and show on the record plat additional right-of-way along the Sector-Planned roadways as follows:
 - a. Ten (10) more feet of right-of-way for a total of 40 feet from the centerline of East-West Highway (MD 410).
 - b. Fifteen (15) more feet of right-of-way for a total of 40 feet from the centerline of Montgomery Lane (MD 410).
 - c. Twelve (12) more feet of right-of-way for a total of 30 feet from the centerline of Pearl Street.
5. The Applicant must enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the Bethesda Transportation Management Organization.

The Traffic Mitigation Agreement must be fully executed prior to certification of the site plan.

- ~~6. The Applicant must continue to coordinate with the Maryland Transit Administration (MTA) to assure that the plans for Pearl Street are compatible with MTA's plans for one of the Purple Line alternatives.~~
7. The Applicant must provide four inverted-U bike racks at sidewalk grade and secure interior bike storage for at least eight bikes in the garage or in the building with the ultimate location(s) to be determined prior to certification of the site plan in coordination with the M-NCPPC bikeways planner.
8. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated August 6, 2008.
9. The Applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
10. The applicant must comply with the conditions of the MCDOT letter dated July 15, 2008, and amended on August 22, 2008, unless otherwise amended.
11. The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and Maryland State Highway Administration (MDSHA) prior to issuance of access permits.
12. No clearing, grading or recording of plats prior to certified site plan approval.
13. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
14. The record plat must show necessary easements.
15. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

APPENDICES

Appendix A: Preliminary Plan Data Table and Checklist

Appendix B: DPS Stormwater Management Letter

Appendix C: DOT Letter

Appendix D: DOT Amended Condition Letter

Appendix E: SHA Letter

Appendix A: Preliminary Plan Data Table and Checklist

Plan Name: 4500 East West Highway				
Plan Number: 120080360				
Zoning: CBD-2				
# of Lots: 1				
# of Outlots: N/a				
Dev. Type: Commercial				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	18,000 sq. ft.	34,425 sq. ft. minimum	NB	10/3/08
Lot Width	Not specified	108 ft. minimum	NB	10/3/08
Lot Frontage	Not specified	108 ft. minimum	NB	10/3/08
Setbacks				
Front	Not specified	To be determined at Site Plan	NB	10/3/08
Side	Not specified	To be determined at Site Plan	NB	10/3/08
Rear	Not specified	To be determined at Site Plan	NB	10/3/08
Height	143 ft. Max.	May not exceed maximum ¹	NB	10/3/08
Public Use Space	20% of net lot	Must meet minimum ¹	NB	
Max Comm'l s.f. per Zoning	223,300	223,300	NB	10/3/08
MPDUs	N/a		NB	10/3/08
TDRs	N/a		NB	10/3/08
Site Plan Req'd?	Yes		NB	10/3/08
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		NB	10/3/08
Road dedication and frontage improvements	Yes		Agency letter	7/15/08
Environmental Guidelines	N/a		Staff memo	7/14/08
Forest Conservation	Yes		Staff memo	7/14/08
Master Plan Compliance	Yes		Staff memo	7/14/08
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	8/6/08
Water and Sewer (WSSC)	Yes		Agency comments	7/14/08
10-yr Water and Sewer Plan Compliance	Yes		Agency comments	7/14/08
Well and Septic	N/a		Agency comments	7/14/08
Local Area Traffic Review	Yes		Staff memo	9/26/08
Policy Area Mobility Review	Yes		Staff memo	9/26/08
Transportation Management Agreement	Yes		Staff memo	9/26/08
Fire and Rescue	Yes		Agency letter	7/14/08

¹ As determined by the Planning Board at Site Plan.



Appendix B: DPS SWM Letter

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

August 6, 2008

Carla Reid Joyner
Director

Mr. Saeyin Oh
Vika, Inc.
20251 Century Boulevard, Suite 400
Germantown MD 20874

Re: Stormwater Management CONCEPT Request
for 4500 East West Highway
Preliminary Plan #: 120080360
SM File #: 233571
Tract Size/Zone: 0.79 Ac./CBD-2
Total Concept Area: 0.79
Lots/Block: 1, 2, 3, PT14, & 15 /2
Watershed: Lower Rock Creek

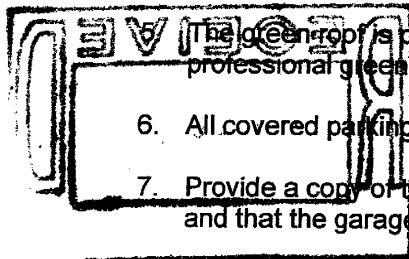
Dear Mr. Oh:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is acceptable. The stormwater management concept consists of on-site water quality control via green roof and an under ground proprietary filter. Onsite recharge is not required since this is redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

Please submit a revised stormwater management concept for water quantity and water quality control for review and approval. All submissions must be accompanied by a resubmittal application. The revised submission must incorporate the following items:

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

- 1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.



The green roof is proposed for 60% of the gross building area. Coordinate the design with professional green roof designers and installers.

- 6. All covered parking is to drain to WSSC.
7. Provide a copy of the mechanical plans showing that the roof top drains to the quality structure and that the garage drains to WSSC.

- 8. Due to vertical constraints on site, the quality BMP will be designed as a flow through structure.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

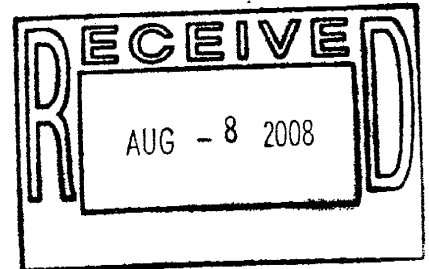


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN233571 4500 East West Highway.DWK

cc: C. Conlon
S. Federline
SM File # 233571

QN -Onsite; Acres: 0.79
QL - Onsite/Waived; Acres: 0.74/0.05
Recharge is not provided





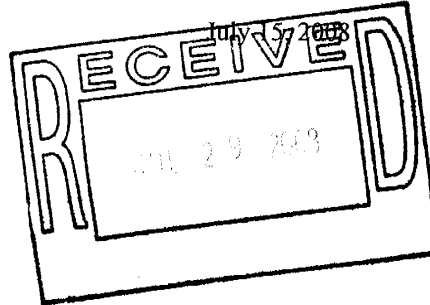
Appendix C: DOT Letter

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan #1-20080360
4500 East West Highway

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on 05/29/08. This plan was reviewed by the Development Review Committee at its meeting on July 14, 2008. We recommend approval of the plan subject to the following comments:

- All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
1. Necessary dedication for East West Highway, Montgomery Ave and Pearl Street in accordance with the Master Plan.
 2. If the applicant is required to install Bethesda CBD streetscaping amenities along the Pearl Street site frontages – prior to approval of the record plat by DPS, execute and record a Declaration of Covenants (for Maintenance and Liability) or enter into an agreement with the Bethesda Urban District for the maintenance of those items.
 3. Access and improvements along East West Highway and Montgomery Ave (both MD 410) as required by the Maryland State Highway Administration.
 4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 5. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
 6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
 7. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878

Customer Service 240-777-6000 • Main Office **Page 35** 190 • 240-777-6013 TTY • 240-777-2080 FAX

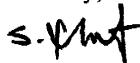
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20080360
Date July 15, 2008
Page 2

8. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Engineering Design and Operation Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
9. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Pearl Street to improve it to business roadway standards (MC-214.02). Please note DOT does not support the carve-out along Pearl Street frontage. (with amended soil panels and underground watering system for Tree Pits(CBDs))
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Division

m:/subdivision/farhas01/preliminary plans/ 1-20080360, 4500 East West Highway.doc

Enclosures ()

cc: Richard Murphy, 4500 East West Hwy, LLC
Mark Kerrigan, McDonalds USA, LLC
Bill Landfair, VIKa, Inc.
Stacy Silber, Holland & Knight
Joseph Y. Cheung; DPS RWPPR
Henry Emery; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Corren Giles, MSHA
Gregory Leck, DOT DTEO
Preliminary Plan Folder
Preliminary Plans Note Book



Appendix D: DOT Amended Condition Letter

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 22, 2008

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20080360
4500 East West Highway, Amendment

Dear Ms. Conlon:

As you requested, we have reconsidered the comments in our July 15, 2008 letter regarding the lay-by on Pearl Street. As a result, we wish to modify the following conditions of our prior approval for the above preliminary plan as follows (all conditions of that letter that are not mentioned herewith remain in effect as stated):

Condition 9A is to be modified as:

“Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Pearl Street to improve it to business roadway standards (MC-214.02).(with amended soil panels and underground watering system for Tree Pits(CBDs)). We have discussed the proposed lay- by on Pearl Street with the applicant on August 21, 2008 meeting and after considering their justification, decided to allow this feature. The details of this lay-by will be decided at site plan and construction permit by DPS. ”

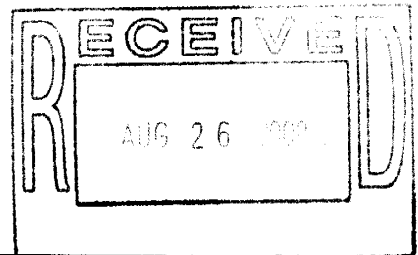
Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,

Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Division

m:/subdivision/farhas01/preliminary plans/ 1-20080360, 4500 East West Highway_amended.doc

Enclosures ()



Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878

Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX

Page 37
trafficops@montgomerycountymd.gov



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

September 4, 2008

Ms. Cathy Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
4500 East West Highway
DRC File: 920080010 & 120080360
MD 410

Dear Ms. Conlon:

The State Highway Administration (SHA) has completed a review of the plans and supporting exhibits for the 4500 East West Highway development. Specifically the radii of the access points were reviewed since they do not meet SHA standards.

There is one entrance located off of MD 410 (Montgomery Avenue) and there are improvements proposed to Pearl Street at its connection with MD 410 (East West Highway) and MD 410 (Montgomery Avenue). The entrance off of Montgomery Avenue shows 10' radii while each end of Pearl Street shows 15' radii. The evaluation of the entrance included a review of truck turning templates, a sight distance evaluation, and exhibits showing how a 25' radius and a 30' radius would impact the building, the adjacent entrance, and the streetscape. The evaluation of Pearl Street included a review of the available right of way, utility impacts, and the streetscape. Based on our review, it is not feasible to improve the radii above what is currently proposed. Therefore, SHA concurs with the proposed design allowing the substandard radii. During the active permitting phase, a design waiver will need to be developed as a final approval of the substandard conditions.

If you have any questions or require additional information, please contact Ms. Corren V. Giles at (410) 545-5595, toll free at (800) 876-4742, or via email at cgiles@sha.state.md.us.

Sincerely,

for Steven D. Foster, Chief
Engineering Access Permits Division

SDF/cvg

- Cc: Ms. Sara Navid / MCDPS
- Mr. Greg Leck / MCDOT
- Mr. Bill Landfair / VIKA, 20251 Century Boulevard, Suite 400, Germantown, Maryland, 20874
- Mr. Jeff Wentz *sent via e-mail*
- Ms. Kate Mazzara *sent via e-mail*

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

