

Reconsideration Request for Preliminary Plan, 120120070, Bethesda Center



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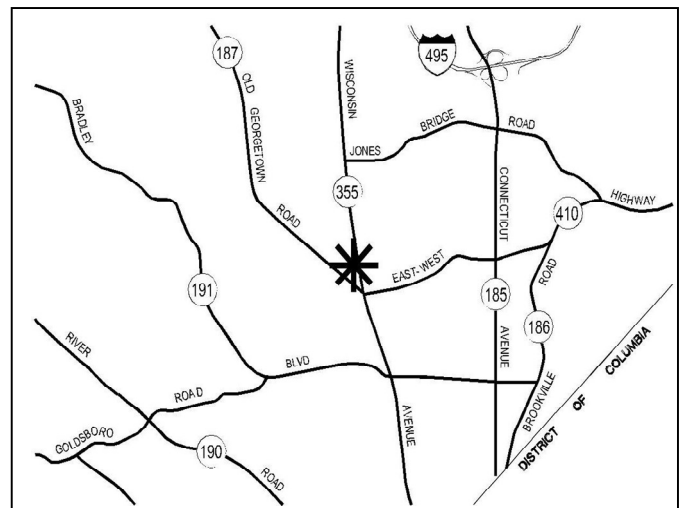
Date of Staff Report: 09/30/2013

Description

- Located between Woodmont Avenue and Wisconsin Avenue south of Norfolk Avenue.
- 2.14 acres of CBD-2 Zoned land in the Bethesda CBD Sector Plan area.
- Reconsideration Request for Modification to PAMR Mitigation Requirement, approved as Preliminary Plan Condition 18b
- Applicant: The *Bethesda Center*, LLC,
- Submitted date: June 26, 2013

Staff Recommendation:

Approval with conditions



Summary

On September 4, 2013, the Planning Board approved the Applicant's reconsideration petition re-evaluate Preliminary Plan Condition #18b, Policy Area Mobility Review (PAMR) mitigation. The Applicant initiated this request to revise the manner in which the PAMR trip credit was calculated for the approved redevelopment as a result of a reduction in on-site retail. The Applicant stated that the future site will have fewer peak hour retail trips than are currently present and should not be penalized for reducing site generated retail trips. This reconsideration is unique and specific to the calculation completed for the subject project's PAMR mitigation requirement. All findings and evaluation of the case previously approved by the Planning Board remain in full force and effect except as modified by Condition #18b. For administrative clarity, this reconsideration is based upon the original approval even though an amendment to the plan occurred after that approval.

BACKGROUND

On December 15, 2011, the Planning Board approved a combined Project Plan (920120010, Resolution No. 11-137) and Preliminary Plan (120120070, Resolution No. 11-138) application for 466,470 square feet of development, including 256,672 square feet of office uses, 193,999 square feet of hotel use (203 rooms) and 15,799 square feet of retail use on 2.14 gross acres of land in the CBD-2 Zone in downtown Bethesda. The buildings were approved for a maximum height of 143 feet. On April 4, 2013, the Planning Board approved a Preliminary Plan Amendment (12012007A, Resolution No. 13-50) to increase the number of hotel rooms by 19 and reallocate 2,885 square feet of office use to restaurant/retail and hotel use. Since the Bethesda Center Preliminary Plan Amendment fell within the originally approved Adequate Public Facilities (APF) finding, the subject Reconsideration is based on APF calculations completed for the original Preliminary Plan.

The reconsideration petition (Attachment A), submitted by the Applicant on June 26, 2013, requests that the Planning Board reconsider the manner in which existing site generated peak hour trips were credited to the project's PAMR mitigation requirement. On September 4, 2013, the Planning Board agreed to waive Rules of Procedure requirement 4.12.1 so that the Applicant could petition for reconsideration outside of the normal ten-day appeal window. If the Planning Board approves Staff's revised PAMR calculation, the Project's PAMR mitigation requirement will be reduced from \$725,400 (62 trips) to \$339,300 (29 trips).

SITE DESCRIPTION

Vicinity

The subject Property is zoned CBD-2 and is located between Woodmont Avenue and Wisconsin Avenue just south of Norfolk Avenue in the Bethesda CBD. The adjacent uses include the Montgomery County parking garage #11 directly across Woodmont Avenue, the Tastee Diner located to the north on Norfolk Avenue and Bethesda Place, a 14-story commercial building located directly on the southern property line. The site is within walking distance of the Bethesda Metro station. The zones surrounding the site to the south, east and west are primarily CBD-2 with the exception of a property further south, on the west side of Woodmont Avenue zoned CBD-R2. The property directly north of Norfolk Avenue is zoned CBD-1.



Vicinity Map

PROPOSED RECONSIDERATION and STAFF RECOMMENDATION

After approving the Applicant’s reconsideration petition, the Board directed staff to re-evaluate the manner in which site generated peak hour retail trips were credited to the PAMR mitigation requirement. The Applicant believes this Reconsideration should be granted because the original calculation inadvertently reduced the available vehicular trip credit by adding the decrease in retail trips as a negative number.

After re-evaluating the trip credit calculation, the decrease in retail trips should have been evaluated as a zero value, rather than a negative value, to reflect the fact that a decrease in site generated retail trips will have no impact on the proposed redevelopment. The decrease in retail trips should not further reduce the PAMR mitigation requirement, as proposed by the Applicant, because the reduction in site generated retail trips will not remove vehicular trips from the transportation network. Traffic that is removed from the network, through transportation demand management (TDM) or trip reduction measures, incentivize Non-Automobile Driver Mode Share (NADMS) or otherwise manage roadway congestion over the life of a project. The reduction in site-generated retail trips provides neither TDM nor trip reduction measures, and is therefore not expected to have any long-term trip reduction impacts. As a result of the re-evaluation, staff proposes the following revision to Condition #18b:

The approved Condition #18b of the preliminary plan amendment stated:

“The Applicant, prior to the release of any building permit for the proposed development, must pay \$725,400 to MCDOT to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate sixty-two (62) net “new” weekday site-generated peak-hour trips at \$11,700 per peak hour trip).

Staff recommends that this condition be revised to state:

“The Applicant, prior to the release of any building permit for the proposed development, must pay ~~\$725,400~~ \$339,300 to MCDOT to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate ~~sixty-two~~ twenty-nine (~~62~~ 29) net “new” weekday site-generated peak-hour trips at \$11,700 per peak hour trip).

ANALYSIS AND DISCUSSION

The intent of PAMR mitigation is to reduce traffic impacts of new development on the transportation network. This mitigation is determined through a mathematical formula that isolates the difference between existing site-generated trips and proposed site-generated trips (net new trips), and recognizes the availability of transit within the (CBD) by determining the difference between *Countywide* and *CBD* trip generation rates. The rationale behind this formula is that a new development’s transportation impact is the difference between the existing and proposed development, rather than the entire impact of a new development on a vacant site. Since this calculation is intended to identify traffic impacts resulting from increased development densities, the formula is not calibrated to calculate a reduction in site-generated peak hour trips. As a result, the decrease in site-generated retail trips identifies a mathematical irregularity within the PAMR calculation that subtracts the decrease in site-generated trips from the total available trip credit.

In order to fully evaluate the PAMR calculation, staff considered two alternative applications of the trip credit formula: one as though the subject property was a vacant site (as requested by the Applicant in the Reconsideration petition) and one as though the reduction in site generated retail trips was treated as a zero, or no net impact to total future site generated trips. In addition to the proposed revision to the trip credit calculation, staff is also correcting a rounding error included in the previously approved table that increases the Morning Peak-Hour by one trip and decreases the Evening Peak-Hour by one trip.

Scenario One: Vacant Lot

The Applicant’s proposed “vacant lot” scenario disregards all existing density from the Site and claims credit for the entire scope of development approved through the Preliminary Plan. This methodology would result in no PAMR mitigation payment. The Applicant suggests that if all existing density on the site were removed and a vacant lot left in its place, the proposed development could be approved and constructed without any PAMR mitigation payment. This scenario is analyzed in Table 1 of this report and summarized below.

In this scenario, the proposed development generates the same trip generation values for Countywide and CBD land use densities; however, the existing on-site density does not reduce the proposed development. The following summarizes the difference between the approved 62 trips and Applicant proposed 0 trip mitigation requirement:

Approved: (Office CBD Trip Credit) + (Hotel CBD Trip Credit) + (Retail Trip Credit) = Total Credit
Approved: 5 + 61 + 34 = 32

Vacant Lot: (Office CBD Trip Credit) + (Hotel CBD Trip Credit) + (Retail Trip Credit) = Total Credit
Vacant Lot: 5 + 97 + 32 = 134

After determining the total trip credit, the credit is applied to the PAMR Mitigation Requirement:

Approved: (Proposed CBD Density) – (Existing CBD Density) = Net New CBD Trips

Approved: 471 – 91 = 380

Approved: Net New CBD Trips x 25% = PAMR Mitigation Requirement

Approved: 380 x .25 = 95

Approved: PAMR Mitigation Requirement – Total Credit = Adjusted PAMR Mitigation Requirement

Approved: 95 – 32 = 63*

** Revised to correct a rounding error in the original calculation (approved as 62)*

Vacant Lot: = (Proposed CBD Density) – (Existing CBD Density) = Net New CBD Trips

Vacant Lot: 471 – 0 = 471

Vacant Lot: Net New CBD Trips x 25% = PAMR Mitigation Requirement

Vacant Lot: 471 x .25 = 118

Vacant Lot: PAMR Mitigation Requirement – Total Credit = Adjusted PAMR Mitigation Requirement

Approved: 118 – 134 = - 16*

** A negative adjusted PAMR mitigation value equates to no mitigation payment.*

Staff does not support the Applicant’s vacant lot proposal because it is inconsistent with past applications of the PAMR calculation and goes beyond correcting the irregularity that decreased the total available trip credit. Additionally, this proposed methodology is in conflict with existing trip generation credit granted to the redevelopment as part of the project’s Local Area Transportation Review (LATR).

Scenario Two: No Retail Impact

For reasons previously discussed in this report, the decrease in site-generated retail trips should be “zeroed out,” to reflect no additional impact to the transportation system. This methodology ensures that the Applicant adequately mitigates the net new peak hour trips generated by the approved development without having the total available trip credit reduced by the negative number associated with reduction in on-site retail. If the Board accepts staff’s revised calculation, the new PAMR mitigation requirement will be 29 peak hour trips for a total PAMR payment of \$339,300. A revised PAMR calculation table, Table 2, is included in this report to illustrate staff’s proposed revisions to the original PAMR calculation. Additionally, the revised trip credit calculation, broken down by land use, is provided below to summarize the difference between the approved 62 trips and proposed 29 trip mitigation requirements (all values are for PM Peak-Hour Period):

Approved: (Office CBD Trip Credit) + (Hotel CBD Trip Credit) + (Retail Trip Credit) = Total Credit

Approved: 5 + 61 + 34 = 100

Proposed: (Office CBD Trip Credit) + (Hotel CBD Trip Credit) + (Retail Trip Credit: “Zeroed Out”) = Total Credit

Proposed: 5 + 61 + 0 = 66

After determining the total trip credit, the credit is applied to the PAMR Mitigation Requirement of 95 trips (25% of the 380 “Net New Trips” generated for the Site). Both the revised and proposed “Adjusted PAMR Mitigation Requirements” are summarized below:

Approved: (PAMR Mitigation Requirement) – (Trip Credit) = Adjusted PAMR Mitigation Requirement

95 – 32 = 63*

** Revised to correct a rounding error in the original calculation (approved as 62)*

Proposed: (PAMR Mitigation Requirement) – (Trip Credit) = Adjusted PAMR Mitigation Requirement

95 – 66 = 29

The revised PAMR calculation, from 66 peak hour trips to 29 peak hour trips, is reasonable and

acceptable to mitigate transportation impacts associated with this redevelopment. As a result, this reconsideration would comply with the Adequate Public Facilities requirement, would not result in adverse impacts to the surrounding transportation network, and would remain in conformance with the findings, standards and intent of the approved plan. The Application also remains in conformance with the master plan and other conditions of approval, except as modified by Condition #18b. Table 1, provided below, illustrates changes between the previously approved Preliminary Plan PAMR calculation and the proposed staff revision that is the subject of this Reconsideration.

CONCLUSION

Staff recommends that the Planning Board reconsider its decision on the PAMR mitigation requirements and revise Condition #18b of Preliminary Plan 120120070 to reflect staff's reevaluation of the existing site generated peak hour trip credit within the Bethesda CBD. Staff further recommends that the Planning Board adopt the original staff report for Preliminary Plan 120120070 (Appendix B) except as modified herein. The attached draft resolution (Appendix C) has been modified to reflect the change to condition #18b and necessary language for the discussion related the PAMR mitigation requirement. The resolution associated with the Amended Preliminary Plan is also attached (Attachment D) for reference.

APPENDICES

- A. Applicant's Reconsideration Petition, submitted June 26, 2013
- B. Staff Report 120120070, dated December 15, 2011
- C. Original Resolution 120120070 (11-138)
- D. Amendment Resolution 12012007A (13-50)

TABLE 1
REVISED PAMR CREDIT CALCULATIONS: Vacant Lot Scenario
PROPOSED BETHESDA CENTER DEVELOPMENT

	Morning Peak-Hour	Evening Peak-Hour
A. Existing Density – (Countywide Rates) Existing “Primary” Trips (A1)	0	0
B. Proposed Density – (Countywide Rates)		
11,570 SF Restaurant(s) – Total Trips	20	82
4,229 SF Retail – Total Trips	8	29
Pass-by (34% of Restaurant/Retail)	n/a	-38
<u>Restaurant(s) / Retail – Primary Trips</u>	<u>28</u>	<u>73</u>
256,672 SF Office – Primary Trips	428	390
203-room Hotel – Primary Trips	136	142
Proposed “Primary” Trips (B1)	<u>591-592</u>	605
C. Existing Density – (CBD Rates) Existing “Primary” Trips (C1)	0	0
D. Proposed Density – (CBD Rates)		
11,570 SF Restaurant(s) – Total Trips	8	30
4,229 SF Retail – Total Trips	3	11
<u>Pass-by (0% of CBD Restaurant/Retail)</u>	<u>0</u>	<u>0</u>
<u>Restaurant(s) / Retail – Primary Trips</u>	<u>11</u>	<u>41</u>
256,672 SF Office – Primary Trips	385	385
203-room Hotel – Primary Trips	45	45
Proposed “Primary” Trips (D1)	441	471
E. <u>CBD Trip Credit</u> (Countywide – CBD)		
<u>Office (428-385); (390-385)</u>	<u>43</u>	<u>5</u>
<u>Hotel (136-45); (142-45)</u>	<u>95</u>	<u>97</u>
<u>Restaurant/ Retail* (28-11);</u>	<u>17</u>	<u>32</u>
Sum of Trip Credit (E1)	<u>155</u>	<u>134</u>
F. PAMR Mitigation Requirement PAMR (F1 = D1 x 0.25)	110	118
G. Adjusted PAMR Mitigation Requirement (G1 = F1 – E1)	- 45	- 16

TABLE 2
REVISED PAMR CREDIT CALCULATIONS: No Retail Impact Scenario
PROPOSED BETHESDA CENTER DEVELOPMENT

	Morning Peak-Hour	Evening Peak-Hour
A. Existing Density – (Countywide Rates)		
4,340 SF Restaurant(s) – Total Trips	8	32
24,600 SF Retail – Total Trips	46	182
Pass-by (34% of Restaurant/Retail)	n/a	-73
<u>Restaurant(s) / Retail – Primary Trips</u>	<u>54</u>	<u>141</u>
<u>74-room Hotel – Primary Trips</u>	<u>50</u>	<u>52</u>
Existing “Primary” Trips (A1)	104	193
B. Proposed Density – (Countywide Rates)		
11,570 SF Restaurant(s) – Total Trips	20	82
4,229 SF Retail – Total Trips	8	29
Pass-by (34% of Restaurant/Retail)	n/a	-38
<u>Restaurant(s) / Retail – Primary Trips</u>	<u>28</u>	<u>73</u>
256,672 SF Office – Primary Trips	428	390
<u>203-room Hotel – Primary Trips</u>	<u>136</u>	<u>142</u>
Proposed “Primary” Trips (B1)	<u>591-592</u>	605
C. <u>Sum of Net “New” Countywide Trips (C1)</u>	487-488	413-412
Net “New” Trips – Countywide (C± = B± – A±)		
<u>Office (428-0=428); (390-0=390)</u>	<u>428</u>	<u>390</u>
<u>Hotel (136-50=86); (142-52=90)</u>	<u>86</u>	<u>90</u>
<u>Restaurant/ Retail(28-54=-26); (73-141=-68)</u>	<u>(-26) 0*</u>	<u>(-68) 0*</u>
D. Existing Density – (CBD Rates)		
4,340 SF Restaurant(s) – Total Trips	3	11
24,600 SF Retail – Total Trips	16	64
Pass-by (0% of CBD Restaurant/Retail)	0	0
<u>Restaurant(s) / Retail – Primary Trips</u>	<u>19</u>	<u>75</u>
<u>74-room Hotel – Primary Trips</u>	<u>16</u>	<u>16</u>
Existing “Primary” Trips (D1)	35	91
E. Proposed Density – (CBD Rates)		
11,570 SF Restaurant(s) – Total Trips	8	30
4,229 SF Retail – Total Trips	3	11
Pass-by (0% of CBD Restaurant/Retail)	0	0
<u>Restaurant(s) / Retail – Primary Trips</u>	<u>11</u>	<u>41</u>
256,672 SF Office – Primary Trips	385	385
203-room Hotel – Primary Trips	45	45
Proposed “Primary” Trips (E1)	441	471
F. <u>Sum of Net “New” CBD Trips (F1)</u>	406	380
Net “New” Trips - CBD (F± = E± – D±)		
<u>Office (385-0=385); (385-0=385)</u>	<u>385</u>	<u>385</u>
<u>Hotel (45-16=29); (45-16=29)</u>	<u>29</u>	<u>29</u>
<u>Restaurant/ Retail (11-19=-8); (41-75=-34)</u>	<u>(-8) 0*</u>	<u>(-34) 0*</u>
G. <u>CBD Trip Credit (Countywide – CBD)</u>		
<u>Office (428-385=43); (390-385=5)</u>	<u>43</u>	<u>5</u>
<u>Hotel (86-29=57); (90-29=61)</u>	<u>57</u>	<u>61</u>
<u>Restaurant/ Retail* (-26 – -8); -68 – -34)</u>	<u>(-18) 0*</u>	<u>(-34) 0*</u>
<u>Sum of Trip Credit (G1)</u>	100	66
H. PAMR Mitigation Requirement		
PAMR ($G_{H1} = F1 \times 0.25$)	102	95
I. Adjusted PAMR Mitigation Requirement		
(I1 = H1 – G1)	-21-2	-62-29

* Negative Values treated as “zero” to reflect no impact to the transportation system.

June 25, 2013

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VIA EMAIL AND OVERNIGHT DELIVERY

Francoise Carrier, Chairman and
Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Petition for Reconsideration (“Petition”) – The Bethesda Center (the “Project”) Preliminary Plan Amendment No. 12012007A (the “Preliminary Plan”); 2.14 +/- acres (gross) located west of Wisconsin Avenue, east of Woodmont Avenue, and south of Norfolk Avenue in the Bethesda CBD (the “Property”)

Dear Chairman Carrier and Members of the Planning Board:

On behalf of The Bethesda Center LLC (the “Applicant”) and pursuant to Section 4.12.1 of the Planning Board’s Rules of Procedure (the “Rules of Procedure”), we hereby submit this Petition for Reconsideration of the Montgomery County Planning Board (the “Planning Board”) Resolutions mailed on March 7, 2012 and April 22, 2013 (the “Resolutions,” copies of which are attached as Exhibit “A” and Exhibit “B”) with respect to approval of the Preliminary Plan for the Project, and specifically reconsideration of Preliminary Plan Condition No. 18b as it pertains to the Project’s Policy Area Mobility Review (“PAMR”) requirements. For “good cause shown” as discussed below, the Applicant respectfully and preliminarily requests a waiver of the requirement set forth in Section 4.12.1 of the Rules of Procedure that a petition for reconsideration be filed within ten (10) days after the date of mailing of the Resolution (which same section also permits the Chairman to waive the filing deadline for good cause shown).¹

¹ The decision to pursue this as a petition for reconsideration rather than as an amendment to the Preliminary Plan was pursuant to the direction of Maryland - National Capital Park and Planning (“M-NCPPC”) staff (“Staff”) (including Acting Planning Director, Rose Krasnow). Both the Applicant and Staff believe that having this reviewed as a reconsideration is the most efficient and applicable manner to have this matter resolved and that it is timely given the initial understanding that the Applicant would have the opportunity to address the matter after a subsequent general PAMR policy determination by the Board, as well as the continued interactive process involving both the Applicant and Staff since the initial Planning Board hearing and leading up to the current time.

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The subject of this Petition, as discussed further below, is the PAMR mitigation requirement calculation as it relates to the Central Business District (“CBD”) Trip Credit Calculation methodology (the “CBD Trip Credit Calculation”) for the Project, and the illogical and contradictory result whereby a decrease in the amount of retail on the Property (with fewer vehicular trips generated) results in an increased PAMR mitigation requirement. During the Planning Board hearing on the Preliminary Plan and the Project Plan held on December 15, 2011, and following a lengthy deliberation on an unrelated Project Plan issue, the Applicant and Staff briefly discussed with the Board the above-described discrepancies with the CBD Trip Credit Calculation and the resulting significant PAMR mitigation requirement for the Project. Finding the discussion to be too complex to be resolved during the public hearing for this Project, the Planning Board directed the Staff to revisit and resolve the proper calculation of the CBD Trip Credit Calculation in general, and the Planning Board would thereafter figure out “the proper approach” for calibrating the calculation, perhaps by revisiting the PAMR mitigation as part of the Site Plan Review for the Project and/or by revisiting the Adequate Public Facilities Ordinance (APFO) findings for the Project at a later date. [The excerpt of the December 11, 2011 Planning Board hearing discussion regarding the Project’s PAMR requirements is attached as Exhibit “C.”]

When the Planning Board subsequently reviewed the CBD Trip Credit Calculation at a roundtable discussion on its May 3, 2012 agenda (after postponing the scheduled discussions several times), the Planning Board agreed with a Staff recommendation that since the Transportation Policy Area Review (“TPAR”) would be replacing PAMR as part of the 2012-2016 Subdivision Staging Policy (“SSP”), it was not a good use of Staff or Planning Board time to further analyze and revise the CBD Trip Credit Calculation for PAMR in order to ensure a fair and consistent application of the calculation. Given that the CBD Trip Credit Calculation methodology did not get the analysis and policy direction by the Planning Board as anticipated (as it was in the imminent process of being replaced by TPAR and thus becoming irrelevant), the Applicant filed an amendment to the Preliminary Plan (along with a Site Plan application) on July 9, 2012 (the “Preliminary Plan Amendment”) to, among other adjustments to the Project, address the discrepancies with the CBD Trip Credit Calculation as applied to the Project. The County Council adopted the 2012-2016 SSP on November 13, 2012, which permitted applicants with pending preliminary plan applications to elect to proceed under either TPAR or PMAR for Policy Area Review. On December 5, 2012, the Applicant formally notified Staff of its intent to utilize TPAR for Policy Area Review of the Project under the APFO (which inherently addresses the recognition of the transit infrastructure and reduced trips generated by development and/or redevelopment within Metro Station Policy Areas and thus does not involve any complicated CBD Trip Credit Calculation) for its pending Preliminary Plan Amendment.

In discussions between Staff and the Applicant leading up to the April 4, 2013 Planning Board public hearing for the Preliminary Plan Amendment (and Site Plan), Staff informed the Applicant of their position that the Applicant could only utilize TPAR for any new trips that

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would be generated as a result of proposed minimal changes to the mix of uses in the Project with the Preliminary Plan Amendment. However, Staff did agree that outside of the Planning Board's consideration of the Preliminary Plan Amendment (and Site Plan), reconsideration of the CBD Trip Credit Calculation as applied to the Project and the resulting PAMR mitigation requirement for the Project was warranted, acknowledging that the result of the calculation whereby the decrease in retail trips with the Project created an increased PAMR mitigation requirement was illogical and inconsistent. As such, during the April 4th hearing on the Preliminary Plan Amendment (and Site Plan), Staff and the Applicant informed the Planning Board of their mutual intent to further review the CBD Trip Credit Calculation for the Project separate from the Site Plan and Preliminary Plan Amendment and, if warranted, to potentially come back to the Planning Board for corrective action.

We understand that Staff has now had the opportunity to analyze the CBD Trip Credit Calculation and PAMR mitigation as applied to the Project and as applied previously to other CBD projects (for reasons discussed above this thorough analyses had not previously been made) and determined that the outcome of the December 15, 2011 hearing relative to the application of PAMR to the Project should have been different. Using the CBD Trip Credit Calculation as applied with other CBD projects and eliminating the inconsistency created with the decrease from the existing retail area, the resulting PAMR mitigation requirements are to mitigate 29 trips, or make a payment of \$339,300.00. We understand that the Staff concurs with this amended calculation (explained more fully below) and with this being taken up again by the Planning Board upon reconsideration (with a waiver of the Rules of Procedure with respect to time).

In greater detail, the Applicant bases this Petition upon a further analysis by Staff regarding the application of the CBD Trip Credit Calculation to this Project for the PAMR trip mitigation requirements, particularly as to contradictory results when a *decrease* in the net new trips generated by the proposed retail use in the Project (by virtue of replacing existing retail) creates an *increase* in the PAMR trip mitigation requirement. This illogical result alone sounds the alarm bell that something is wrong with the calculation.² For background, as explained in the April 26, 2012 Staff Memorandum to the Planning Board on the CBD Trip Credit Calculation in general (attached hereto as Exhibit "D"), developments within the CBDs were eligible to use the CBD Trip Credit Calculation toward their PAMR mitigation requirement as part of the policy of encouraging and incentivizing transit-oriented and transit dependent developments in CBD areas.³ As Staff explained, the CBD Trip Credit reflected the reduction in trips achieved by

² Similar to the *res ipsa loquitur* ("the thing speaks for itself") legal doctrine wherein no explanation is necessary since the facts indicate something is obviously amiss.

³ As a policy note, this general CBD Trip Credit Calculation policy is consistent with the current TPAR component of the SSP which exempts development in Metro Station Policy Areas, like the Bethesda CBD, from mitigation requirements based on transit adequacy test (which we understand inherently incorporates a credit or reduction in requirements without the need for a complicated trip calculation

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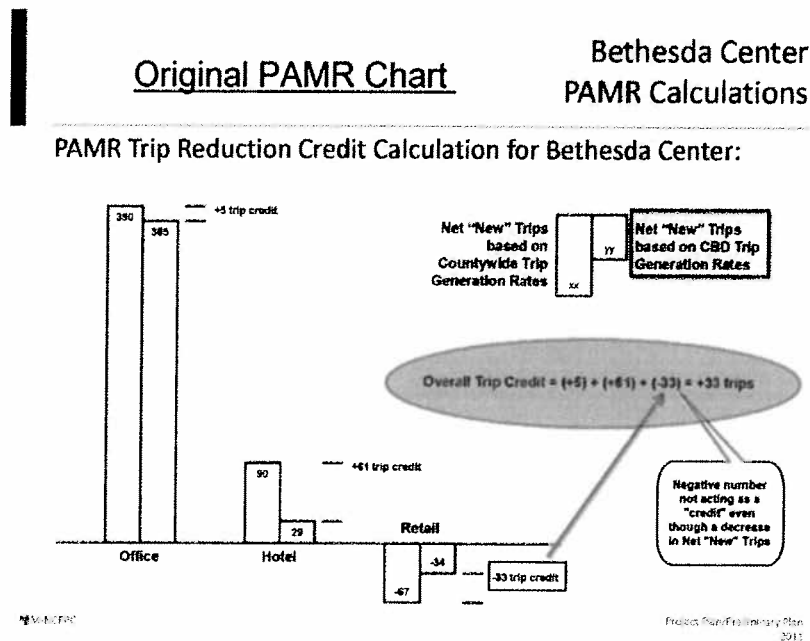
projects in a CBD compared to development outside the CBDs (Countywide) that do not have the transit proximity or infrastructure. Thus, the Staff calculation was based on the difference of the trip generation estimate for net new trips of a development using Countywide trip generation rates (non-CBD) and CBD trip generation rates - basically a credit for being in the CBD. Staff noted that individual Staff members calculated the CBD Trip Credit Calculation differently for different developments,⁴ but regardless of the methodology used, in practice the CBD Trip Credit either fully eliminated or substantially reduced the PAMR mitigation requirement for most CBD developments.

As demonstrated on the “Bethesda Center PAMR Calculations” Chart prepared by Staff for the original December 15, 2011 hearing for the Project shown below and attached hereto as Exhibit “E” (the “PAMR Chart”), the CBD Trip Credit Calculation was stated to be based on the difference between the net “new” trips for the Project comparing the Countywide trips and the CBD trip generation trips. Thus, the office trip credit is 5 trips (the difference between the 390 Countywide and 385 CBD trips) and the hotel trip credit is 61 trips (the difference between the 90 Countywide and 29 CBD trips). However, the retail trip credit on the original PAMR Chart is reflected as a negative 33 trips (33 being the difference between the decrease in the 67 Countywide trips and the decrease in the 34 CBD trips). Therefore, even though the Project was reducing its retail (and trips generated), the difference between the Countywide retail and CBD trips was treated as a negative number and thus created the illogical result of *reducing the credit* by 33 trips, as shown with the calculation (the difference of 5 office trips, plus the 61 hotel, reduced by the 33 retail trips, equaling a 33 trip credit total). This is inconsistent with the stated intention of the graph (and the PAMR trip mitigation requirements) to be based on net “new” trips.

methodology). Further, the CBD Trip Credit reflected the fact that CBD projects participate in Transportation Management Districts (“TMDs”), have Traffic Mitigation Agreements, pay annual TMD fees, have reduced parking, and provide more pedestrian and bicycle amenities than Countywide developments outside the CBDs. In addition to those mitigation features, this Project will be participating in the Parking Lot District (“PLD”) with significantly reduced parking and payment of PLD tax, all of which contribute to the goal of trip generation.

⁴ As the Applicant stated at the hearing on December 15, 2011, the Applicant used a methodology similar to the one used by different Staff for the approved projects of Woodmont Central, the Monty, Safeway at Bradley and 4500 East-West Highway, which incorporated the Countywide and CBD trip generation figures for existing development differently than the Staff did for this project. While the Applicant does not seek to revisit the underlying methodology with this reconsideration, this discrepancy with different Staff applications explains a portion of the confusion at the December 15, 2011 hearing and the basis for the Planning Board’s initial direction to review the proper calculation of the CBD Trip Credit Calculation outside the context of the Project.

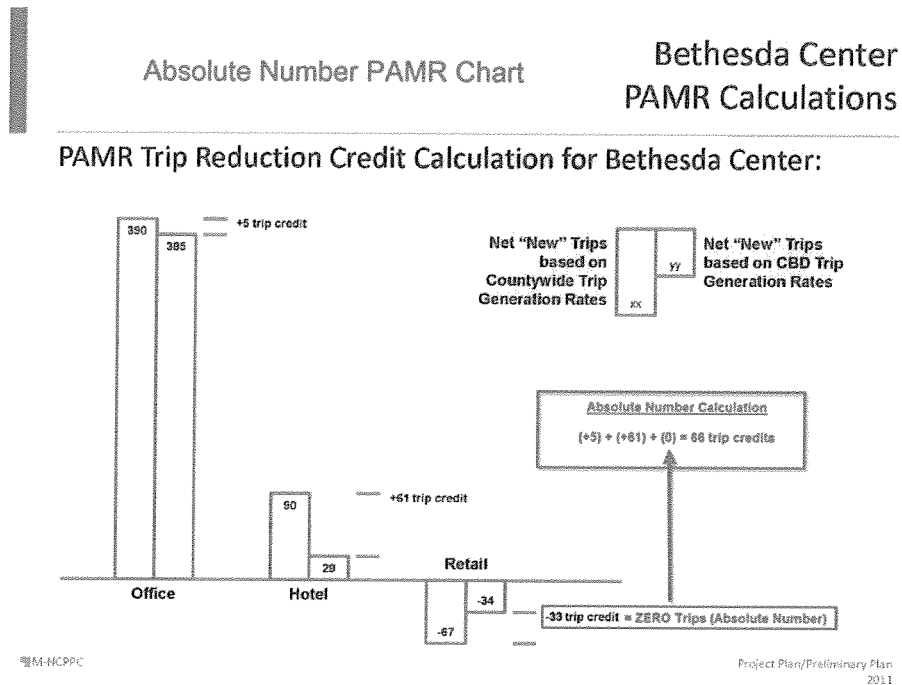
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The anomaly with this CBD Trip Credit Calculation is evident from the PAMR Chart itself with the "new" retail trips showing below the graph as a negative number as a reduction in trips, but which contradictorily results in reduction to the credit provided instead of a credit for reduced retail trips.

This anomaly is clarified on the modified PAMR Chart shown below and attached hereto as Exhibit "F" that is annotated with the Absolute Number Calculation box. Since there will be a decrease in the net retail provided on the Property with the Project (with the new development replacing the existing retail), in absolute terms there will be zero "new" retail trips for the Project (in fact, a decrease in retail trips). The nuance in this is that by considering the net new trips of the Project as a negative number (reflecting the decrease in retail trips from 75 trips based upon existing retail use and 41 trips based upon proposed reduced amount of retail use replacing the existing) rather than as zero, the negative number for the Project's trips (a reduction of 34 CBD trips) actually penalizes the Applicant by formulaically reflecting the comparison with the decrease in a hypothetical Countywide project as if there were "new" trips generated.

Chairman Carrier and Members of the Planning Board
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After reviewing this discrepancy in detail, we are advised that the Staff agrees that the Applicant should not be penalized for the reduction in retail trips for the Project, given that the PAMR mitigation requirement and the CBD Trip Credit Calculation are based on net “new” trips. The retail number should be treated as zero (basically giving the Applicant no credit even though there is a reduction in the retail on the site with the Project) which thus increases the trip credit to 66 (5 office + 61 hotel + 0 retail) and reasonably reduces the number of trips the Applicant must mitigate. Therefore, the trip credit would solely be on the CBD Trip Credit Calculation of the new office and hotel trips of 66 trips and for consistency and fairness, reflect the decrease in the trip generation for retail as a zero, not a negative number that inadvertently penalizes the Applicant. The 66 CBD trip credit applied to the underlying 95 trip PAMR mitigation requirement for the Project would result in a 29 trip mitigation, or a \$339,300.00 payment (29 x \$11,700/trip).

We understand that Staff reviewed this CBD Trip Credit Calculation treating the reduced retail as a zero number with other developments that had a PAMR mitigation requirement and found this contradictory result and resulting requirement to be unique to the Project. Therefore, with this proper consideration of the CBD Trip Credit Calculation and the anomaly with the retail trips, the PAMR mitigation requirement for the Project in Condition No. 18b should equitably be

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reduced from 62 trips (and a \$725,400.00 fee) to 29 trips, with the resulting mitigation fee being \$339,300.00.⁵

Therefore, for all of the reasons explained above, the Applicant respectfully submits this Petition and requests a waiver of the Rules of Procedure with respect to the filing time for this Petition in recognition of all of the facts and circumstances unique to this matter. If you have any questions or require any additional information, please feel free to contact either of the undersigned.

Very truly yours,

LINOWES AND BLOCHER LLP


C. Robert Dalrymple


Anne M. Mead

Enclosures

⁵ We do note that the Applicant reviewed an additional discrepancy with the CBD Trip Credit Calculation for the Project with Staff and originally to the Planning Board. More specifically, if the site were currently vacant, instead of containing existing commercial and surface parking lots to be redeveloped, the application of the CBD Trip Credit Calculation for the Project would have resulted in no PAMR mitigation requirement (much like most CBD developments). This discrepancy with the calculation is based on the fact that the CBD Trip Credit is based on "new" trips, which makes the reduced number of new trips (and resulting reduced difference between the Countywide and CBD trip numbers) actually negatively impact the Trip Credit. Thus, the CBD Trip Credit Calculation using the existing development is inconsistent with the stated policies to encourage and incentivize redevelopment and instead serves as a penalty and disincentive for older developments or incentive to prematurely vacate existing structures that serve the community prior to redevelopment. We understand that Staff does not agree with the application of the vacant lot scenario (and elimination of PAMR mitigation requirement), but does agree that the aforementioned retail discrepancy warrants reconsideration and a correction to the PAMR mitigation requirement. As a compromise and to facilitate the favorable consideration by the Planning Board of this Petition, the Applicant will not further pursue this additional reduction that the Applicant believes is fully warranted.

Chairman Carrier and Members of the Planning Board

June 25, 2013

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cc: Ms. Rose Krasnow, Acting Planning Director, M-NCPPC *(via e-mail delivery)*
Ms. Carol Rubin, Esq., M-NCPPC *(via e-mail delivery)*
Ms. Mary Dolan, Chief, Functional Planning & Policy, M-NCPPC *(via e-mail delivery)*
Mr. Robert Kronenberg, Acting Chief, Area 1, M-NCPPC *(via e-mail delivery)*
Mr. Marc Duber *(via e-mail delivery)*
Mr. Greg Rooney *(via e-mail delivery)*
All Parties of Record (via first-class mail)

**L&B 2400875v4/06856.0003



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

MCPB No. 13-50
Preliminary Plan No. 12012007A
Bethesda Center
Date of Hearing: April 4, 2013

APR 22 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 7, 2012, the Planning Board, by Resolution MCPB No. 11-138, approved Preliminary Plan No. 120120070, creating one lot on 2.14 acres of land in the CBD-2 zone, located between Woodmont Avenue and Wisconsin Avenue south of Norfolk Avenue ("Subject Property"), in the Bethesda CBD Sector Plan ("Sector Plan") area for up to 466,470 square feet of commercial mixed-use development comprised of 256,672 square feet of office uses, 193,999 square feet of hotel uses, and 15,799 square feet of retail uses; and

WHEREAS, on July 9, 2012, The Bethesda Center, LLC, filed an application to amend the previously approved preliminary plan to increase the number of hotel rooms and reallocate 2,885 square feet of office use to restaurant/retail and hotel use within the same maximum square footage of development on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12012007A, Bethesda Center ("Preliminary Plan" or "Amendment"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 22, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 4, 2013 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 4, 2013, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley all voting in favor.

Approved as to
Legal Sufficiency

[Signature] 4/10/13
George Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

EXHIBIT A

MCPB No. 13-50
Preliminary Plan No. 12012007A
Bethesda Center
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NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12012007A to increase the number of hotel rooms by 19 for a total of 222 rooms and reallocate 2,885 square feet of office use to restaurant/retail and hotel use on the Subject Property by modifying the following conditions:¹

1. Condition #1 of Preliminary Plan No. 120120070 is replaced by the following:

Approval under this Preliminary Plan is limited to one lot for up to 466,470 square feet of commercial mixed-use development comprised of 253,787 square feet of office uses, 196,357 square feet of hotel uses, and 16,326 square feet of restaurant/retail uses.

2. Condition #7 of Preliminary Plan No. 120120070 is replaced by the following:

The Applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way as measured from the centerline along the property frontage for Woodmont Avenue and 57 feet of right-of-way as measured along the centerline along the property frontage for Wisconsin Avenue. An additional 5-foot-wide public improvement easement ("PIE") must be provided adjacent to the Woodmont Avenue right-of-way along the Subject Property boundary.

3. Condition #18(a) and (b) of Preliminary Plan No. 120120070 is replaced by the following:

- a. The Applicant must limit future development on the site to a 222-room hotel, 253,787 square feet of office uses, and 16,326 square feet of restaurant/retail uses.
- b. The Applicant must pay \$725,400.00 to the Montgomery County Department of Transportation ("MCDOT") to satisfy the Policy Area Mobility Review ("PAMR") requirement of the adequate public facilities ("APF") test to mitigate sixty-two (62) net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip, of which \$57,000 is satisfied by the Applicant's proffered payment for construction of a bike share station in the vicinity. The payment may be split into two payments of 50% each, the first made prior to issuance of a building permit for the development, and the second prior to issuance of the first building use and occupancy permit.

4. The Adequate Public Facilities review for the Preliminary Plan will remain valid until April 7, 2019.

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

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Preliminary Plan No. 12012007A
Bethesda Center
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BE IT FURTHER RESOLVED, that all other conditions of approval for this project as established by Preliminary Plan No. 120120070 remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 1. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and all findings not specifically addressed remain in effect.*
- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

Trip Generation, LATR and PAMR

Since the development as originally approved was estimated to generate 30 or more peak-hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods, a traffic study was submitted. That study determined traffic impacts of the development and received APF approval as part of Preliminary Plan No. 120120070.

As a result of the square footage reallocation approved with this Amendment, the estimated weekday evening peak-hour trip generation is increased by one additional trip over what was approved with the original preliminary plan. This additional trip would not change the Congestion Level/Critical Lane Volume (CLV) analysis completed with the previously approved preliminary plan because the previously submitted traffic study demonstrated acceptable levels of congestion for a more intense development mix than was ultimately approved by the Planning Board. Therefore, the reallocation of square footage approved with this Amendment does not require any change to the LATR requirements or the PAMR trip mitigation requirement as previously conditioned.

Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Subdivision Staging Policy currently in effect and will be adequate to serve the Subject Property. There are no residential uses, and therefore, there is no impact to local area school facilities. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

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Preliminary Plan No. 12012007A
Bethesda Center
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BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid until April 7, 2017, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

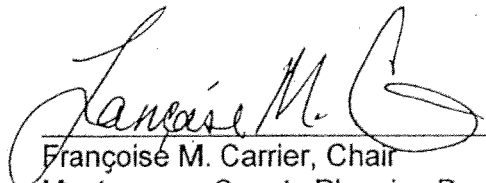
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 22, 2013 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 18, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

MAR 17 2012



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

MCPB No. 11-138
Preliminary Plan No. 120120070
Bethesda Center
Date of Hearing: December 15, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on August 25, 2011, The Bethesda Center, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 2.14 gross acres of land in the CBD-2 zone, located between Woodmont Avenue and Wisconsin Avenue, approximately 75 feet south of Cheltenham Drive ("Property" or "Subject Property"), in the Bethesda Central Business District Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120120070, Bethesda Center ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 1, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on December 15, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 15, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Anderson,

Approved as to
Legal Sufficiency:

Christina Sonnet 2/23/12

8787 Georgia Avenue, Suite 500, Bethesda, Maryland 20814 Chairman's Office: 301.495.4665 Fax: 301.495.1320

MNCPPC Legal Department
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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seconded by Commissioner Dreyfuss, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor. Commissioner Presley was absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 50 the Planning Board approves Preliminary Plan No. 120120070 to create one lot on the Subject Property, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to one lot for up to 256,672 square feet of office uses, 193,999 square feet of hotel uses, and 15,799 square feet of retail uses.
2. The Applicant must comply with the conditions of approval for Project Plan No. 920120010.
3. The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services ("MCDPS") issuance of sediment and erosion control permits as applicable.
4. The Applicant must obtain approval of a Final Forest Conservation Plan, consistent with the approved Preliminary Forest Conservation Plan and associated conditions, prior to any clearing, grading or demolition on the site.
5. No clearing, grading, demolition, or recording of plats prior to certified site plan approval unless specified with the site plan approval.
6. The fee-in-lieu or certificate of compliance for the off-site forest mitigation must be submitted by the Applicant and approved by M-NCPPC Staff prior to land disturbing activities occurring on the Subject Property.
7. The Applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way as measured from the centerline along the property frontage for Woodmont Avenue and 57 feet of right-of-way as measured along the centerline along the property frontage for Wisconsin Avenue.
8. 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.
9. The Applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of the sidewalks per Bethesda Streetscape Standards along the property frontages on Wisconsin Avenue and Woodmont Avenue.
10. The final density and mix of uses will be determined at Site Plan.
11. The Applicant must comply with the conditions of the MCDPS stormwater management approval dated September 8, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. The Applicant must comply with the conditions of the Montgomery County Department of Transportation ("MCDOT") letter dated November 29, 2011.

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These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

13. Prior to site plan approval, the Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and/or Maryland State Highway Administration ("MDSHA") prior to issuance of access permits, as applicable.
14. The Applicant must satisfy requirements of Montgomery County Fire and Rescue pertaining to addressing, emergency vehicle access, fire access walk path and the locations of proposed fire department connection, hydrants, door locations and fire control rooms.
15. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
16. The record plat must show necessary easements.
17. The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
18. Transportation
 - a. The Applicant must limit future development on the site to a 203-room hotel, 256,672 SF of office, and 15,799 SF of restaurant/retail.
 - b. The Applicant, prior to the release of any building permit for the proposed development, must pay \$725,400.00 to MCDOT to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate sixty-two (62) net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip).
 - c. The Applicant must dedicate and show on the final record plat the following rights-of-way along property frontage consistent with the 1994 Approved and Adopted *Bethesda CBD Sector Plan*:
 - i. Wisconsin Avenue – minimum of 57 feet from the roadway right-of-way centerline, and
 - ii. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline.
 - d. Frontage improvements must be finalized at site plan.
 - e. The Applicant must enter into a Traffic Mitigation Agreement ("Agreement") with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and must execute the Agreement prior to the release of any building permit for the proposed development.

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- f. The Applicant, as part of the above Agreement or separately, must grant an easement to MCDOT to install a future bike-share station on the site, preferably along Woodmont Avenue. If a bike share station is appropriate at this site, then the location for the proposed bike-share station and the easement agreement with MCDOT for the proposed bike-share station must be finalized at least 30 days prior to any Planning Board hearing on the site plan for the development.
19. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

The Subject Property lies within the boundaries of the Approved and Adopted 1994 Bethesda Central Business District ("CBD") Sector Plan. The Sector Plan supports mixed use development, including office uses near Metro. The Planning Board approves a mixed-use development with 466,400 square feet of commercial uses including 256,672 square feet of office space and 15,799 square feet of restaurant/retail use. There will be 193,999 square feet of hotel space, including a ballroom on the second level of the hotel. The maximum density allowed under the CBD-2 Zone is 5.0 FAR; the proposed density is 5.0 FAR. The development maximizes the building height at 143 feet, which is allowed by the zone. The project steps down in height from 143 feet closest to the Metro Core to 122 feet on the northern edge furthest away from the core. This is consistent with adjoining and nearby properties, some of which have been constructed with others being approved but not yet built, including Bethesda Place located directly to the south at 143 feet, 4900 Fairmont at 174 feet to the west, and the Lionsgate to the south at 143 feet.

The Sector Plan indicates that a mix of office, retail, restaurant, as well as residential uses is appropriate for the site. The Preliminary Plan will provide office, retail, restaurant and hotel uses that will be visible and accessible to a greater number of pedestrians. In addition, the Applicant has committed to provide a contribution to the Housing Initiative Fund as part of its amenity package. 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

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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.

The ground-floor uses and off-site public space will serve not only the weekday office workers, but also the evening and weekend residents of the CBD, bringing pedestrian activity and vitality to what is currently an underutilized space.

The Preliminary Plan is in substantial conformance with the recommendations in the Sector Plan by:

- Establishing a vibrant and diverse downtown;
- Providing infill development that complements the existing urban fabric;
- Creating employment opportunities;
- Creating an appealing environment for working, shopping, and entertainment; and
- Creating circulation patterns that encourage walking, cycling, and the use of mass transit.

The Planning Board finds that the mixed-use Application substantially conforms to the general goals and additional specific recommendations of the Sector Plan, including downtown environment, urban form, and employment, housing and land use described below.

Downtown Environment

The Downtown Bethesda Metro Core District is envisioned as a place that has a choice of retail, restaurant, cultural programming, open space and pathways. It should also include office uses with the potential for additional residential uses. The Board finds that the Preliminary Plan provides several features that address this goal:

- The mix of office, hotel and retail uses fulfills the Sector Plan goal of increasing the mix of uses.
- The public use space expands the existing network of open spaces in the area and provides a more direct connection to the Metro through connections to existing pedestrian routes. The design will reflect Bethesda as a "garden" through the imaginative use of on-site rain gardens and Low Impact Development techniques.
- The physical character of the public realm is well defined by building edges. The open spaces will shape the form of the buildings and relate well to the surrounding context of public spaces.
- The design of the architecture will add a contemporary structure to the urban fabric of Downtown Bethesda. It will provide a landmark and gateway element to Wisconsin Avenue that responds to views and vistas within the

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- CBD. It will create a focal point that improves the orientation and strengthens the perception of a sub-center at the northern edge of the Bethesda core.
- The amenities will provide an animated space through the use of waterfalls, shade trees, seating areas, and art features.

Urban Form

In general, the Sector Plan encourages mixed-use development that includes retail, office and residential uses located in buildings on active streets.

- The Preliminary Plan will fulfill this goal by including restaurant/retail uses on the ground floor and office and hotel use above.
- The Preliminary Plan strengthens the urban form of the surrounding neighborhood by creating active street frontages both on Woodmont and Wisconsin Avenues.
- The open spaces will be activated by outdoor cafes and retail seating and open, tree-shaded plaza areas that will attract people to gather and stay.
- The new pedestrian circulation connections and choices will increase foot traffic and provide more efficient pedestrian connectivity.
- The cultural and artistic amenities will provide a sense of identity through the unique design of water features, lighting, and landscaping

With regard to building height and the surrounding context, numerous Sector Plan recommendations speak to anticipated infill development with higher-density employment and housing uses downtown. The Applicant conducted shade studies to show the impact of the height and massing of the project on adjacent properties. The studies showed that the shade and massing relationships associated with this development will not cast significant shadow on presently used public areas or block direct sunlight from surrounding properties. The studies show that a significant portion of the shadows fall on roadways and only during portions of the day will there be detrimental impacts, while adverse effects on adjacent properties are minimal. In addition, the glass facades included in the building design further offset the shadow effect. During the summer months, when outdoor spaces get the most usage, the shadow impact of the proposed building is minimal on the surrounding properties, streets and sidewalks.

Employment, Housing, & Land Use

The applicable references in the Sector Plan refer to the need for increased choices associated with retail, restaurants, cultural programming, open space, and pathways in this area. The specific objectives with regard to this site are met as indicated:

- The Preliminary Plan creates job opportunities by providing a variety and mix of uses that are employment generators including hotel, office, and retail uses.

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- The Applicant will contribute to the affordable housing goals of Montgomery County by contributing to the Housing Initiative Fund. The Applicant will make a payment to the fund based upon a formula of \$5 per FAR foot approved above a 4 FAR. The total payment for the maximum FAR approved for the project will be \$466,479 (93,294 square feet of gross tract area multiplied by 5).
- The design promotes a pedestrian and street-activating environment by applying the Bethesda Streetscape standards to frontage along Woodmont and Wisconsin Avenues. In accordance with these standards, the Application provides widened sidewalks paved with brick, street trees, seating areas, and pedestrian scaled lighting.
- The development consolidates multiple properties for an optional method of development to accommodate the maximum density in the CID.
- 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. In addition the project provides green roofs and bio-filtration techniques at grade that will significantly improve the quality of water flowing off-site during rain events.

Based upon the testimony provided at the Hearing and evidence provided by Staff, the Board finds that the Preliminary Plan is in substantial conformance with the Sector Plan.

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

Public facilities are adequate to accommodate the Application. Vehicular and pedestrian access will be safe and adequate with the proposed improvements. Sidewalks will be reconstructed along Woodmont and Wisconsin Avenues to facilitate pedestrian mobility.

As conditioned, the Application satisfies the LATR and PAMR requirements. A traffic study (dated October 31, 2011) was submitted by the Applicant for the Application per the LATR/PAMR Guidelines since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

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Trip Generation

The peak-hour trip generation estimate for the Application was based on trip generation rates included in the LATR/PAMR Guidelines. The Application will generate 441 peak-hour trips during the weekday morning peak period and 471 peak-hour trips during the weekday evening peak period. After accounting for existing density on the site, the Application is estimated to generate 406 net "new" peak-hour trips during weekday morning peak period and 380 net "new" peak-hour trips during weekday evening peak period.

Local Area Transportation Review

Under Total (Build) traffic conditions, Critical Lane Volume (CLV) values for intersections included in the study were estimated to be below the Bethesda CBD congestion standards (1,600 and 1,800 CLV, respectively). Based on the analysis presented in the traffic study, it is concluded that the Application will satisfy the LATR requirements of the APF test.

Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda CBD Policy Area is currently required to mitigate 25% of "new" peak-hour trips generated by the development.

Based on the site trip generation summary, the PAMR mitigation requirement for the proposed development is calculated as 102 peak-hour trips for the morning peak period and 95 peak-hour trips for the evening peak period.

By virtue of being located within the Bethesda CBD, the Applicant is also eligible to receive a PAMR trip mitigation credit (determined by comparing Countywide and CBD trip generation estimates for a development). This peak-hour trip mitigation credit is equivalent to the difference in trip generation (i.e., net "new" trips) between similar developments located outside the CBD (determined using countywide trip generation rates) and located within the CBD (determined using CBD trip generation rates).

Thus, a development outside the CBD, similar to that proposed on the site, after discounting for existing on-site density, would generate 487 net "new" peak-hour trips during the morning peak-period (i.e., 81 more peak-hour trips than the net "new" site CBD peak-hour trips) and 413 net "new" peak-hour trips during the evening peak-period (i.e., 33 more peak-hour trips than the net "new" site CBD peak-hour trips). The Application, as a result of being located within the Bethesda CBD, will receive a credit of 81 peak-hour trips for the morning peak period and

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Preliminary Plan No. 120120070
Bethesda Center
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33 peak-hour trips for the evening peak period towards its PAMR mitigation requirement. With the above credit, the proposed development is required to mitigate 21 peak-hour trips during the morning peak period and 62 peak-hour trips during the evening peak period. The Applicant is therefore required to mitigate 62 peak-hour trips to satisfy the PAMR requirements of the APF test.

The Planning Board finds that the methodology in calculating the PAMR requirement is consistent with the intent and established procedures in place to determine credits for CBD developments. The Applicant must therefore, prior to the release of any building permit for the proposed development, pay \$725,400.00 to MCDOT to satisfy the PAMR requirements of the APF test (to mitigate 62 net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip).

Other Public Facilities

The Subject Property will be served by public water and sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Subdivision Staging Policy and will be adequate to serve the Property. The Application is not proposing any residential; therefore, is not impacting any local area school facilities. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

- 3. The size, width, shape, and orientation of the proposed lots are 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. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The Preliminary Plan 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. Proposed on-site Public Use Space exceeds the minimum requirement of 20%.

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

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A Natural Resources Inventory/Forest Stand Delineation (NFI/FSD) #420111760 for the site was approved on July 1, 2011. The urban site is located within 2 separate watersheds; Little Falls Branch, a use-class I-P watershed and the Lower Rock Creek, a use I watershed.

The submitted Preliminary Forest Conservation Plan (PF-CP) identifies an afforestation planting requirement of 0.33 acres. The planting requirement will be met by payment of fee-in-lieu. The conditions of this Resolution require that the forest conservation planting requirements are satisfied prior to land disturbing activities occurring onsite.

The Planning Board finds that with the conditions imposed by this Resolution the Preliminary Forest Conservation Plan complies with the requirements of Chapter 22A, the Montgomery County 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 for the site on September 8, 2011. The stormwater management concept consists of meeting required stormwater management goals via environmental site design guidelines to the maximum extent possible through the use of green roofs and micro-bioretenment. Onsite recharge is not required for redevelopment applications.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 17 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

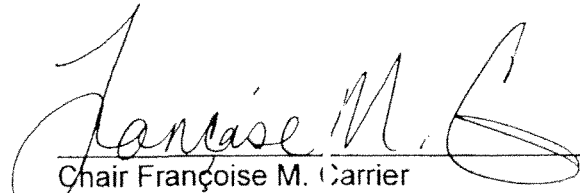
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Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

RESOLUTION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Commissioner Presley abstaining at its regular meeting held on Thursday, March 1, 2012, in Silver Spring, Maryland.


Chair Françoise M. Carrier
Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

TRANSCRIPT OF

PROJECT PLAN NO. 920120010 AND PRELIMINARY PLAN NO. 120120070,
BETHESDA CENTER.

BEFORE THE
MONTGOMERY COUNTY PLANNING BOARD
DECEMBER 15, 2011.

COMMISSIONERS PRESENT:

FRANCOISE M. CARRIER, CHAIR

MARYE WELLS-HARLEY, VICE CHAIR

CASEY ANDERSON

NORMAN DREYFUSS

COMMISSIONERS ABSENT:

AMY PRESLEY

MCPB 12-15-11, Bethesda Center--Project Plan 920120010 and Preliminary
Plan 120120070

1 to do that in this case, and it persuaded the Staff, which
2 has considerable expertise in urban development, that those
3 goals, those objectives, had been respected. And the finding
4 required at preliminary plan is really not geared to
5 adjacent development. And we have other findings in our
6 Zoning Ordinance that are. So if the, if ~~the Council wanted~~
7 ~~us to make a specific finding of compatibility with adjacent~~
8 ~~development, they would say that.~~ That's what they say in
9 local map amendment context. And that's not what this says.
10 It says, in the general neighborhood, which really, I think,
11 tells us to take a broader look. So, I'm with the two
12 gentlemen on this, and I, ah, Ms. Wells-Harley?

13 VICE CHAIR MARYE WELLS-HARLEY: I agree.

14 CHAIR CARRIER: So, I think we can put this issue to bed
15 and turn to the, turn us to the exciting issue of PAMR at
16 5:30 in the afternoon.

17 MR. DALRYMPLE: Let me try one more time with the point

18 I'm

19 CHAIR CARRIER: You've already got the big point, Mr.
20 Dalrymple.

21 MR. DALRYMPLE: If this were a vacant parcel

22 CHAIR CARRIER: You're ahead in the game.

23 MR. DALRYMPLE: If this were a vacant parcel, we would
24 pass PAMR tests.

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Plan 120120070

1 CHAIR CARRIER: That's not what I'm hearing.

2 COMMISSIONER ANDERSON: Maybe it's just that I don't get
3 the calculation in the first place.

4 CHAIR CARRIER: And I'm not sure it matters because it's
5 not a vacant parcel.

6 MR. DALRYMPLE: But, if, being able to take a credit for
7 existing development is supposed to help the Applicant, not
8 hurt the Applicant. And in this instance, all we're
9 suggesting is that to subtract from the new development that
10 which already exists, we should use the actual driveway
11 counts. How can you get any more spot on reflective of what
12 the impact of the existing development is than to take the
13 actual driveway counts? Deduct that from the new
14 development, and then you apply the test to the new
15 development, using both the County-wide and the CBD rates.
16 And, that is exactly what was done in Woodmont Central,
17 which was before you in April. Exactly what was done.

18 CHAIR CARRIER: What I have heard in this room today is
19 typically, that is not what was done. It was done in that
20 case, but typically what was done is what Mr. Eapen is
21 recommending today. And I'm persuaded that Mr. Eapen's
22 analysis, difficult though it may be to follow, is no less
23 difficult to follow than the Applicant's, and is the one
24 that we should use. That's where I come out. Gentlemen?

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1 COMMISSIONER DREYFUSS: Let me just ask a question.
2 We're being consistent with what we've done in the past, and
3 we're following the Council's direction in this case, even
4 though Mr. Dalrymple views it differently? Is his view
5 different from the Council's direction?

6 CHAIR CARRIER: The Council wasn't that specific to get
7 to this level of detail.

8 MR. EAPEN: I can elaborate a little bit more, going
9 back to the history. The growth policy as it stands today
10 does not talk about any credits at all for uses in CBD. You
11 have, what you have is your trip mitigate, trip reduction
12 requirement that is a [inaudible] reduction requirements. If
13 you are in a policy that requires a reduction, you have to
14 go out and reduce your trips. But, I went back and looked at
15 the Planning Board hearings going back to 2008. I could not
16 see any discussion on this credit. So I think the Staff have
17 devised a process to give CBD applicants a credit. So in
18 terms of what Mr. Dalrymple said, penalizing, there really
19 is no penalty. We're giving them a third credit. In some
20 cases, the way the density falls whether the site is
21 occupied or not, there may not be any PAMR because of the
22 credits they received, again, because the density that's
23 received. But the process we went, I think we have followed
24 after the PAMR was introduced back in 2008 with the Growth

MCPB 12-15-11, Bethesda Center--Project Plan 920120010 and Preliminary
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1 Policy was that we need to encourage development in CBD
2 where transit is available. And one attempt to tie down with
3 this PAMR requirements because at that time, the [inaudible]
4 had a 30 percent requirement, or more, I don't recall.

5 COMMISSIONER DREYFUSS: So what Mr. Dalrymple said is not
6 true, that he's being penalized for development that exists
7 versus if it was not, if there was nothing on the site. Is
8 that true or not true?

9 MR. EAPEN: The fact is there is density on the site,
10 and if, granted it is a smaller density, but, you know, we
11 need to be consistent how we apply because there may be
12 another Applicant who comes with substantial existing
13 density on the site, wanting to do something and take
14 credit. We say for this case, no, we don't have to consider
15 those density. What are you going to do with the next
16 Applicant who may gain something by using that existing
17 density? So the process, really wanted to be looked back and
18 way, what do you generate

19 COMMISSIONER DREYFUSS: I just want to be fair and
20 consistent. If we're that, then I'm fine with what we've
21 done. If we are not doing that because we haven't applied
22 that regularly, then I have a problem. So if your research
23 has indicated that this is how we do it, the calculations as
24 complicated as they are, are consistent with what we've done

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1 in the past and with our direction, then I'm ok with it.

2 MS. KRASNOW: I just wanted to add two things. Rose
3 Krasnow again for the record, and primarily in response to
4 your question, Commissioner Dreyfuss. Mr. Eapen is correct.
5 Really, the Applicant is already getting a credit. If you
6 just look at the proposed density that would be generated at
7 the CBD rates, and I'm looking at page 31, the Staff
8 methodology brief, just look at the proposed density less
9 the existing density, then you come up with a number of 380
10 and a PAMR mitigation of 95. But in fact, because you get to
11 the credit that he's referring to, which is where you look
12 at what the rates would have been had you developed
13 elsewhere, they don't have to mitigate for 95. They're only
14 going to have to mitigate for 62. I know it says 63 here,
15 but Mr. Eapen apparently is going to correct that. So, I
16 mean, I don't understand where he says he doesn't have to
17 mitigate for anything. And to me, what we've done here is
18 managed to reduce what he's mitigating.

19 COMMISSIONER DREYFUSS: I am along with my two
20 colleagues here. The calculation is, um, seems to be
21 consistent, and I almost understand it.

22 [LAUGHTER]

23 MR. DALRYMPLE: I can cite three other examples where it
24 was applied as I'm suggesting it should be applied. A

MCPB 12-15-11, Bethesda Center--Project Plan 920120010 and Preliminary
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1 Safeway at Bradley, 4500 East-West Highway, and the Monte,
2 all recent projects. So I do think that this is
3 inconsistent, A. B, the zoning text amendment that Mr. Eapen
4 referred to before about always, once development exists
5 that it always exists is not true. What that spoke to was
6 not having to do a new traffic test if a building was
7 unoccupied. Vacant. If the building is torn down, it doesn't
8 count toward PAMR. And if we tore down the improvements on
9 this site and did the PAMR test, there would be no PAMR
10 payment. Period. None.

11 CHAIR CARRIER: I understand that you've cited a few
12 examples. I believe Staff can cite more than four that you
13 you're up to now?

14 MR. DALRYMPLE: I haven't heard any. Can I ask another
15 big, make another request? Because I do think that there's a
16 larger policy issue at stake here. And we have to come back
17 to you for site plan approval. And there's no reason why we
18 can't revisit the Adequate Public Facilities Ordinance at
19 that time.

20 CHAIR CARRIER: Ms. Sorrento, do we ever do that? I
21 mean, I think you'd have to amend your preliminary plan if
22 you're going to change your PAMR finding.

23 MS. KRASNOW: I was going to

24 MR. DALRYMPLE: We'll defer it.

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1 CHAIR CARRIER: You're not going to get preliminary plan
2 approval without a finding on your transportation. Right?

3 COMMISSIONER DREYFUSS: I think you're making a big
4 mistake if you do that, quite frankly.

5 UNIDENTIFIED: We're not deferring.

6 CHAIR CARRIER: I believe your client doesn't want to
7 defer. [CHATTER] You've gotten 95 percent of what you wanted
8 today.

9 MR. DALRYMPLE: I'm speaking of just the preliminary
10 plan and the Adequate Public Facilities

11 CHAIR CARRIER: I think your client has something to say
12 that I want to hear.

13 MR. BERNSTEIN: I'm usually not this quiet. Let me just
14 clarify where we're coming from, from a purely simplistic
15 and business point of view. If this site was vacant, and we
16 were to do the PAMR calculation of what we are building on
17 the property today, there would be no PAMR payment. It would
18 seem to make logical sense that if you have existing
19 properties that are currently generating traffic, the fact
20 that you would get credit for those against the amount of
21 traffic you're generating would make, take a logical
22 position here. That's where our issue is. A vacant piece of
23 ground, whether it was torn down or starting vacant, should
24 not be no payment, whereas an existing piece of ground

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1 that's generating traffic is a higher payment. And that's
2 where there's a lack of logic here. And that's where we're
3 having a hard time. I mean, don't know that it's his
4 calculation as much as it as flaw in the methodology. And
5 I'm not sure where that brings you all. But I just want to
6 make sure that you understand that I could take a vacant
7 piece of dirt, do the calculation, we would owe nothing. If
8 I take an existing building

9 CHAIR CARRIER: Ok. We heard you the first time. Thank
10 you. And Mr. Dalrymple has already said it three times.
11 Where it brings me is that if we are gonna revisit this
12 issue outside the context of this case, I'm gonna ask the
13 Staff to present this, find a way to make us understand this
14 better because so far, we're not there. So please get
15 together with your colleagues. Amongst you, someone will be
16 able to find a way to help us understand this. And we will
17 figure out what the proper approach should be, and we will
18 formalize it. If at that time, you find that it's in your
19 interest to amend your preliminary plan, you may do that.
20 For today, personally, I'm going with the Staff. Ok.

21 MR. EAPEN: One more thing. Because you were asking
22 Staff to do this. Maybe, what is a good direction would be

23 CHAIR CARRIER: We're not ready to give you direction
24 today. We don't understand it well enough.

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1 MR. EAPEN: Well, it's just a basic policy question.

2 There is nothing that gives anybody credit because they're
3 in CBD. So, it's a big question whether you want to give

4 CHAIR CARRIER: I know, I

5 MR. EAPEN: people credit or not, that's a bigger
6 question to answer.

7 COMMISSIONER DREYFUSS:: I think there, we've had a
8 history of how we've dealt with these, and the Applicant is
9 raising some exceptions that you didn't raise, and I'd just
10 like to know, you know, what have we done here, what have we
11 done there. And then we can look at the whole thing and say
12 here's a pol, as the Chairman suggested, a policy, and this
13 is where we're going forward and then we can make a decision
14 on this case, if it changed or not.

15 CHAIR CARRIER: I think you should present it to us with
16 the credit system and without. Because if we've been, and I
17 would like to have a little more systematic review of what
18 we've done in the past.

19 MS. KRASNOW: And I completely agree and I can assure
20 you Staff will do that. I think it will be helpful for all
21 cases going forward. But for the purposes of this case, and
22 this came up right before the hearing, and I apologize
23 because we had said that the Applicant, in the Staff Report,
24 we had stated that the Applicant as going to be responsible

MCPB 12-15-11, Bethesda Center-Project Plan 920120010 and Preliminary Plan 120120070

1 for a PAMR payment of 63 trips. My understanding is that Mr.
2 Eapen has now calculated that it's 62 trips. It does make a
3 difference in terms of

4 UNIDENTIFIED: Saved \$11,000, right?

5 MR. DALRYMPLE: We're headed in the right direction.

6 CHAIR CARRIER: \$11,000 in your pocket.

7 MR. DALRYMPLE: 62 more to go!

8 MS. KRASNOW: Well, I'm not sure why it changed, but

9 UNIDENTIFIED: I don't want to charge you \$2,000.

10 MS. KRASNOW: but Mr. Eapen, am I correct that you now
11 feel that the numbers state that it should be a 62 trip PAMR
12 payment?

13 MR. EAPEN: That's correct, because the math had a two-
14 trip difference, and the way it worked out, it ended up
15 being a one trip less. So, they get more one trip, more
16 credit.

17 COMMISSIONER DREYFUSS: So it's as amended, right?

18 MS. KRASNOW: Right. So, I just want to make it clear
19 that we'll be asking them for a PAMR payment for 62 trips.

20 MR. KRONENBERG: Could I. I'm sorry, Robert Kronenberg.
21 Could I, we did point that out in the revised conditions. So
22 if you'd look at that under the preliminary plan section, it
23 does reflect the one-trip difference, and it does change the
24 table on page 31 to reflect the 30. The 30 trips, I believe,

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1 with the restaurant and the minus 62 at the bottom. So, and
2 that will be reflected as well.

3 CHAIR CARRIER: That one isn't working. Use Mr.
4 Anderson's.

5 MR. KRONENBERG: I don't mean to belabor that, but it
6 does change the table on page 31 to reflect the 62.

7 CHAIR CARRIER: Our packet, our correction packet has
8 page 36, it just doesn't have 31.

9 MR. DALRYMPLE: And I don't know if I stated it, but
10 we're in agreement with all of the conditions of the Staff
11 report.

12 CHAIR CARRIER: You did. Thank you.

13 MS. CHRISTINA SORRENTO, LEGAL COUNSEL TO THE BOARD:
14 Christina Sorrento for the record. Just briefly. I don't
15 with the feedback if I missed it, but I really do want the
16 changes in. Can you just please tell us which numbers in
17 that table changed, because I want this record to be clear.

18 MR. EAPEN: Sure.

19 CHAIR CARRIER: I don't think she means right now
20 verbally. Do you?

21 MS. SORRENTO: Yes.

22 CHAIR CARRIER: Oh. Alright.

23 MR. EAPEN: Ok. I'll just go. Page 31 of the Staff
24 Report, Table 3. I'm particularly referencing the column

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1 that shows the evening peak hour and it's the row relating
2 to existing density A for the 4,340 square foot restaurant,
3 changed the 32 trips to 30 trips, so that has an effect of
4 changing that minus 73 two rows down to minus 72, giving you
5 a new trip total which is the A one is 192, makes that C one
6 413. So it worked its way down. The H one, the row H becomes
7 33 instead of 32, and the resulting credit, or the
8 requirement is six, ah, minus 62, rather than minus 63.

9 CHAIR CARRIER: Ok. I think we're ready for a motion.

10 COMMISSIONER ANDERSON: I move we approve the
11 preliminary plan with, I'm sorry, project plan and
12 preliminary plan

13 CHAIR CARRIER: We need separate motions, I'm afraid.

14 COMMISSIONER ANDERSON: Ok. I'll do the project plan
15 first.

16 CHAIR CARRIER: Thank you.

17 COMMISSIONER ANDERSON: I move to approve the project
18 plan with the conditions described in the Staff Report as
19 amended.

20 VICE CHAIR WELLS-HARLEY: Second.

21 CHAIR CARRIER: Any further discussion? Hearing none,
22 all those in favor say aye.

23 COMMISSIONERS CARRIER, WELLS-HARLEY, ANDERSON, AND

24 DREYFUSS: Aye.

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CHAIR CARRIER: Any opposed? The motion carries.

COMMISSIONER ANDERSON: I move to approve to preliminary plan, ah, do we have separate conditions for this?

CHAIR CARRIER: Yes.

COMMISSIONER ANDERSON: With the conditions as amended.

COMMISSIONER DREYFUSS: Second.


CHAIR CARRIER: Any further discussion? Hearing none, all those in favor say aye.

COMMISSIONERS CARRIER, WELLS-HARLEY, ANDERSON, AND DREYFUSS: Aye.

CHAIR CARRIER: Any opposed? The motion carries. Thank you everybody.

CERTIFICATION

This is to certify that the attached proceedings before the Maryland-National Capital Park and Planning Commission, Montgomery County Planning Board, in the matter of Project Plan No. 920120010 And Preliminary Plan No. 120120070, Bethesda Center, held in the auditorium at 8787 Georgia Avenue, Silver Spring, Maryland, on Thursday, December 15, 2011, were held as herein appears, and that this is a transcript from the recording.


Ellyn Dye
Technical Writer


 MCPB
 Item No. 8
 Date: 5/3/12

 Proposed Amendment to LATR/PAMR Guidelines for Determining PAMR Credits for Developments in CBD

 [CE] Cherian Eapen, Planner/Coordinator, Cherian.Eapen@montgomeryplanning.org, 301-495-4539

 [EA] Ed Axler, Planner/Coordinator, Ed.Axler@montgomeryplanning.org, 301-495-4536

 [MD] Mary Dolan, Chief, Mary.Dolan@montgomeryplanning.org, 301-495-4552

 [RK] Rose Krasnow, Chief, Rose.Krasnow@montgomeryplanning.org, 301-495-4591

 Completed: 04/26/2012

Description

At the request of the Planning Board, staff has reviewed the concept behind the current "CBD trip credit" policy that has been applied when calculating an applicants' trip mitigation requirement under the Policy Area Mobility Review (PAMR) test for projects in the Bethesda and Silver Spring CBDs. Although a specific methodology for applying such a CBD trip credit was adopted by the Planning Board in January 2008, it was never formally spelled out in the Local Area Transportation Review/Policy Area Mobility Review (LATR/PAMR) guidelines. In some cases individual staff members have calculated the credit differently, with the difference primarily being whether the PAMR mitigation percentage was applied to the countywide or CBD trips generated. Regardless, the CBD trip credit policy was applied to projects in a manner consistent with the overall policy of encouraging and incentivizing transit-oriented and transit-dependent developments in CBD areas in order to promote densities in CBDs greater than those in the larger policy areas in which they are located.

In practice, the current CBD trip credit methodology has either fully eliminated or substantially reduced the PAMR trip mitigation requirement for a majority of recent developments in the Bethesda and Silver Spring CBDs. The methodology appears logical, reasonable, and practical, and in all cases, provides substantial relief to the Subdivision Staging Policy required PAMR trip mitigation requirements for developments in CBD areas. However, the methodology occasionally resulted in outcomes that have been challenged by applicants. This staff report documents the current methodology as applied to developments in the Bethesda and Silver Spring CBDs and recommends that an alternative to the current methodology for calculating the CBD trip credit be not considered at this time since the Planning Board and the County Council will be reviewing and adopting the new Transportation Policy Area Review (TPAR) policy as a replacement for PAMR later this year.

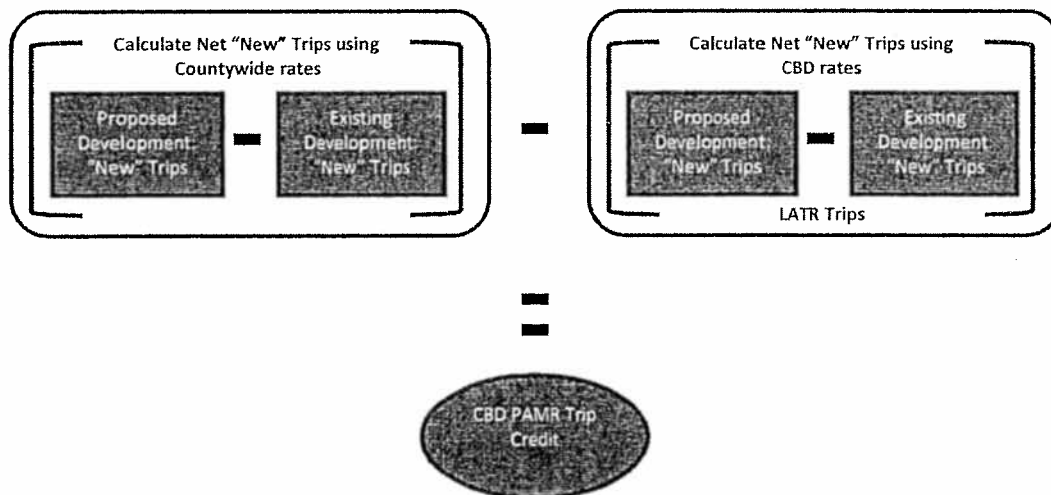
Summary

- Staff recommends that the PAMR CBD trip credit calculation methodology be added to the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*.

Discussion

Currently, consistent with the general policy of encouraging and incentivizing transit-oriented and transit-dependent developments in CBD areas, developments located within CBDs are eligible to use a calculated trip credit toward their PAMR trip mitigation requirement stipulated by the Subdivision Staging Policy. As illustrated in Figure 1, this trip credit is equal to the difference between the trip generation estimate for a development using Countywide (i.e., non-CBD) trip generation rates and CBD trip generation rates. In principle, this credit can be considered equivalent to the reduction in trips that a CBD development is achieving given its close proximity to multiple non-auto transportation modes compared to a development outside the CBD where these options are limited.

Figure 1: Current PAMR CBD Trip Credit Calculation Methodology



Although a specific methodology for applying the CBD trip credit was adopted by the Planning Board in January 2008, individual staff members have calculated the credit differently, the difference primarily being in the trip generation to which the PAMR mitigation percentage was applied. The miscalculation was mostly in calculating CBD PAMR trip credit in the Silver Spring CBD; however with the very low (10%) PAMR trip mitigation requirement, the different approach did not affect the final outcome.

In practice, the current CBD trip credit methodology has either fully eliminated or substantially reduced the PAMR trip mitigation requirement for a majority of recent developments in the Bethesda and Silver Spring CBDs (See Table 1). The PAMR CBD trip credit calculations shown in Table 1 use the methodology adopted by the Planning Board in January 2008.

It is noted that although the methodology used can be clearly explained in each instance, the results can be subject to interpretation depending on the trip generation rates used (M-NCPPC, ITE, observed driveway counts, etc.), whether the site is developed or undeveloped, whether the site has a high-density mix of uses or not, and so forth. This was demonstrated by a recent case (Bethesda Center, Preliminary Plan No. 120120070). The PAMR trip mitigation requirement is further complicated by the fact that the trip mitigation requirements for a policy area may change from year to year.

TABLE 1 - PAMR CALCULATION EXAMPLES FOR CBD AREAS
(CURRENT METHODOLOGY - PAMR MITIGATION % APPLIED TO COUNTYWIDE TRIPS)

No	Application Name	Trip Generation (Net "New")		Required PAMR Mitigation ^a	PAMR CBD Credit	Adjusted PAMR Mitigation
		Countywide A	CBD B			
				$C = (A \times \text{PAMR}\%)$	$D = (A - B)$	$E = (C - D)$
		AM (PM)	AM (PM)	AM (PM)	AM (PM)	AM (PM)
1	Woodmont 7200	293 (302)	171 (182)	73 (76)	122 (120)	0 (0)
2	8300 Wisconsin Ave ^b	254 (449)	115 (389)	64 (112)	139 (60)	0 (52)
3	Fenton Street	117 (221)	92 (132)	6 (11)	25 (89)	0 (0)
4	4900 Fairmont Ave	76 (63)	71 (56)	19 (16)	5 (7)	14 (9)
5a	Bethesda Center (with trip credit for existing use - site considered not vacant)	487 (413)	406 (380)	122 (103)	81 (33)	41 (70)
5b	Bethesda Center (without trip credit for existing use - site considered vacant)	591 (605)	441 (471)	148 (151)	150 (134)	0 (17)
5c	Bethesda Center - AS Approved (with trip credit for existing use - site considered not vacant)	487 (413)	406 (380)	102 (95) ^c	81 (33)	21 (62)

Notes:

^a Current Bethesda CBD PAMR% - 25%; Current Silver Spring CBD PAMR% - 5%

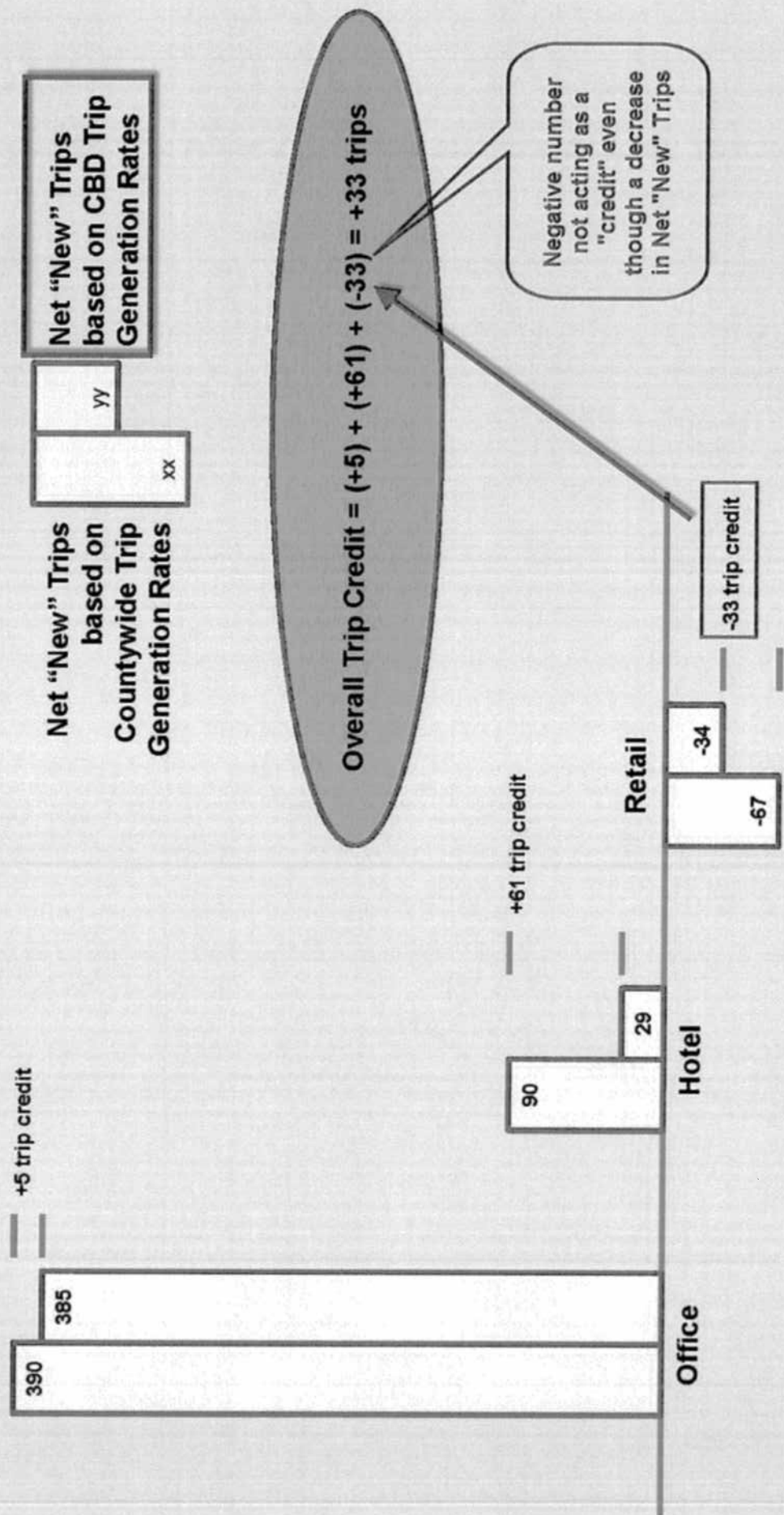
^b Density considered for trip generation purposes: 160 additional High-Rise Dwelling Units + 55,000 SF Grocery Store (200 High-Rise Dwelling Units currently approved for the site)

^c The PAMR mitigation requirement of 25% was applied to the CBD trip generation (Column B) rather than Countywide trip generation (Column A)

Bethesda Center PAMR Calculations

Original PAMR Chart

PAMR Trip Reduction Credit Calculation for Bethesda Center:

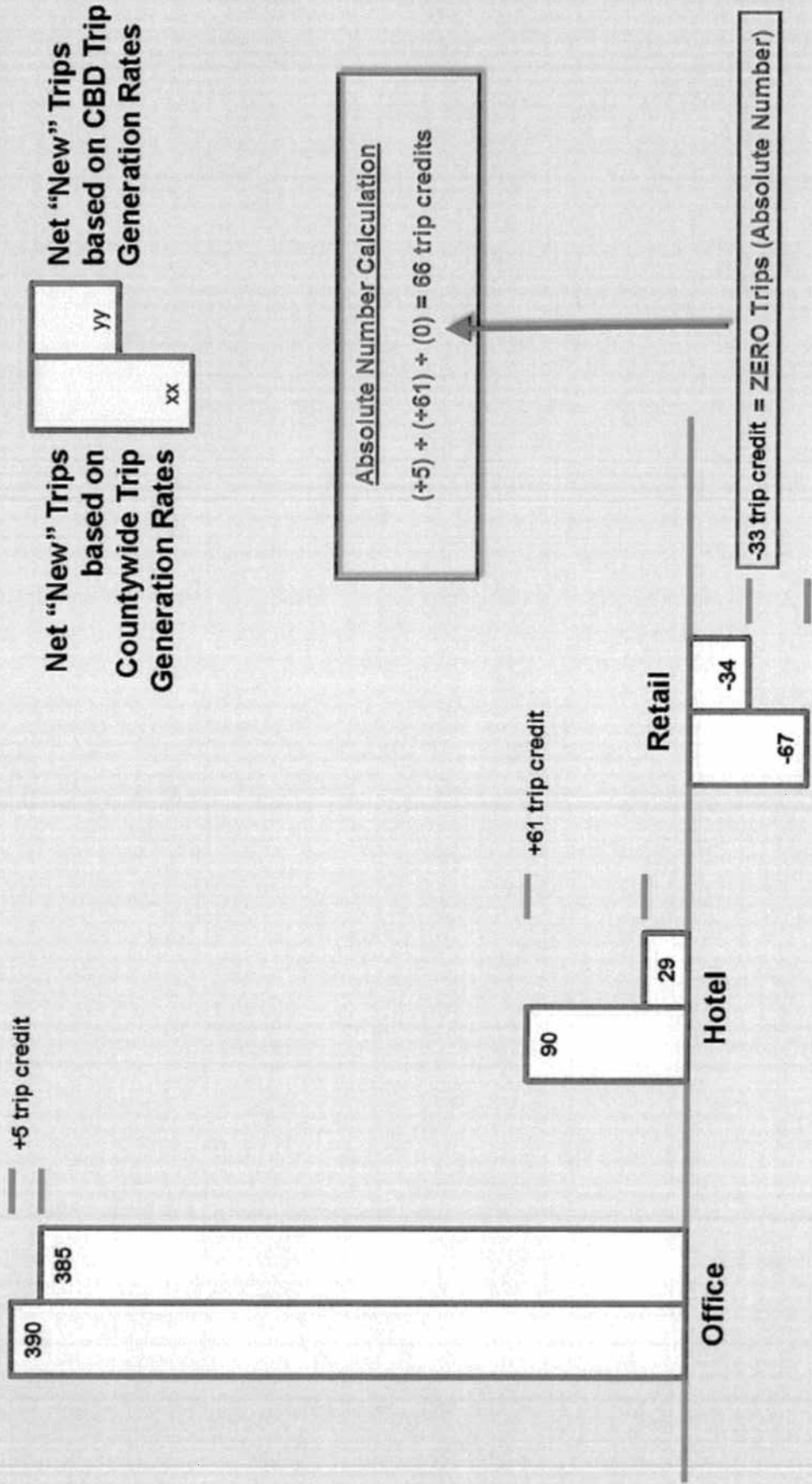


EXH E

Bethesda Center PAMR Calculations

Absolute Number PAMR Chart

PAMR Trip Reduction Credit Calculation for Bethesda Center:



Exh F

Project Plan 920120010 & Preliminary Plan 120120070, Bethesda Center

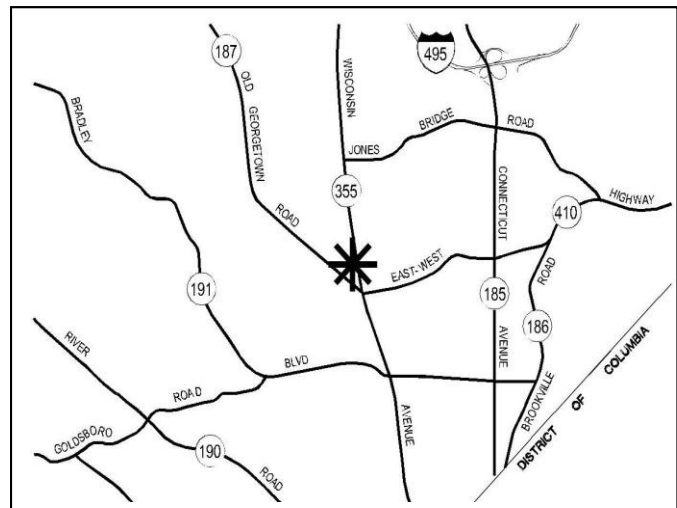
- John Marcolin, Planner/Coordinator, Area 1, john.marcolin@montgomeryplanning.org, 301 495-4547
- Robert Kronenberg, Supervisor, Area 1, robert.kronenberg@montgomeryplanning.org, 301 495-2187
- Rose Krasnow, Chief, rose.krasnow@montgomeryplanning.org, 301 495-4591

Date of Staff Report:
 12/01/11

Description

To include:

- Removal of existing structures located at 7740, 7720, 7756 and 7752 Wisconsin Avenue for 466,470 s.f. of mixed-use redevelopment including a hotel, office and retail.
- Located between Woodmont Avenue and Wisconsin Avenue south of Norfolk Avenue.
- On 93,294 gross square feet (2.14 acres) of CBD-2 zoned land in the Bethesda CBD Sector Plan area.
- Applicant: The Bethesda Center, LLC, filed on August 25, 2011



- Staff recommends approval of the project and preliminary plan with conditions.
- The proposed development will provide ground floor retail uses, a hotel and office space. It proposes to use the full density allowed under the optional method of development and intends to accommodate the proposed density with underground parking and the provision of a public amenity package that includes art/water features and a pedestrian mews that allows circulation between Woodmont and Wisconsin Avenues directly to the Bethesda Metro.
- The property owner to the south (Bethesda Place) has expressed concerns regarding impacts to their property resulting from the new development including building locations and design. The applicant has made revisions to the proposed design that will help ameliorate this condition, however, opposition to the proposal remains.
- The applicant has revised their original design to eliminate a proposed Lay-By for hotel pick up/drop off and valet service due to Department of Transportation ("DOT") concerns.
- Staff and applicant disagree on the number of trips that must be mitigated as part of the PAMR requirements.

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SITE DESCRIPTION

Vicinity

The subject property is located between Woodmont Avenue and Wisconsin Avenue just south of Norfolk Avenue. The adjacent uses include the Montgomery County parking garage #11 directly across Woodmont Avenue, the Tastee Diner located to the north on Norfolk Avenue and Bethesda Place, a 14-story commercial building located directly on the southern property line. The site is within walking distance of the Bethesda Metro station.

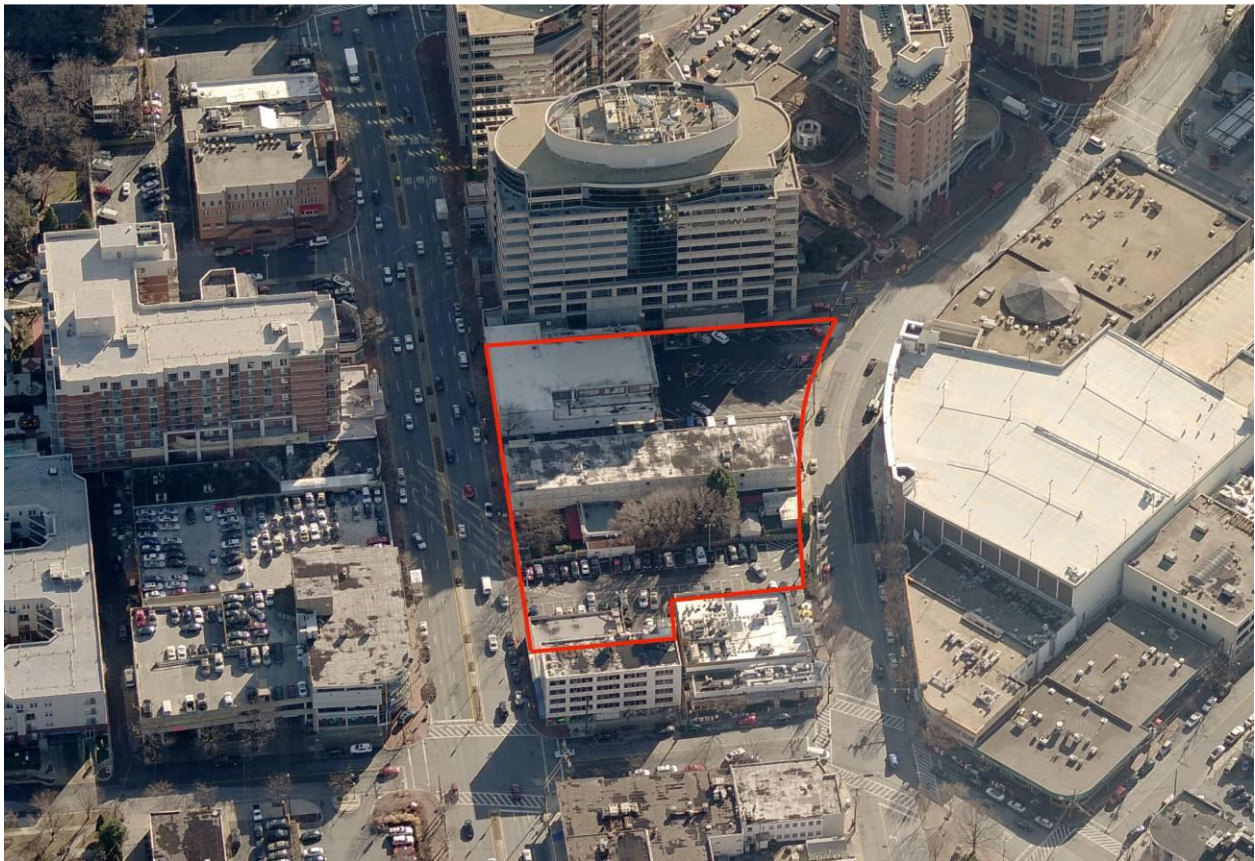


Vicinity Map

Site Analysis

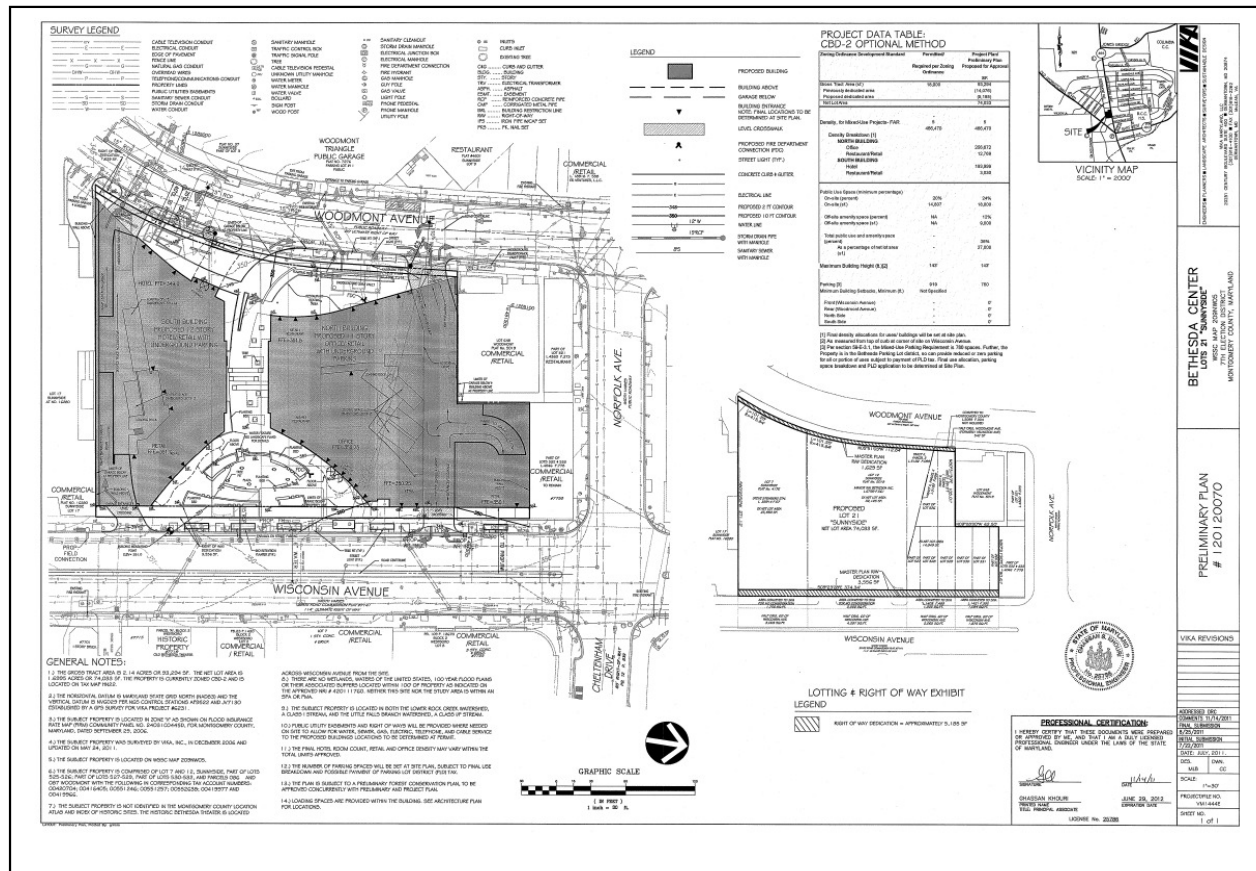
The Bethesda Center site consists of lots 7 and 12, Sunnyside, and parts of lots 525-526, parts of lots 527-529, parts of lot 530-532 and parcels 086 and 087 Woodmont. The gross tract area is 93,294 square feet when prior right-of-way dedications are taken into account. The subject property is currently improved with the Manor Inn Bethesda hotel, a two-story commercial building known as the Connor Building with a surface parking lot, a one story restaurant and a surface parking lot used to provide valet service for a nearby restaurant. The key features of the site are the hotel and office building surrounded by surface parking. There are no significant grades across the site or substantial trees or other vegetation.

There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features associated with the property.



Aerial Photo Looking South

PROJECT DESCRIPTION



Preliminary Plan

Proposal

Land Use

The application proposes to demolish the existing buildings on the site and provide 466,470 square feet of total gross floor area for a hotel, office and retail uses. The development consists of two buildings; a south building containing 193,999 square feet of hotel use, and a north building containing 256,672 square feet of office uses. A total of 15,799 square feet of restaurant/retail use will be provided in total on the ground floor of both buildings. The perimeter areas, sidewalks and on site open spaces total 27,000 square feet.

Subdivision of Land

The Preliminary Plan proposes to combine the two existing lots, six parts of lots, and two parcels into one new platted lot. The plan also proposes to dedicate approximately 5,100 square feet of right-of-way for Woodmont Avenue and Wisconsin Avenue.

Design & Architecture

The footprint of the proposed buildings take up approximately 3/4 of the site (73% of net lot area), with another 3% devoted to a vehicular drop-off area for the hotel and the balance (24% of net lot area) being devoted to on-site public-use space. The proposed development is composed of two separate buildings over a single parking structure below ground. The south building consists of a 12-story hotel



Illustrative Landscape Plan

with a hotel lobby entrance on Woodmont Avenue, and retail space facing onto Wisconsin Avenue at street level. To the north is an 11-story office building with the office lobby/entry and retail space facing onto Wisconsin Avenue and additional retail facing Woodmont Avenue. The two buildings are separated by a 35-40 foot-wide pedestrian pass-through or mews that connects Woodmont to Wisconsin Avenue, providing a stronger connection from the Woodmont area to the Bethesda Metro. The structured parking below ground accommodates up to 760 parking spaces, as well as loading areas dedicated for the hotel, retail, restaurant and offices uses. The buildings will be a maximum 143' on the southern boundary stepping down to 122' on the northern edge. The hotel is configured into a "v" shape to maximize light and air for the hotel while minimizing the impact on the existing building to the south.



View from Woodmont Avenue



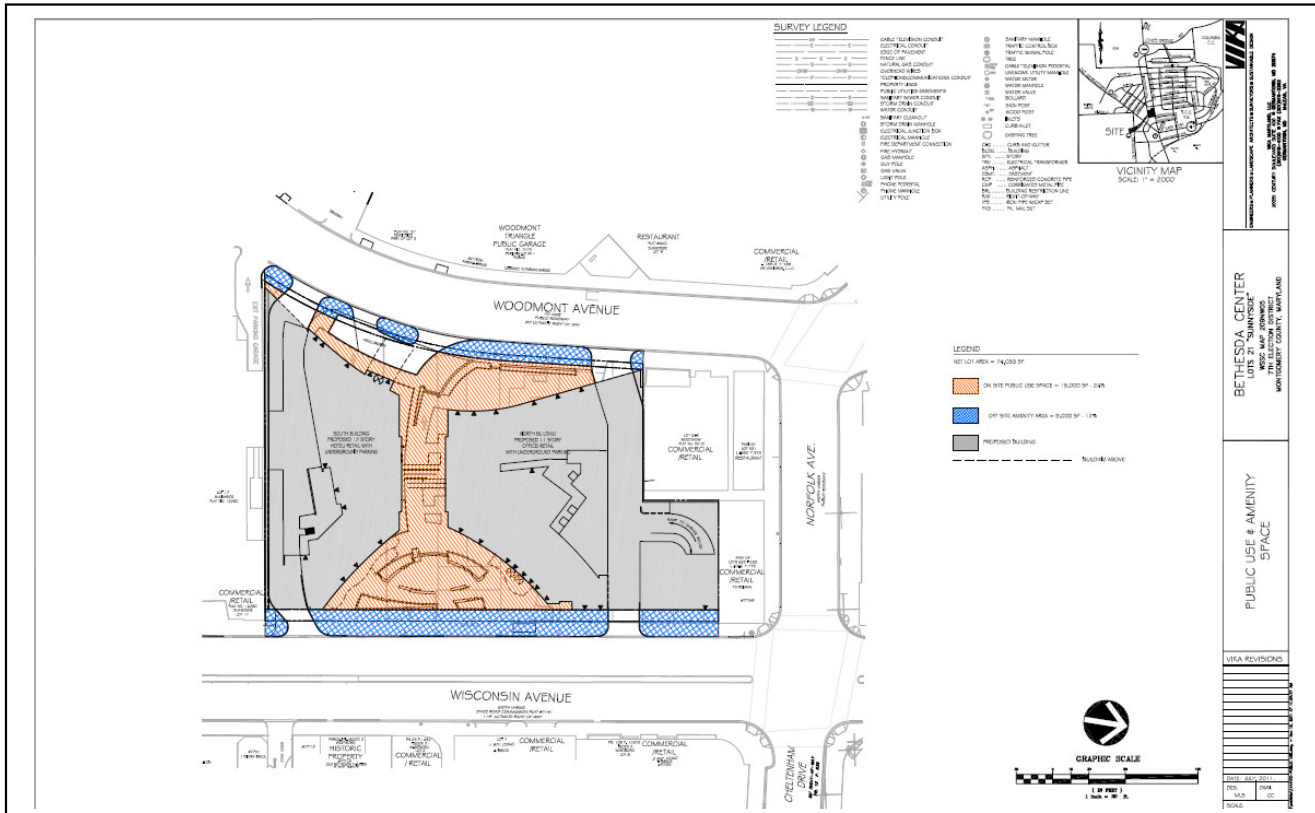
View from Wisconsin Avenue

The two buildings are designed to create a concave opening onto Woodmont Avenue to mimic the curve of the street and allow space for an enhanced streetscape and pedestrian experience. The buildings are aligned in the same way on Wisconsin Avenue with a concave curve to provide a large public open space. The office and hotel facades will have similar architectural treatments to reinforce the sense of unity in the open space that they form. They will be constructed of modern materials such as aluminum and glass curtain wall, stone and precast architectural concrete. Both buildings will have a minimum of a 50% green roof, and the Project is designed to achieve, at a minimum, a USGBC LEED Silver certification level. The detailed specifications of the building architecture and façades, as well as all public amenities and their integration into the landscape and architecture, will be further developed with the site plan submission.

Public Amenities

The proposed development would provide 18,000 square feet of on-site public use space and 9,000 square feet of off-site public amenity space. The on-site space is primarily composed of a hardscape plaza that incorporates best management practices for storm water management as part of the planting design. The off-site amenity space would improve the existing sidewalks along the frontages of Woodmont and Wisconsin Avenues by installing an upgraded and wider streetscape per the Bethesda Streetscape Standards.

The public open space is designed to allow a connection between Woodmont Avenue and Wisconsin Avenue for pedestrians travelling between the Woodmont Triangle area and the Bethesda Metro station. The plan keeps the main pedestrian pathways to the edge of the open space while the area in the center is reserved for public gathering with seating, shade plantings, fountains and public art. On the Woodmont Avenue side the open space will be dedicated to retail seating and a drop-off/porte



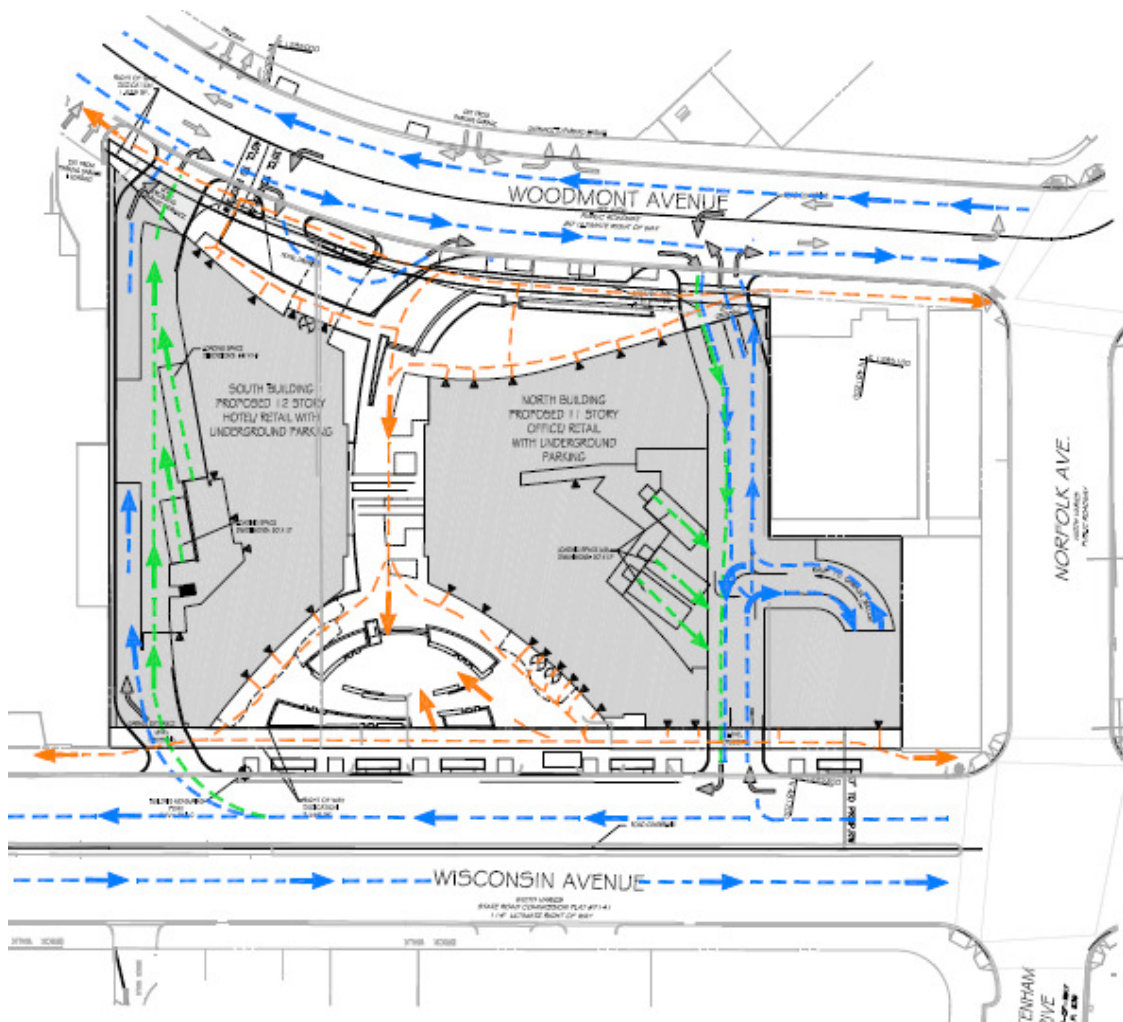
On and Off-Site Public Use Space

cohere for the proposed hotel. On the Wisconsin Avenue side the public open space will be for un-programmed uses such as an informal meeting place, or a place for local employees of nearby office buildings to eat lunch. The proposed water features in this space will attract children while softening traffic noise from Wisconsin Avenue.

The final details of the proposed open space and public amenities will be determined during the review of the site plan.

Vehicular and Pedestrian Circulation

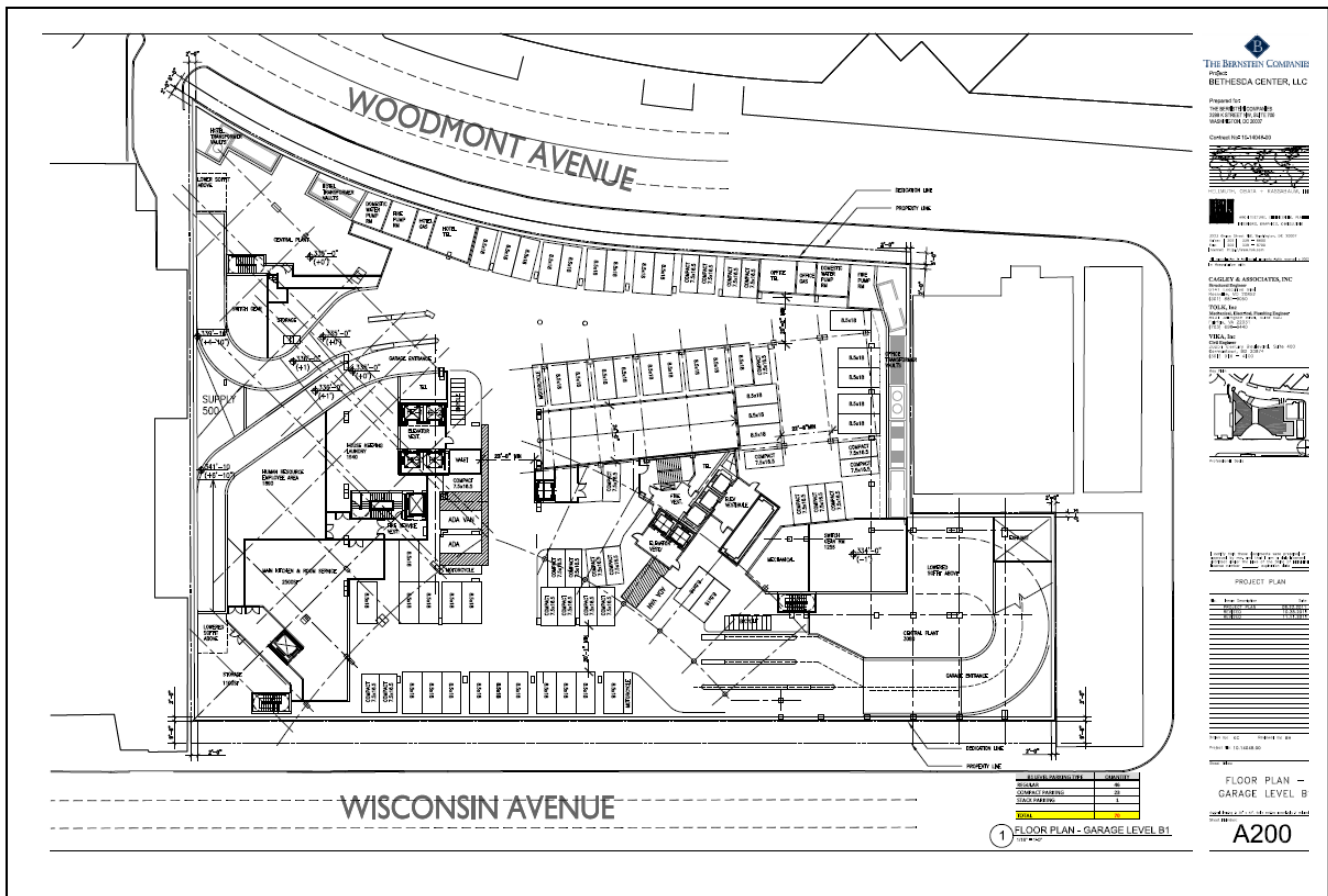
Vehicular access points to the site are located at the corners of the site to maximize vehicular circulation, including service, valet, loading and parking, for the proposed uses within the site boundary. This enables stronger pedestrian routes on the sidewalks and through the site allowing minimal conflicts with vehicles. Trucks will access the hotel at the south east curb cut and exit at the southwest curb cut on Woodmont Avenue. For the office building on the northern half of the site, trucks will enter at the northwest curb cut on Woodmont Avenue and exit at the northeast curb cut on Wisconsin Avenue. Car parking for the office or retail uses can be accessed from three separate points of ingress (two off



Circulation Plan

Wisconsin Avenue and one on Woodmont Avenue).

To visit the hotel, cars can enter the below-grade parking structure from either the access point on Wisconsin Avenue or from the northern access point on Woodmont Avenue. Valet service is intended to work in one of two ways. The first option is for hotel and ballroom event guests to drop off their vehicles at the on-site driveway on Woodmont Avenue where the valet service will take cars to the underground parking via the northern access point on Woodmont Avenue. The second option is for hotel guests to drop off their vehicle for valet pickup on Garage level B1. They will access the valet service from either the Woodmont Avenue or Wisconsin Avenue points in ingress.



Garage Level B1

Pedestrian circulation will be along widened sidewalks on Wisconsin and Woodmont Avenues. The proposed pedestrian connection between Woodmont and Wisconsin will provide a convenient cut-through for pedestrians travelling south from the Woodmont Triangle neighborhood to the Bethesda Metro Center at a nearly level grade between the two streets.

The Master plan of bikeways shows an on-road bike lane on Woodmont Avenue. The dedication of right of way on Woodmont Avenue will allow for designation of this bike lane at time of full restriping by the Montgomery County Department of Transportation ("MCDOT"). The applicant will explore the possibility of installing a bike share facility on site at time of site plan.

Community Outreach

The application information was properly posted on the Property. On June 29, 2011, a pre-submission meeting was held, as required, and on June 15, 2011, the Applicant properly notified adjacent and confronting property owners and civic associations of the project and preliminary plan submissions. An affidavit of posting was provided to Staff by the Applicant on August 24, 2011. The Applicant and representatives of the project have met with the Bethesda Urban Partnership, the Woodmont Triangle Advisory Group, the Bethesda Chamber of Commerce and the property owners to the south of the site. Staff met with the adjoining property owners regarding their opposition to this application on two occasions to review their concerns with respect to building location and design, architecture and compatibility. Staff responded to their concerns in the findings related to compatibility and impacts to the adjacent property. Staff received a letter of support from the Bethesda Chamber of Commerce, but no other emails, letters or phone calls related to the project and preliminary plans as of the date of this report.

PROJECT ANALYSIS

Sector Plan

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

Downtown Environment

The Downtown Bethesda Metro Core District is envisioned as a place that has a choice of retail, restaurant, cultural programming open space and pathways. It should also include office uses with the potential for additional residential uses. The proposed project plan provides several features that address this goal:

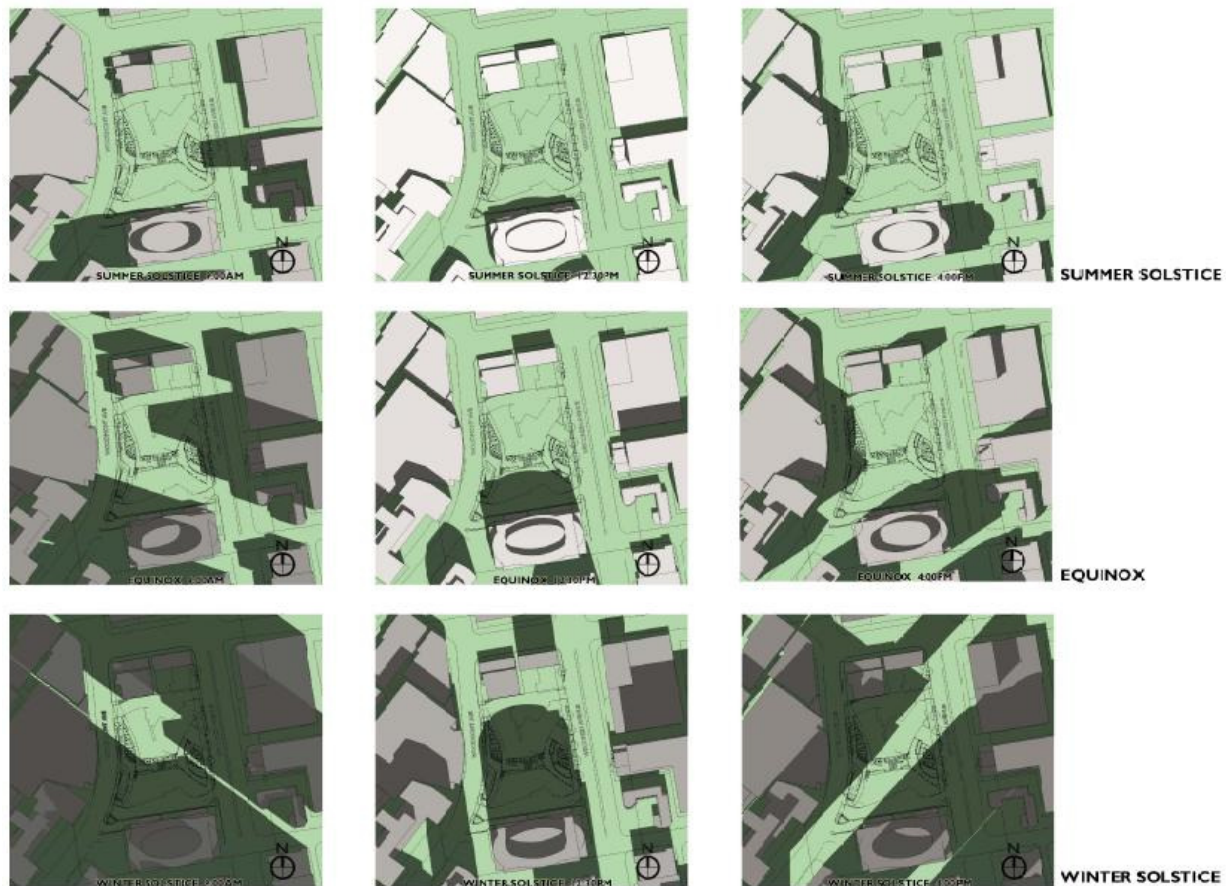
- The mix of office, hotel and retail uses fulfills the master plan goal of increasing the mix of uses;
- The public use space expands the existing network of open spaces in the area and connects to existing pedestrian routes. The design will reflect Bethesda as a “garden” through the imaginative use of on-site rain gardens and Low Impact Development techniques;
- The physical character of the public realm is well defined by building edges. The proposed open spaces shape the form of the buildings and relate well to the surrounding context of public spaces.
- The design of the architecture will add a contemporary structure to the urban fabric of Downtown Bethesda. It will provide a landmark and gateway element to Wisconsin Avenue that responds to views and vistas within the CBD. It will create a focal point that improves the orientation and strengthens the perception of a sub-center at the northern edge of the Bethesda core.
- The proposed amenities will provide an animated space through the use of waterfalls and art features.

Urban Form

In general, the Sector Plan encourages mixed-use development that includes retail, office and residential located in buildings on active streets.

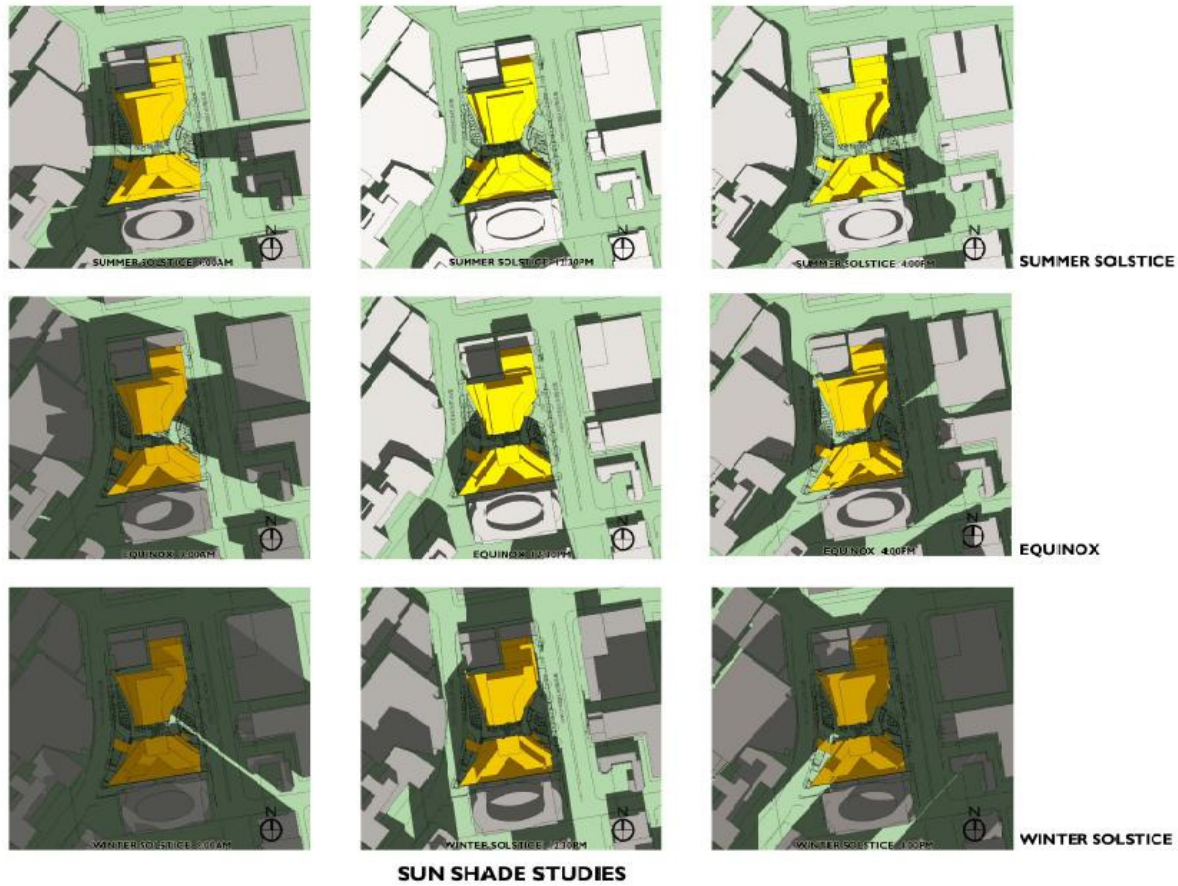
- The proposed uses will fulfill this goal by including restaurant/retail uses on the ground floor and office and hotel use above;
- The adjacent urban form will be strengthened by the creation of active street frontages both on Woodmont and Wisconsin Avenues.
- The open spaces will be activated by outdoor cafes and retail seating and open, tree-shaded plaza areas that will attract people to gather and stay.
- The new circulation connections and choices will encourage pedestrian connectivity.
- The cultural and artistic amenities will provide a sense of identity through the unique design of water features, lighting and landscaping.

With regard to building height and the surrounding context, numerous Sector Plan citations speak to



SUN SHADE STUDIES - EXISTING CONDITIONS

anticipated infill development with higher-density employment and housing uses downtown. The shade and massing relationships associated with this proposal show that the project does not cast shadow on presently used public areas or block direct sunlight from surrounding properties. As shown below, the greatest impact to surrounding properties is during the Equinox (months of September and March) and the Winter Solstice (December) during the morning and evening hours. The proposed building will cast the greatest amount of shade onto sections of Woodmont and Wisconsin Avenues. The noon hour change in amount of shadows cast is insignificant. Given that a significant portion of the shadows fall on roadways and only during portions of the day, detrimental impacts or adverse effects on adjacent properties are minimal. In addition the glass facades further offset the shadow effect. During the



summer months, when outdoor spaces get the most usage, the shadow impact of the proposed building is minimal on the surrounding properties, streets and sidewalks.

Employment, Housing, & Land Use

The applicable references in the Sector Plan refer to the need for increased choices associated with retail, restaurants, cultural programming, open space and pathways in this area. The specific objectives with regard to this site are met as indicated:

- The proposal creates job opportunities by providing a variety and mix of uses including the proposed hotel, office and retail uses.
- The proposal will contribute to the affordable housing goals of Montgomery County by contributing to the Housing Initiative Fund. The applicant intends to make a payment to the fund based upon a formula of \$5 per FAR foot approved above a 4 FAR. The total payment of the maximum FAR for the project is achieved will be \$466,479 (93,294 square feet of gross tract area X 5).
- The design promotes a pedestrian and street-activating environment by applying the Bethesda Streetscape standards to frontage along Woodmont and Wisconsin Avenues.
- The development consolidates multiple properties for an optional method of development to accommodate the maximum density in the CBD.

- 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. In addition it proposes green roofs and bio-filtration techniques at grade that will significantly improve the quality of water flowing off-site during rain events.

Zoning and Density

The subject site is zoned CBD-2 and proposes an FAR of 5.0 for mixed-use projects as permitted in Sect. 59-C-6.234 (b) (iii) (B) of the zoning ordinance. The proposed development meets the zoning and density goals of the Sector Plan.

Transportation

Master Plan Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* has the following master-plan facilities along property frontage:

1. Wisconsin Avenue, to the east side of the property, as a six- to eight-lane divided major highway (M-6) with a minimum right-of-way width of 114 feet.
2. Woodmont Avenue, to the west side of the property, as a two-lane arterial (A-68) with a minimum right-of-way width of 80 feet.

The 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan* recommends bike lanes (BL-6) along Woodmont Avenue between Battery Lane to the north and Bethesda Avenue to the south.

Environment

The entire proposed development is built on compacted, urban soils; there are no existing environmental features on site. Given the extraordinary amount of non-porous surfaces in our downtown environments, planting beds and roof gardens in the proposed project maximize absorption of rainfall. In addition, these planting areas will 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.

The site is not otherwise associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains or steep slopes. There are a number of street trees in the vicinity (located in the right-of-way) ranging from 3" to 17" diameter at breast height (DBH). The largest trees on the site itself are Bradford Pears, measuring up to 25" DBH, located in the existing hotel courtyard. The trees are identified as Bradford pear trees and measure up to 25" DBH. The Bradford pears are considered significant based on the Trees Technical Manual, but do not warrant special protection or analysis.

Development Standards

The site is zoned CBD-2 and governed by the development standards in Section 59-C-6.2 of the Montgomery County Zoning Ordinance. The minimum lot size of 22,000 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 also satisfies by providing a public plaza, pedestrian link and sidewalks built per the Bethesda Streetscape Standards. Third, the maximum density for optional method mixed-use projects in the CBD-2 Zone is FAR 5.0, which this project is proposing. The application can achieve a maximum FAR of 5.0 under Sect. 59-C-6.234 (b) (iii) (B) if the following provisions are met which (1) includes transient lodging, (2) confronts a major highway, (3) is located at least 250 feet from single-family zoned land, (4) is in an urban district defined in Chapter 68A, (5) has a minimum lot area of 22,000 square feet, and (6) includes a ground floor retail use (FAR). This application satisfies the provisions of the ordinance because it includes a hotel, confronts Wisconsin Avenue, and is located more than 250 feet away from single-family zoned land, is in the Bethesda CBD, proposes a lot area of 112,555 square feet and includes ground floor retail in both buildings. The height limit under the CBD-2 optional method standards is 143 feet. The height limit of 143 feet is appropriate for this CBD-2 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 calculated to determine the total yield, but are not required to be provided on the site.

Project Data Table for the CBD-2 Zone

Development Standard	Permitted/ Required	Proposed for Approval and Binding on the Applicant
Building Height (feet)	143	143
Setbacks (feet)		
East Property Line	0	0
North Property Line	0	0
West Property Line	0	0
South Property Line	0	0
Minimum setback between proposed buildings	0	35'
Site Area (square feet)		
Net Tract Area	n/a	74,033
Prior Dedications		14,076
Proposed Dedication	n/a	5,185
Gross Tract Area	22,000	93,294
Density		
Floor Area Ratio *	5.0	5.0
Hotel		193,999
Office		256,672

Retail/Restaurant		15,799
Public Use Space (% of net lot)		
On-Site Public Use Space	20	24
Off-Site Amenity Space	n/a	12
Total Public Use & Amenity Space	20	36
Parking		
Office @ 2.1/1,000 [256,672 sf]	539	
Hotel @ 0.5/# of rooms [203 rooms]	102	
Assembly @ 10/1,000 [11,342 sf]		
Minus 15% Metro Proximity Credit	96	
Restaurant @ 25/1,000 sf for patron use area [7,713 sf]	164	
Minus 15% Metro Proximity Credit		
Retail @ 5/1,000 [4,229 sf]		
Minus 15% Metro Proximity Credit	18	
Total Parking Required	919	
Total Parking Provided		760**

*The application can achieve a maximum FAR of 5.0 under Sect. 59-C-6.234 (b) (iii) (B) if the following provisions are met (1) includes transient lodging, (2) confronts a major highway, (3) is located at least 250 feet from single-family zoned land, (4) is in an urban district defined in Chapter 68A, (5) has a minimum lot area of 22,000 square feet, and (6) includes a ground floor retail use (FAR).

**The applicant is using the mixed use parking calculations pursuant to Section 59-E-3.1 which will be further refined at site plan. Further, the property is located within the Bethesda Parking Lot District and may elect to provide less or no parking on the site and pay the PLD tax. Final parking calculations will be evaluated during the site plan review.

PROJECT PLAN

Findings

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 (59-C-6.213):

(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.”*

The subject property lies within the boundaries of the Approved and Adopted 1994 Master Plan for the Bethesda Central Business District. The Plan supports mixed use development, including office uses near Metro. The Project Plan proposes a mixed-use development with 466,470 square feet of commercial uses including 256,672 square feet of office space and 15,799 square feet of restaurant/retail use. There will be 193,999 square feet of hotel space, including a ballroom on the second level of the hotel. The maximum density allowed under the CBD-2 Zone is 5.0 FAR; the proposed density is 5.0 FAR. The proposal maximizes the building height of 143 feet, which is allowed by the zone. The height and massing does not adversely affect the surrounding properties in a manner inconsistent with urban environments. The project steps down in height from 143 feet closest to the Metro Core to 122' on the northern edge furthest away from the core. This is consistent with adjoining and nearby properties, some of which have been constructed with others being approved but not yet built, including Bethesda Place located directly to the south at 143 feet, 4900 Fairmont at 174 feet to the west, and the Lionsgate to the south at 143 feet.

(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 a mix of office, retail, restaurant, as well as residential uses is appropriate for the site. The current Application will provide office, retail, restaurant and hotel uses that will be visible and accessible to a greater number of pedestrians. In addition, the applicant has committed to provide a volunteer contribution to the Housing Initiative Fund as part of its amenity package. 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.

The ground-floor uses and off-site public space will serve not only the weekday office workers, but also the evening and weekend residents of the CBD, bringing pedestrian activity and vitality to what is currently an underutilized space.

(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 creating a pedestrian pass-through on the site between Woodmont and Wisconsin Avenues to provide people walking to Metro a more efficient route. The layout of the vehicular circulation allows cars to efficiently drop off passengers and/or enter the site. Doors, sidewalks, elevators, and open space, will direct pedestrians in and around the site to access this and adjacent buildings and streets.

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 by setting the building back 15 feet at the 2nd floor where the building to the south has windows. This practice of providing a podium base with the building mass or tower above provides a compatible relationship for existing and proposed properties in the CBD. Measures have also been taken to limit the impact on the views of the existing building to the south.

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

The proposed development is approximately 1000 feet from Metro and 100 feet from the nearest bus stop. It is a local and regional imperative that infill development is provided at such sites as an alternative to suburban sprawl. 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, specifically, the provision of jobs within walking distance of the Metro and shopping areas.

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

The proposed development will improve pedestrian circulation primarily through improved on-site pedestrian circulation, wider sidewalks on Woodmont and Wisconsin Avenues and the reduction and consolidation of curb cuts to promote pedestrian circulation and minimize vehicular impacts to the pedestrian environment. In addition the project will provide pick up and drop off of cars for the hotel with an on-site driveway as well as within the underground parking lot.

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

The proposed development does not provide residential uses, but does provide employment and retail options for residents in the nearby Woodmont Triangle section of Bethesda, a housing resource area. The application also provides a significant contribution to the Housing Initiative Fund to promote residential opportunities within the District.

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

As part of preliminary Plan No. 120120070, the applicant will consolidate lots 7 and 12, Sunnyside, and parts of lots 525-526, parts of lots 527-529, parts of lot 530-532 and parcels 086 and 087 Woodmont Avenue into 1 recorded lot with a net lot area of 74,033 square feet after right-of-way dedication for Wisconsin Avenue and Woodmont Drive. The application incorporates multiple properties to promote greater densities in the CBD, which also allows for stronger site designs, connected streetscapes and greater opportunities for activated public use spaces and amenities.

Further Intentions of the CBD-2 Zone

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

To foster and promote the orderly development of the CBD 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.

The 12-story hotel and 11 story office building will provide employment opportunities and help fill the demand for hotels in the Bethesda CBD within walking distance from Metro and nearby residential developments. The proposed street-level retail will expand the employment base in Bethesda, contribute to the economic development of the County and provide street-level activity and after hours and weekend pedestrian activity.

Requirements of the CBD-2 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.”

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

- Sidewalks with specialty paving
- Art
- Lighting
- Fountains
- Low Impact Development plantings
- Seating

Off-Site Amenity Improvements

- Brick paving
- Street lighting
- Street tree planting in amended soil panel
- Street furniture

Other amenities

- The applicant has committed to contributing to the Housing Initiative Fund for a total payment of \$466,479 with two payments in installments of \$233,235, which equates to \$5/square foot for any FAR achieved over 4.

(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 employment and retail uses. The proposed office, retail and hotel 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 goals that the Project satisfies:

- Establishment of a vibrant and diverse downtown,
- Development by infill that complements the existing urban fabric,
- Creation of employment opportunities,
- Creation of an appealing environment for working, shopping, and entertainment.
- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

(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 proposal is compatible with both existing and potential development in the general neighborhood and with adjacent properties. The project has been designed to ensure that it is physically compatible with existing and planned development in the general area. The proposed building locations are oriented in such a manner as to provide for increased light and air for the overall property and to provide for increased pedestrian activity in public areas. This applicant has made significant changes to the building design and layout in an effort to minimize negative impacts on neighboring properties and in the *general neighborhood*.

The site is located in an area of the CBD (CBD-2) with allowable densities of up to 5.0 FAR, and maximum building heights of 143 feet, for optional method of development projects, with increases up to 200 feet if the Board finds the height does not adversely affect surrounding properties. The proposed 12-story high rise of 143 feet (consistent with the sector plan) is the same height as the existing commercial office building to the south, and considerably higher than the primarily 2-3-story developments to the north and east. However, as development proceeds in Bethesda and the adjacent Woodmont Triangle, potential densities and building heights as envisioned by the Master Plan will be much higher than the existing fabric. In terms of urban design, the proposal maintains a similar building line as the existing buildings to the south and continues the pedestrian activation of Woodmont Avenue to the south. The architecture will minimize the impacts of a fairly large building upon the surrounding community by breaking-up the massing into 2 towers separated by a pedestrian mews.

Additionally, the proposed building design provides greater benefits to the adjacent properties by replacing the low density improvements on an underutilized site with dynamic buildings that capture sight lines from streets, providing green areas on the different levels of the buildings, paying attention to architecture to offer visual vantage points from adjacent buildings. The building massing fills in the void created by the existing commercial properties and surface parking and extends the character of the block created by the properties from the Metro moving northward. The benefits provided by this project, including the public use and amenities and mix of uses, justifies the additional density permitted through the optional method, negating any perceived detrimental impacts to existing or potential development in the general area. In fact, the design of the project serves to create a good precedent for urban infill redevelopment that allows the transition of the downtown area into the urban environment envisioned by the sector plan, minimizing any negative impacts associated with the proposed development and existing improvements inherent in any urban transition.

(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.

The project will not overburden existing public services. The project's close proximity to the Metro Station and bus lines on Wisconsin Avenue help to promote public transportation. The proposed use will generate 441 AM peak hour trips and 471 PM peak hour trips (406 net "new" AM peak hour trips and 380 net "new" PM peak hour trips) and the study area intersections will continue to operate within the acceptable congestion standard levels. There is adequate water and sewer capacity within the Bethesda CBD Policy Area to accommodate the project.

A draft Trip Mitigation Agreement has been submitted by the Applicant and will be finalized during the site plan review process. Other public facilities 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.

(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 3.0 FAR or 80 dwelling units per acre 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 at transit hubs is a core value of smart growth and given the number and quality of public amenities being proffered, the optional method of development is much 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. However, the applicant has proffered a significant contribution to the Housing Initiative Fund to provide additional housing opportunities in the area.

(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 is located on one existing lot and does not propose any open space or density transfers.

(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 was approved on September 11, 2011 and proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof, micro-bioretenion. Recharge is not required for a re-development site.

Recommendation and Conditions

Approval of project plan 920120010 subject to the following conditions:

1. Development Ceiling

The proposed development is limited to 466,470 square feet of gross floor area for non-residential development, including hotel.

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 November 14, 2011 unless modified at site plan review.
- b. The building height is limited to 143 feet in height for the southern building (hotel) transitioning to 122 feet in height for the northern building (office), as determined by the Department of Permitting Services approved building height measurement point.
- c. The third level of the southern building (hotel) must include an extensive green roof to provide for a passive outdoor amenity area.
- d. The south elevation of the hotel building must be substantially similar to the architectural drawings (A201-A504) submitted to M-NCPPC dated November 14, 2011.

3. Public Use Space and Amenities

- a. The Applicant must provide a minimum of 18,000 square feet or 24% of the net lot area for on-site public use space and a minimum of 27,000 square feet or 36% 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 activating elements (e.g. water and public art), landscaping and other features in general conformance with the illustrative landscape plan depicted in the application, with final design at the time of site plan approval.
- 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.

4. 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 improvements prior to 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.
- d. The Applicant must contribute a sum of \$5 per gross foot for any gross floor area exceeding 4 FAR to the Housing Initiative Fund, with payments to be made over two installments; the first payment at initial occupancy of the hotel and the second at the 1st anniversary of the initial occupancy of the hotel (with two payments in equal installments).

5. Maintenance and Event Management Organization

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

6. Coordination for Additional Approvals Related to the Review of the Site Plan

- 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 or other improvements within the rights-of-way.
- b. The Applicant must present preliminary and final public art and amenity concepts to the Art Review Panel prior to approval of the site plan.

- c. Provide a noise analysis addressing noise levels above grade as well as noise impacts to adjacent properties, specifically related to the hotel loading operations. Additional wall structures may be required to mitigate noise impacts.
- d. Details of the green roofs to be provided at Site Plan.

PRELIMINARY PLAN

Findings

Master Plan Conformance

As stated earlier in this report, the preliminary plan is in substantial conformance with the recommendations in the Bethesda Central Business District Sector Plan by:

- Establishment of a vibrant and diverse downtown,
- Development by infill that complements the existing urban fabric,
- Creation of employment opportunities,
- Creation of an appealing environment for working, shopping, and entertainment.
- Creation of a circulation patterns that encourage walking, cycling, and the use of mass transit.

Roads and Transportation Facilities

Adequate Public Facilities Review

A traffic study (dated October 31, 2011) was submitted by the Applicant for the subject application per the LATR/PAMR Guidelines since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

Trip Generation

The peak-hour trip generation estimate for the proposed Bethesda Center development was based on trip generation rates included in the LATR/PAMR Guidelines. A site trip generation summary is provided in Table 1, which shows that the proposed development will generate 441 peak-hour trips during the weekday morning peak period and 471 peak-hour trips during the weekday evening peak period. After accounting for existing density on the site, the proposed development is estimated to generate 406 net “new” peak-hour trips during weekday morning peak period and 380 net “new” peak-hour trips during weekday evening peak period.

TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED BETHESDA CENTER DEVELOPMENT

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
A. Existing Density – (CBD Rates)						
74-room Hotel	10	6	16	9	7	16
4,340 SF Restaurant(s)	2	1	3	6	5	11
24,600 SF Retail	8	8	16	32	32	64
Total Trips (A1)	20	15	35	47	44	91
B. Proposed Density – (CBD Rates)						
256,672 SF Office	327	58	385	96	289	385
203-room Hotel	27	18	45	25	20	45
11,570 SF Restaurant(s)	4	4	8	15	15	30
4,229 SF Retail	2	1	3	6	5	11
Total Trips (B1)	360	81	441	142	329	471
C. Net “New” Trips (C1 = B1 – A1)	340	66	406	95	285	380

Source: Wells and Associates, Inc. Local Area Transportation Review and Policy Area Mobility Review; October 31, 2011.
(With Updated Density; November 28, 2011)

Local Area Transportation Review

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the Silver Spring CBD congestion standards (1,600 and 1,800 CLV, respectively). Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the APF test.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED BETHESDA CENTER DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		<i>Background</i>		Total	
	AM	PM	AM	PM	AM	PM
Wisconsin Ave/Cordell Ave	693	577	887	816	920	837
Wisconsin Ave/Norfolk Ave	840	699	1,022	920	1,068	976
Wisconsin Ave/Old G'town Rd/EW Hwy	1,079	1,094	1,392	1,459	1,415	1,490
Wisconsin Ave/Mont. Ln/Mont. Ave	979	970	1,373	1,223	1,390	1,257
Woodmont Ave/St. Elmo Ave	660	664	734	735	772	747
Woodmont Ave/Norfolk Ave	545	587	1,056	835	1,132	879
Woodmont Ave/Old Georgetown Rd	832	879	951	1,035	960	1,129
Woodmont Ave/Edgemoor Ln	877	654	956	736	967	749
Old G'town Rd/Edgemoor Ln/Comm. Ln	486	601	513	676	557	691
Norfolk Ave/St. Elmo Ave	640	665	674	715	679	735
Old G'town Rd/Wilson Ln/St. Elmo Ave/Arlington Rd	971	1,115	1,104	1,369	1,108	1,425

Source: Wells and Associates, Inc. Local Area Transportation Review and Policy Area Mobility Review; October 31, 2011. Note: Bethesda CBD Policy Area Congestion Standard: 1,800 CLV

Policy Area Mobility Review

A summary of the PAMR mitigation requirement calculations for the proposed development is presented in Table 3.

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda CBD Policy Area is currently required to mitigate 25 percent (25%) of “new” peak-hour trips generated by the development.

Based on the site trip generation summary presented in Table 1 (also, Table 3, Line F; 406 net “new” peak-hour trips during the weekday morning peak period and 380 net “new” peak-hour trips during the weekday evening peak period), the PAMR mitigation requirement for the proposed development is calculated as 102 peak-hour trips for the morning peak period and 95 peak-hour trips for the evening peak period.

By virtue of being located within the Bethesda CBD, the Applicant is also eligible to receive a PAMR trip mitigation credit (determined by comparing Countywide and CBD trip generation estimates for a development). This peak-hour trip mitigation credit is equivalent to the difference in trip generation (i.e., net “new” trips) between similar developments located outside the CBD (determined using Countywide trip generation rates) and located within the CBD (determined using CBD trip generation rates).

Thus, as summarized in Table 3; Line C, a development outside the CBD, similar to that proposed on the site, after discounting for existing on-site density, would generate 487 net “new” peak-hour trips during the morning peak-period (i.e., 81 more peak-hour trips than the net “new” site CBD peak-hour trips noted above) and 412 net “new” peak-hour trips during the evening peak-period (i.e., 32 more peak-hour trips than the net “new” site CBD peak-hour trips noted above). The proposed development, as a result of being located within the Bethesda CBD, will thus receive a credit of 81 peak-hour trips for the morning peak period and 32 peak-hour trips for the evening peak period towards its PAMR mitigation requirement. With the above credit, the proposed development is required to mitigate 21 peak-hour trips during the morning peak period and 63 peak-hour trips during the evening peak period. The Applicant is therefore required to mitigate 63 peak-hour trips to satisfy the PAMR requirements of the APF test.

The Applicant disagrees with the staff PAMR calculation methodology shown in Table 3 and has presented an alternative methodology as shown in Table 4, which shows that the Applicant is fully mitigating the PAMR requirement of the APF test through the credit it receives for being within the Bethesda CBD.

The difference between the two methodologies is primarily in how existing density is being considered for calculating outside CBD and/or CBD trip generation. While the Applicant methodology does not consider trips associated with existing density, the staff methodology factors in existing density and calculates a net “new” trip generation under both outside CBD and CBD scenarios before the trip credit is determined. This approach (of assessing impact of the net “new” trip generation) is consistent with the LATR analysis approach as well, where net “new” trips are typically assessed. Staff therefore believes that the staff methodology is consistent with the intent and established procedures in place to determine these credits for CBD developments. Staff also believes that this approach is consistent with language in Section II.C.2a of the *LATR/PAMR Guidelines*.

The Applicant must therefore, prior to the release of any building permit for the proposed development, pay \$737,100.00 to Montgomery County DOT to satisfy the PAMR requirements of the APF test (to mitigate 63 net “new” weekday site-generated peak-hour trips at \$11,700 per peak-hour trip).

TABLE 3
PAMR MITIGATION REQUIREMENT CALCULATION – STAFF METHODOLOGY
PROPOSED BETHESDA CENTER DEVELOPMENT

	Morning Peak-Hour	Evening Peak-Hour
A. Existing Density – (Countywide Rates)		
74-room Hotel	50	52
4,340 SF Restaurant(s)	8	32
24,600 SF Retail	46	182
Pass-by (34% of restaurant and retail)	n/a	-73
“New” Trips (A1)	104	193
B. Proposed Density – (Countywide Rates)		
256,672 SF Office	428	390
203-room Hotel	136	142
11,570 SF Restaurant(s)	20	82
4,229 SF Retail	8	29
Pass-by (34% of restaurant and retail)	n/a	-38
“New” Trips (B1)	591	605
C. Net “New” Trips – (Countywide Rates)		
Net “New” Trips (C1 = B1 – A1)	487	412
D. Existing Density – (CBD Rates)		
74-room Hotel	16	16
4,340 SF Restaurant(s)	3	11
24,600 SF Retail	16	64
“New” Trips (D1)	35	91
E. Proposed Density – (CBD Rates)		
256,672 SF Office	385	385
203-room Hotel	45	45
11,570 SF Restaurant(s)	8	30
4,229 SF Retail	3	11
“New” Trips (E1)	441	471
F. Net “New” Trips – (CBD Rates)		
Net “New” Trips (F1 = E1 – D1)	406	380
G. PAMR Mitigation Requirement		
PAMR (G1 = F1 x 0.25)	102	95
H. Trip Credit for CBD Location		
Trip Credit (H1 = C1 – F1)	81	32
I. Adjusted PAMR Mitigation Requirement		
(I1 = H1 – G1)	-21	-63
[PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]		

TABLE 4
PAMR MITIGATION REQUIREMENT CALCULATION – APPLICANT METHODOLOGY
PROPOSED BETHESDA CENTER DEVELOPMENT

	Morning Peak-Hour	Evening Peak-Hour
A. Existing Density – (CBD Rates)		
74-room Hotel	16	16
4,340 SF Restaurant(s)	3	11
24,600 SF Retail	16	64
“New” Trips (D1)	35	91
B. Proposed Density – (Countywide Rates)		
256,672 SF Office	428	390
203-room Hotel	136	142
11,570 SF Restaurant(s)	20	82
4,229 SF Retail	8	29
Pass-by (34% of restaurant and retail)	n/a	-38
“New” Trips (B1)	591	605
C. Net “New” Trips – (Countywide Rates)		
Net “New” Trips (C1 = B1 – A1)	556	514
D. Existing Density – (CBD Rates)		
74-room Hotel	16	16
4,340 SF Restaurant(s)	3	11
24,600 SF Retail	16	64
“New” Trips (D1)	35	91
E. Proposed Density – (CBD Rates)		
256,672 SF Office	385	385
203-room Hotel	45	45
11,570 SF Restaurant(s)	8	30
4,229 SF Retail	3	11
“New” Trips (E1)	441	471
F. Net “New” Trips – (CBD Rates)		
Net “New” Trips (F1 = E1 – D1)	406	380
G. PAMR Mitigation Requirement		
PAMR (G1 = F1 x 0.25)	102	95
H. Trip Credit for CBD Location		
Trip Credit (H1 = C1 – F1) or (H1 – B1 – E1)	150	134
I. Adjusted PAMR Mitigation Requirement		
(I1 = H1 – G1)	+48	+39
[PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]		

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420111760 for the site was approved on 7/1/2011. The urban site is located within 2 separate watersheds; Little Falls Branch, a use-class I-P watershed and the Lower Rock Creek, a use I watershed.

The submitted Preliminary Forest Conservation Plan (PFCP) identifies an afforestation planting requirement of 0.33 acres. The planting requirement will be met by payment of fee-in-lieu. A condition of approval is recommended that the forest conservation planting requirements be satisfied prior to land disturbing activities occurring onsite.

Stormwater Management

The MCDPS Stormwater Management Section approved the storm water management concept for the site on September 8, 2011. The storm water management concept consists of meeting required stormwater management goals via environmental site design guidelines to the maximum extent possible by the use of green roofs and micro-bioretenion. Onsite recharge is not required for redevelopment applications.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The proposed subdivision was reviewed for compliance with the dimensional requirements for the CBD-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Proposed on-site Public Use Space exceeds the minimum requirement of 20%. A summary of this review is included in Table 1 below. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Preliminary Plan Data Table and Checklist

Plan Name: Bethesda Center				
Plan Number: 120120070				
Zoning: CBD-2				
# of Lots: 1				
# of Outlots: N/A				
Dev. Type: Commercial				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval the Preliminary Plan	Verified	Date
Minimum Lot Area	18,000 s.f.	74,033 s.f.	JM	10/17/11
Minimum Public Use Space	20%	24%	JM	10/17/11
Height	143'	143'	JM	10/17/11
Floor Area Ratio	5.0	5.0	JM	10/17/11
MPDUs	N/A	N/A	JM	10/17/11
TDRs	N/A	N/A	JM	10/17/11
Site Plan Req'd?	Yes		JM	10/17/11
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		JM	10/17/11
Road dedication and frontage improvements	Yes		DOT	11/29/11
Environmental Guidelines	N/a		Staff memo	10/17/11
Forest Conservation	Yes		Staff memo	10/17/11
Master Plan Compliance	Yes		Staff memo	10/17/11
Historic Preservation	N/a		Staff memo	10/17/11
Stormwater Management	Yes		DPS	10/17/11
Water and Sewer (WSSC)	Yes		Agency comments	10/17/11
10-yr Water and Sewer Plan Compliance	Yes		Agency comments	10/17/11
Well and Septic	N/a		Agency Comments	10/17/11
Local Area Traffic Review	Yes		Staff memo	11/28/11
Fire and Rescue	N/a		Agency letter	10/17/11

Recommendations and Conditions

Approval of Preliminary Plan 120120070 pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions.

1. Approval under this preliminary plan is limited to one lot for up to 256,672 square feet of office uses, 193,999 square feet of hotel uses, and 15,799 square feet of retail uses.
2. The Applicant must comply with the conditions of approval for Project Plan 920120010.
3. The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
4. The applicant must obtain approval of a Final Forest Conservation Plan, consistent with the approved Preliminary Forest Conservation Plan and associated conditions, prior to any clearing, grading or demolition on the site.
5. No clearing, grading, demolition, or recording of plats prior to certified site plan approval unless specified with the site plan approval.
6. The fee-in-lieu or certificate of compliance for the off-site forest mitigation must be submitted by the applicant and approved by M-NCPPC staff prior to land disturbing activities occurring on the subject property.
7. The applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way as measured from the centerline along the property frontage for Woodmont Avenue and 57 feet of right-of-way as measured along the centerline along the property frontage for Wisconsin Avenue.
8. 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.
9. The applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of the sidewalks per Bethesda Streetscape Standards along the property frontages on Wisconsin Avenue and Woodmont Avenue.
10. The final density and mix of uses will be determined at Site Plan.
11. The applicant must comply with the conditions of the MCDPS stormwater management approval dated September 8, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
12. The applicant must comply with the conditions of the MCDOT letter dated November 29, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
13. The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and/or MDSHA prior to issuance of access permits, as applicable.
14. The applicant must satisfy requirements of Montgomery County Fire and Rescue pertaining to addressing, emergency vehicle access, fire access walk path and the locations of proposed FDC, hydrants, door locations and fire control rooms.
15. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
16. The record plat must show necessary easements.
17. The certified preliminary plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the

time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

18. Transportation

The following transportation-related conditions are recommended to be part of the Planning Board's approval of the subject applications to satisfy the APF requirements:

- a. The Applicant must limit future development on the site to a 203-room hotel, 256,672 SF of office, and 15,799 SF of restaurant/retail.
 - b. The Applicant, prior to the release of any building permit for the proposed development, must pay \$737,100.00 to Montgomery County Department of Transportation (DOT) to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate sixty-three (63) net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip).
 - c. The Applicant must dedicate and show on the final record plat the following rights-of-way along property frontage consistent with the 1994 Approved and Adopted *Bethesda CBD Sector Plan*:
 - i. Wisconsin Avenue – minimum of 57 feet from the roadway right-of-way centerline, and
 - ii. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline.
 - d. Frontage improvements must be finalized at site plan.
 - e. The Applicant must enter into a Traffic Mitigation Agreement ("Agreement") with the Planning Board and the Montgomery County Department of Transportation (DOT) to participate in the Bethesda Transportation Management District (TMD) and must execute the Agreement prior to the release of any building permit for the proposed development.
 - f. The Applicant, as part of the above Agreement or separately, must grant an easement to the DOT to install a future bike-share station on the site, preferably along Woodmont Avenue. If a bike share station is appropriate at this site, then the location for the proposed bike-share station and the easement agreement with the DOT for the proposed bike-share station must be finalized at least 30 days prior to any Planning Board hearing on the site plan for the development.
19. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

APPENDICES

Appendix A: Agency letters referenced in conditions

Appendix B: Correspondence

Appendix A

Agency Letters



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

November 29, 2011

Arthur Holmes, Jr.
Director

Mr. John Marcolin, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120070
Bethesda Center

Dear Mr. Marcolin:

We have completed our review of the amended preliminary plan dated November 14, 2011. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on October 17, 2011. We appreciate the consultant's point-by-point response to MCDOT's DRC comments in a letter dated November 14, 2011. We recommend approval of the plan – including the modified driveway design and on-site hotel dropoff area outside the public right-of-way – 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 the Department of Permitting Services 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 along Woodmont Avenue and Wisconsin Avenue (MD 355) site frontages in accordance with the master plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. We recommend approval of the applicant's stormwater management concept plan.
4. We accept the consultant's storm drain capacity and impact analysis of Study Point #1 on Woodmont Avenue. Since runoff from the site will decrease in the post-development condition, no improvements to the existing County-maintained storm drain system will be required for this development.
5. We accept the consultant's Design Exception package for the proposed driveway locations and spacing. The southern (combined truck and garage egress) driveway on Woodmont Avenue is to be physically channelized to preclude westbound left turn movements.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

Mr. John Marcolin
Preliminary Plan No. 1-20120070
November 29, 2011
Page 2

At the site plan stage, we recommend the applicant demonstrate the need for a two lane approach for the northern driveway on Woodmont Avenue; we recommend it be reduced to a single lane approach [twenty four (24) foot maximum width] if possible to facilitate pedestrian safety.

6. The sight distances study for the proposed driveways on Woodmont Avenue has been accepted. A copy of the accepted MCDOT Sight Distances Evaluation certification form is enclosed for your information and reference.
7. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
8. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
9. 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.
10. Access and improvements along Wisconsin Avenue (MD 355) as required by the Maryland State Highway Administration.
11. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
12. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. 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 Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
15. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.

Mr. John Marcolin
Preliminary Plan No. 1-20120070
November 29, 2011
Page 3

A draft Traffic Mitigation Agreement, amended to address DRC review comments, was submitted on October 4, 2011; it remains under review.

16. At or before the permit stage, coordinate with Ms. Stacy Coletta of our Division of Transit Services to provide a bus shelter on Wisconsin Avenue (MD 355) south of the intersection with Norfolk Avenue. Ms. Coletta may be contacted at 240 777-5800.
17. Coordinate relocation of the existing parking meters with Mr. Jeremy Souders of our Division of Parking Management. Mr. Souders may be contacted at 240-777-8740.
18. Coordinate proposed Bethesda CBD streetscaping improvements on Woodmont Avenue with the County's Capital Improvement Program (CIP Project No. 500102) through Mr. Michael Mitchell of our Division of Transportation Engineering. Mr. Mitchell may be contacted at 240-777-7220.
19. 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. Provide Bethesda CBD streetscaping (including brick sidewalks, street trees in amended soil panels, etc.) across the Woodmont Avenue site frontage. Maintain the existing curbline along Woodmont Avenue.
 - 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 ensure final and proper completion and installation of all utility lines underground, for all new road construction.
 - E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Mr. John Marcolin
Preliminary Plan No. 1-20120070
November 29, 2011
Page 4

m:/subd/gml/docs/PP/120120070, Bethesda Center.doc

Enclosures (2)

cc: Marc Duber; The Bethesda Center, LLC
Bob Dalrymple; Linowes and Blocher, LLP
Meredith Byer; VIKA, Inc.
Rose Krasnow; M-NCPPC Area 1
Robert Kronenberg; M-NCPPC Area 1
Cherian Eapen; M-NCPPC Area 1
Catherine Conlon; M-NCPPC DARC
Scott Newill; MSHA AMD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Rick Brush; MCDPS WRM
Atiq Panjshiri; MCDPS RWPR
Sande Brecher; MCDOT CSS
Stacy Coletta; MCDOT COSS
Gail Tait-Nouri; MCDOT DTE
Michael Mitchell; MCDOT DTE
Jeremy Souders; MCDOT DPM
Brett Linkletter; MCDOT DHS
Emil Wolanin; MCDOT DTEO
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
David Adams; MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: BETHESDA CENTER Preliminary Plan Number: 1-20120070

Street Name: WOODMONT AVENUE Master Plan Road Classification: ARTERIAL

Posted Speed Limit: 30 mph

Street/Driveway #1 (2) Street/Driveway #2 (3)

Sight Distance (feet) OK?
 Right 390 ✓
 Left 350 ✓

Sight Distance (feet) OK?
 Right 330 ✓
 Left 330 ✓

Comments: _____

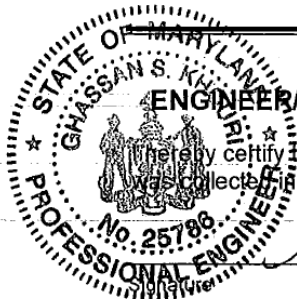
Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO



ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

GSK 7/2011
 Signature Date

25786
 PLS/P.E. MD Reg. No.

Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>Gulch</u>
Date:	<u>11/29/2011</u>

Form Reformatted:
 March, 2000



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: BETHESDA CENTER Preliminary Plan Number: 1-20120070

Street Name: WOODMONT AVENUE Master Plan Road Classification: ARTERIAL

Posted Speed Limit: _____ mph

Street/Driveway #1 (4) Street/Driveway #2 (_____)

Sight Distance (feet) OK?
 Right 490 ✓
 Left 325 ✓

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: _____

Comments: _____

GUIDELINES


Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150' **
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO **AS PER POSTED SPEED LIMIT

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and collected in accordance with these guidelines.



 Signature: Becky Uebel
 No. 38387 Reg. No. _____
 PLS/R/EMD

Date: 11/14/11

Montgomery County Review:

Approved

Disapproved:

By: [Signature]

Date: 11/29/2011

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March, 2000

Appendix B

Correspondence



**THE GREATER
BETHESDA-CHEVY CHASE**
CHAMBER OF COMMERCE

7910 Woodmont Avenue, Suite 1204
Bethesda, MD 20814
T: (301) 652-4900
F: (301) 657-1973
staff@bccchamber.org
www.bccchamber.org

November 30, 2011

Commissioner Francois Carrier, Chair
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Letter in Support of Bethesda Center Project

Dear Commissioner Carrier:

On behalf of The Greater Bethesda-Chevy Chase Chamber of Commerce, we are submitting this letter in support of the proposed Bethesda Center project (Project Plan No. 920120010 and Preliminary Plan No. 120120070), located between Wisconsin Avenue and Woodmont Avenue, just south of Norfolk Avenue in the Woodmont Triangle area of the Bethesda Central Business District (CBD). The project proposes to develop the site with a mix of office, hotel, restaurant, and retail uses, and will play an important role in the overall redevelopment of the Woodmont Triangle area. The project's location bridges the heart of the Bethesda CBD and portions of Woodmont Triangle located further to the north, and the mix of uses will enliven the southern portion of Woodmont Triangle and help to ensure that the project and surrounding areas are activated beyond just the workday.

Aside from the positive contributions to the community as a result of the buildings and uses themselves, the project also proposes a mid-block pedestrian connection that will facilitate pedestrian access between Bethesda's two main north-south streets, Wisconsin Avenue and Woodmont Avenue. This connection is important for the success of the businesses located along these two street frontages, and will add to the pedestrian activity in the area. It also helps to provide improved connectivity for those accessing Bethesda Metro Station and the bus facilities just to the south. In addition to the mid-block pedestrian connection, the project proposes attractive on-site public use space and off-site amenity spaces. Bethesda Center represents exactly what is needed in this portion of the Woodmont Triangle area of the Bethesda CBD.

Thank you for your consideration of our comments. We look forward to welcoming the Bethesda Center project to the Bethesda community.

Sincerely,

Ginanne M. Italiano, IOM
President & CEO

cc: Members of the Montgomery County Planning Board
John Marcolin, M-NCPPC

2011 Annual Sponsors

Platinum: **EAGLEBANK**

Gold: Lerch, Early, & Brewer, Chtd

Silver: BDO USA • The Chevy Chase Land Company • ExactTarget • The Gazette • M&T Bank • Suburban Hospital

Corporate: Andy Stern's Office Furniture • Barwood Transportation • Bond Beebe Accountants & Advisors • Councilor, Buchanan & Mitchell P.C • Dembo, Jones, Healy, Pennington & Marshall, P.C. • Doubletree By Hilton, Hotel & Executive Meeting Center • Elite Personnel • Grossberg Company LLP • Holland & Knight LLP • Hyatt Regency Bethesda • Linowes and Blocher LLP • Merrill Lynch - Melanie Folstad • PNC Bank • White Flint Mall

Your Business Is
Our Only Business

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION



MAR 17 2012

Attachment C

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

MCPB No. 11-138
Preliminary Plan No. 120120070
Bethesda Center
Date of Hearing: December 15, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on August 25, 2011, The Bethesda Center, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 2.14 gross acres of land in the CBD-2 zone, located between Woodmont Avenue and Wisconsin Avenue, approximately 75 feet south of Cheltenham Drive ("Property" or "Subject Property"), in the Bethesda Central Business District Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120120070, Bethesda Center ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 1, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on December 15, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 15, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Anderson,

Approved as to
Legal Sufficiency:

Christina Somers 2/23/12

8787 Georgia Avenue, Suite 200, Spring, Maryland 20710

MNCPPC Legal Department
www.MCParkandPlanning.org

Chairman's Office: 301.495.4645 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

MCPB No. 11-138
Preliminary Plan No. 120120070
Bethesda Center
Page 2 of 11

seconded by Commissioner Dreyfuss, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor. Commissioner Presley was absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 50 the Planning Board approves Preliminary Plan No. 120120070 to create one lot on the Subject Property, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to one lot for up to 256,672 square feet of office uses, 193,999 square feet of hotel uses, and 15,799 square feet of retail uses.
2. The Applicant must comply with the conditions of approval for Project Plan No. 920120010.
3. The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services ("MCDPS") issuance of sediment and erosion control permits as applicable.
4. The Applicant must obtain approval of a Final Forest Conservation Plan, consistent with the approved Preliminary Forest Conservation Plan and associated conditions, prior to any clearing, grading or demolition on the site.
5. No clearing, grading, demolition, or recording of plats prior to certified site plan approval unless specified with the site plan approval.
6. The fee-in-lieu or certificate of compliance for the off-site forest mitigation must be submitted by the Applicant and approved by M-NCPPC Staff prior to land disturbing activities occurring on the Subject Property.
7. The Applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way as measured from the centerline along the property frontage for Woodmont Avenue and 57 feet of right-of-way as measured along the centerline along the property frontage for Wisconsin Avenue.
8. 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.
9. The Applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of the sidewalks per Bethesda Streetscape Standards along the property frontages on Wisconsin Avenue and Woodmont Avenue.
10. The final density and mix of uses will be determined at Site Plan.
11. The Applicant must comply with the conditions of the MCDPS stormwater management approval dated September 8, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. The Applicant must comply with the conditions of the Montgomery County Department of Transportation ("MCDOT") letter dated November 29, 2011.

These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

13. Prior to site plan approval, the Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s) and/or Maryland State Highway Administration ("MDSHA") prior to issuance of access permits, as applicable.
14. The Applicant must satisfy requirements of Montgomery County Fire and Rescue pertaining to addressing, emergency vehicle access, fire access walk path and the locations of proposed fire department connection, hydrants, door locations and fire control rooms.
15. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
16. The record plat must show necessary easements.
17. The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
18. Transportation
 - a. The Applicant must limit future development on the site to a 203-room hotel, 256,672 SF of office, and 15,799 SF of restaurant/retail.
 - b. The Applicant, prior to the release of any building permit for the proposed development, must pay \$725,400.00 to MCDOT to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate sixty-two (62) net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip).
 - c. The Applicant must dedicate and show on the final record plat the following rights-of-way along property frontage consistent with the 1994 Approved and Adopted *Bethesda CBD Sector Plan*:
 - i. Wisconsin Avenue – minimum of 57 feet from the roadway right-of-way centerline, and
 - ii. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline.
 - d. Frontage improvements must be finalized at site plan.
 - e. The Applicant must enter into a Traffic Mitigation Agreement ("Agreement") with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and must execute the Agreement prior to the release of any building permit for the proposed development.

- f. The Applicant, as part of the above Agreement or separately, must grant an easement to MCDOT to install a future bike-share station on the site, preferably along Woodmont Avenue. If a bike share station is appropriate at this site, then the location for the proposed bike-share station and the easement agreement with MCDOT for the proposed bike-share station must be finalized at least 30 days prior to any Planning Board hearing on the site plan for the development.

19. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

The Subject Property lies within the boundaries of the Approved and Adopted 1994 Bethesda Central Business District ("CBD") Sector Plan. The Sector Plan supports mixed use development, including office uses near Metro. The Planning Board approves a mixed-use development with 466,400 square feet of commercial uses including 256,672 square feet of office space and 15,799 square feet of restaurant/retail use. There will be 193,999 square feet of hotel space, including a ballroom on the second level of the hotel. The maximum density allowed under the CBD-2 Zone is 5.0 FAR; the proposed density is 5.0 FAR. The development maximizes the building height at 143 feet, which is allowed by the zone. The project steps down in height from 143 feet closest to the Metro Core to 122 feet on the northern edge furthest away from the core. This is consistent with adjoining and nearby properties, some of which have been constructed with others being approved but not yet built, including Bethesda Place located directly to the south at 143 feet, 4900 Fairmont at 174 feet to the west, and the Lionsgate to the south at 143 feet.

The Sector Plan indicates that a mix of office, retail, restaurant, as well as residential uses is appropriate for the site. The Preliminary Plan will provide office, retail, restaurant and hotel uses that will be visible and accessible to a greater number of pedestrians. In addition, the Applicant has committed to provide a contribution to the Housing Initiative Fund as part of its amenity package. 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.

The ground-floor uses and off-site public space will serve not only the weekday office workers, but also the evening and weekend residents of the CBD, bringing pedestrian activity and vitality to what is currently an underutilized space.

The Preliminary Plan is in substantial conformance with the recommendations in the Sector Plan by:

- Establishing a vibrant and diverse downtown;
- Providing infill development that complements the existing urban fabric;
- Creating employment opportunities;
- Creating an appealing environment for working, shopping, and entertainment; and
- Creating circulation patterns that encourage walking, cycling, and the use of mass transit.

The Planning Board finds that the mixed-use Application substantially conforms to the general goals and additional specific recommendations of the Sector Plan, including downtown environment, urban form, and employment, housing and land use described below.

Downtown Environment

The Downtown Bethesda Metro Core District is envisioned as a place that has a choice of retail, restaurant, cultural programming, open space and pathways. It should also include office uses with the potential for additional residential uses. The Board finds that the Preliminary Plan provides several features that address this goal:

- The mix of office, hotel and retail uses fulfills the Sector Plan goal of increasing the mix of uses.
- The public use space expands the existing network of open spaces in the area and provides a more direct connection to the Metro through connections to existing pedestrian routes. The design will reflect Bethesda as a “garden” through the imaginative use of on-site rain gardens and Low Impact Development techniques.
- The physical character of the public realm is well defined by building edges. The open spaces will shape the form of the buildings and relate well to the surrounding context of public spaces.
- The design of the architecture will add a contemporary structure to the urban fabric of Downtown Bethesda. It will provide a landmark and gateway element to Wisconsin Avenue that responds to views and vistas within the

CBD. It will create a focal point that improves the orientation and strengthens the perception of a sub-center at the northern edge of the Bethesda core.

- The amenities will provide an animated space through the use of waterfalls, shade trees, seating areas, and art features.

Urban Form

In general, the Sector Plan encourages mixed-use development that includes retail, office and residential uses located in buildings on active streets.

- The Preliminary Plan will fulfill this goal by including restaurant/retail uses on the ground floor and office and hotel use above.
- The Preliminary Plan strengthens the urban form of the surrounding neighborhood by creating active street frontages both on Woodmont and Wisconsin Avenues.
- The open spaces will be activated by outdoor cafes and retail seating and open, tree-shaded plaza areas that will attract people to gather and stay.
- The new pedestrian circulation connections and choices will increase foot traffic and provide more efficient pedestrian connectivity.
- The cultural and artistic amenities will provide a sense of identity through the unique design of water features, lighting, and landscaping

With regard to building height and the surrounding context, numerous Sector Plan recommendations speak to anticipated infill development with higher-density employment and housing uses downtown. The Applicant conducted shade studies to show the impact of the height and massing of the project on adjacent properties. The studies showed that the shade and massing relationships associated with this development will not cast significant shadow on presently used public areas or block direct sunlight from surrounding properties. The studies show that a significant portion of the shadows fall on roadways and only during portions of the day will there be detrimental impacts, while adverse effects on adjacent properties are minimal. In addition, the glass facades included in the building design further offset the shadow effect. During the summer months, when outdoor spaces get the most usage, the shadow impact of the proposed building is minimal on the surrounding properties, streets and sidewalks.

Employment, Housing, & Land Use

The applicable references in the Sector Plan refer to the need for increased choices associated with retail, restaurants, cultural programming, open space, and pathways in this area. The specific objectives with regard to this site are met as indicated:

- The Preliminary Plan creates job opportunities by providing a variety and mix of uses that are employment generators including hotel, office, and retail uses.

- The Applicant will contribute to the affordable housing goals of Montgomery County by contributing to the Housing Initiative Fund. The Applicant will make a payment to the fund based upon a formula of \$5 per FAR foot approved above a 4 FAR. The total payment for the maximum FAR approved for the project will be \$466,479 (93,294 square feet of gross tract area multiplied by 5).
- The design promotes a pedestrian and street-activating environment by applying the Bethesda Streetscape standards to frontage along Woodmont and Wisconsin Avenues. In accordance with these standards, the Application provides widened sidewalks paved with brick, street trees, seating areas, and pedestrian scaled lighting.
- The development consolidates multiple properties for an optional method of development to accommodate the maximum density in the CID.
- 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. In addition the project provides green roofs and bio-filtration techniques at grade that will significantly improve the quality of water flowing off-site during rain events.

Based upon the testimony provided at the Hearing and evidence provided by Staff, the Board finds that the Preliminary Plan is in substantial conformance with the Sector Plan.

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

Public facilities are adequate to accommodate the Application. Vehicular and pedestrian access will be safe and adequate with the proposed improvements. Sidewalks will be reconstructed along Woodmont and Wisconsin Avenues to facilitate pedestrian mobility.

As conditioned, the Application satisfies the LATR and PAMR requirements. A traffic study (dated October 31, 2011) was submitted by the Applicant for the Application per the LATR/PAMR Guidelines since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

Trip Generation

The peak-hour trip generation estimate for the Application was based on trip generation rates included in the LATR/PAMR Guidelines. The Application will generate 441 peak-hour trips during the weekday morning peak period and 471 peak-hour trips during the weekday evening peak period. After accounting for existing density on the site, the Application is estimated to generate 406 net “new” peak-hour trips during weekday morning peak period and 380 net “new” peak-hour trips during weekday evening peak period.

Local Area Transportation Review

Under Total (Build) traffic conditions, Critical Lane Volume (CLV) values for intersections included in the study were estimated to be below the Bethesda CBD congestion standards (1,600 and 1,800 CLV, respectively). Based on the analysis presented in the traffic study, it is concluded that the Application will satisfy the LATR requirements of the APF test.

Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda CBD Policy Area is currently required to mitigate 25% of “new” peak-hour trips generated by the development.

Based on the site trip generation summary, the PAMR mitigation requirement for the proposed development is calculated as 102 peak-hour trips for the morning peak period and 95 peak-hour trips for the evening peak period.

By virtue of being located within the Bethesda CBD, the Applicant is also eligible to receive a PAMR trip mitigation credit (determined by comparing Countywide and CBD trip generation estimates for a development). This peak-hour trip mitigation credit is equivalent to the difference in trip generation (i.e., net “new” trips) between similar developments located outside the CBD (determined using countywide trip generation rates) and located within the CBD (determined using CBD trip generation rates).

Thus, a development outside the CBD, similar to that proposed on the site, after discounting for existing on-site density, would generate 487 net “new” peak-hour trips during the morning peak-period (i.e., 81 more peak-hour trips than the net “new” site CBD peak-hour trips) and 413 net “new” peak-hour trips during the evening peak-period (i.e., 33 more peak-hour trips than the net “new” site CBD peak-hour trips). The Application, as a result of being located within the Bethesda CBD, will receive a credit of 81 peak-hour trips for the morning peak period and

33 peak-hour trips for the evening peak period towards is PAMR mitigation requirement. With the above credit, the proposed development is required to mitigate 21 peak-hour trips during the morning peak period and 62 peak-hour trips during the evening peak period. The Applicant is therefore required to mitigate 62 peak-hour trips to satisfy the PAMR requirements of the APF test.

The Planning Board finds that the methodology in calculating the PAMR requirement is consistent with the intent and established procedures in place to determine credits for CBD developments. The Applicant must therefore, prior to the release of any building permit for the proposed development, pay \$725,400.00 to MCDOT to satisfy the PAMR requirements of the APF test (to mitigate 62 net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip).

Other Public Facilities

The Subject Property will be served by public water and sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Subdivision Staging Policy and will be adequate to serve the Property. The Application is not proposing any residential; therefore, is not impacting any local area school facilities. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

- 3. The size, width, shape, and orientation of the proposed lots are 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. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The Preliminary Plan 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. Proposed on-site Public Use Space exceeds the minimum requirement of 20%.

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

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 Preliminary Plan No. 120120070
 Bethesda Center
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A Natural Resources Inventory/Forest Stand Delineation (NFI/FSD) #420111760 for the site was approved on July 1, 2011. The urban site is located within 2 separate watersheds; Little Falls Branch, a use-class I-P watershed and the Lower Rock Creek, a use I watershed.

The submitted Preliminary Forest Conservation Plan (PF-CP) identifies an afforestation planting requirement of 0.33 acres. The planting requirement will be met by payment of fee-in-lieu. The conditions of this Resolution require that the forest conservation planting requirements are satisfied prior to land disturbing activities occurring onsite.

The Planning Board finds that with the conditions imposed by this Resolution the Preliminary Forest Conservation Plan complies with the requirements of Chapter 22A, the Montgomery County 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 for the site on September 8, 2011. The stormwater management concept consists of meeting required stormwater management goals via environmental site design guidelines to the maximum extent possible through the use of green roofs and micro-bioretenment. Onsite recharge is not required for redevelopment applications.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 17 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

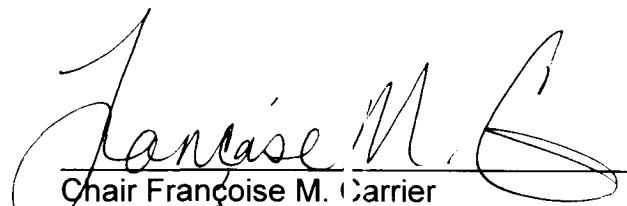
MCPB No. 11-138
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Bethesda Center
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Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

RESOLUTION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Commissioner Presley abstaining at its regular meeting held on Thursday, March 1, 2012, in Silver Spring, Maryland.


Chair Françoise M. Carrier
Montgomery County Planning Board



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

MCPB No. 13-50
Preliminary Plan No. 12012007A
Bethesda Center
Date of Hearing: April 4, 2013

APR 22 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 7, 2012, the Planning Board, by Resolution MCPB No. 11-138, approved Preliminary Plan No. 120120070, creating one lot on 2.14 acres of land in the CBD-2 zone, located between Woodmont Avenue and Wisconsin Avenue south of Norfolk Avenue ("Subject Property"), in the Bethesda CBD Sector Plan ("Sector Plan") area for up to 466,470 square feet of commercial mixed-use development comprised of 256,672 square feet of office uses, 193,999 square feet of hotel uses, and 15,799 square feet of retail uses; and


WHEREAS, on July 9, 2012, The Bethesda Center, LLC, filed an application to amend the previously approved preliminary plan to increase the number of hotel rooms and reallocate 2,885 square feet of office use to restaurant/retail and hotel use within the same maximum square footage of development on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12012007A, Bethesda Center ("Preliminary Plan" or "Amendment"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 22, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 4, 2013 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 4, 2013, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley all voting in favor.

Approved as to
Legal Sufficiency:  4/10/13
8787 George Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12012007A to increase the number of hotel rooms by 19 for a total of 222 rooms and reallocate 2,885 square feet of office use to restaurant/retail and hotel use on the Subject Property by modifying the following conditions:¹

1. Condition #1 of Preliminary Plan No. 120120070 is replaced by the following:

Approval under this Preliminary Plan is limited to one lot for up to 466,470 square feet of commercial mixed-use development comprised of 253,787 square feet of office uses, 196,357 square feet of hotel uses, and 16,326 square feet of restaurant/retail uses.

2. Condition #7 of Preliminary Plan No. 120120070 is replaced by the following:

The Applicant must dedicate and the record plat must show dedication of 40 feet of right-of-way as measured from the centerline along the property frontage for Woodmont Avenue and 57 feet of right-of-way as measured along the centerline along the property frontage for Wisconsin Avenue. An additional 5-foot-wide public improvement easement ("PIE") must be provided adjacent to the Woodmont Avenue right-of-way along the Subject Property boundary.

3. Condition #18(a) and (b) of Preliminary Plan No. 120120070 is replaced by the following:

- a. The Applicant must limit future development on the site to a 222-room hotel, 253,787 square feet of office uses, and 16,326 square feet of restaurant/retail uses.
- b. The Applicant must pay \$725,400.00 to the Montgomery County Department of Transportation ("MCDOT") to satisfy the Policy Area Mobility Review ("PAMR") requirement of the adequate public facilities ("APF") test to mitigate sixty- two (62) net "new" weekday site-generated peak-hour trips at \$11,700 per peak-hour trip, of which \$57,000 is satisfied by the Applicant's proffered payment for construction of a bike share station in the vicinity. The payment may be split into two payments of 50% each, the first made prior to issuance of a building permit for the development, and the second prior to issuance of the first building use and occupancy permit.

4. The Adequate Public Facilities review for the Preliminary Plan will remain valid until April 7, 2019.

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

BE IT FURTHER RESOLVED, that all other conditions of approval for this project as established by Preliminary Plan No. 120120070 remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 1. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and all findings not specifically addressed remain in effect.*
- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

Trip Generation, LATR and PAMR

Since the development as originally approved was estimated to generate 30 or more peak-hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods, a traffic study was submitted. That study determined traffic impacts of the development and received APF approval as part of Preliminary Plan No. 120120070.

As a result of the square footage reallocation approved with this Amendment, the estimated weekday evening peak-hour trip generation is increased by one additional trip over what was approved with the original preliminary plan. This additional trip would not change the Congestion Level/Critical Lane Volume (CLV) analysis completed with the previously approved preliminary plan because the previously submitted traffic study demonstrated acceptable levels of congestion for a more intense development mix than was ultimately approved by the Planning Board. Therefore, the reallocation of square footage approved with this Amendment does not require any change to the LATR requirements or the PAMR trip mitigation requirement as previously conditioned.

Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Subdivision Staging Policy currently in effect and will be adequate to serve the Subject Property. There are no residential uses, and therefore, there is no impact to local area school facilities. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid until April 7, 2017, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

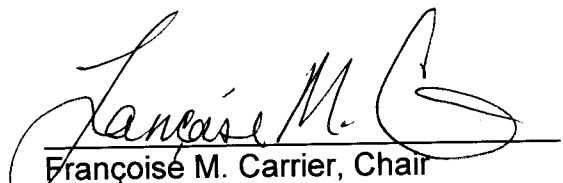
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 22 2013 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 18, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board