

7359 Wisconsin Avenue:  
Sketch Plan No. 320180070, Preliminary Plan No. 120180040, Site Plan No. 820180040

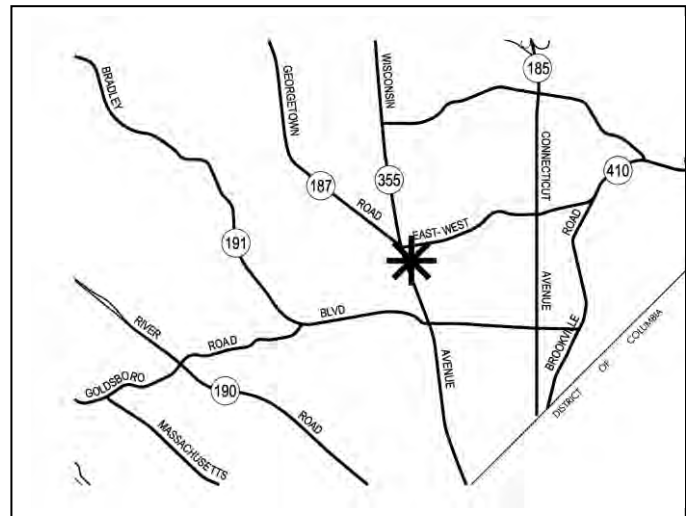
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## Description

Completed: 1.29.18

- Request to create one lot for a mixed-use development with a maximum buildable area of 535,000 square feet, including up to 135,000 square feet of hotel uses and up to 400,000 square feet of office uses. The maximum density includes up to 214,795 square feet of density from the Bethesda Overlay Zone (BOZ), with a Park Impact Payment;
- Current use: Police Station, office, retail, surface parking lots;
- Located on the south side of Montgomery Avenue between Wisconsin Avenue and Waverly Street;
- 1.47 gross acres Zoned CR-5.0, C-5.0, R-4.75, H-250 and the Bethesda Overlay Zone (BOZ) in the 2017 Bethesda Downtown Sector Plan area;
- Applicant: S/C 7351 Wisconsin Avenue, LLC
- Accepted on 9.21.2017



## Summary

- Staff recommends **Approval** of the Sketch Plan, Preliminary Plan, and Site Plan with conditions.
- The Applicant previously submitted a Concept Plan (520180010) for the proposed development for staff and agency review in July 2017. Comments were provided prior to this Application.
- The development proposes up to 535,000 square feet of total development, including an allocation of 214,795 square feet from the BOZ and a payment of up to \$2,147,950 to the Park Impact Payment (PIP) fund for park acquisition in downtown Bethesda.
- On December 13, 2017, Staff received comments from the Design Advisory Panel supporting the design of the buildings, recommending approval of the requested Design Excellence public benefit points.
- Staff has not received any correspondence on the Application.
- There are two access issues on which the Applicant and Staff were not able to reach agreement: the projection of the handicapped access ramp into the clear pedestrian way on the Wisconsin Avenue Sidewalk; and the width and configuration of the vehicular site access off Waverly Street. Staff is proposing conditions of approval to address these issues. The issues are discussed further within the Project Description.

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## SECTION 1: RECOMMENDATION AND CONDITIONS

### Sketch Plan No. 320180070

Staff recommends approval of Sketch Plan No. 320180070, 7359 Wisconsin Avenue, for a mixed-use project with a maximum total density of 535,000 square feet, including up to 135,000 square feet of hotel uses and up to 400,000 square feet of office uses. The maximum density includes 214,795 square feet of density from the Bethesda Overlay Zone (BOZ), with a Park Impact Payment, on the Subject Property. The following site development elements shown on the latest electronic version as of the date of this staff report submitted via eplans to the M-NCPPC are required except as modified by the conditions below.

#### Binding Elements

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

All other elements of the Sketch Plan are illustrative.

#### Recommended Conditions of Approval

##### **Density and Height**

###### 1. Density

The development is limited to a maximum total density of 535,000 square feet, including up to 135,000 square feet of hotel uses and up to 400,000 square feet of office uses. This total reflects an allocation of 214,795 square feet of density from the Bethesda Overlay Zone (BOZ). The final square footage will be determined at Site Plan.

###### 2. Height

The development is limited to the maximum height of 250 feet, as measured from the building height measuring point.

###### 3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.2.a. The requirements of Division 59-4.7 and the *CR Zone Incentive Density Implementation Guidelines and as modified by the Bethesda Overlay Zone* must be fulfilled for each public benefit proposed. Final points will be established at site plan approval.

- a. Major Public Facilities, achieved through providing the Second District Police Station on Rugby Avenue and 1 bike share facility;
- b. Connectivity between Uses, Activities, and Mobility Options, achieved through minimum parking and trip mitigation;
- c. Quality of Building and Site Design, achieved through exceptional design, public art, and structured parking; and
- d. Protection and Enhancement of the Natural Environment, achieved through BLTs and energy conservation.

4. Building Lot Terminations (BLTs)

Prior to building permit, the Applicant must provide Staff verification that 1.1976 BLTs have been acquired for the proposed development.

**Open Space, Public Use Space and Amenities**

5. Public Space/Park Impact Payment

The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to release of the first above-grade building permit. The final amount of the PIP will be determined at Site Plan.

6. Streetscape

Excepts as otherwise shown, the Applicant must install the Bethesda Streetscape Standard along the Site frontages on Wisconsin Avenue, Montgomery Avenue, and Waverly Street, including the undergrounding of utilities, and street trees and lighting, as illustrated on the Certified Site Plan.

**Transportation and Circulation**

7. Transportation Monitoring

The Applicant must participate in the Bethesda Transportation Management District (TMD).

**Preliminary Plan No. 120180040**

Staff recommends approval of Preliminary Plan No. 120180040 subject to the following conditions:

- 1) Approval is limited to one lot for up to 535,000 square feet of commercial development, including up to 400,000 square feet of office space, up to 135,000 square feet of hotel (with a maximum of 225 rooms), and an allocation of up to 214,795 square feet of density from the Bethesda Overlay Zone.
- 2) The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320180070 and any subsequent amendments.
- 3) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
- 4) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated January 18, 2018, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
- 6) The Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following dedications:
  - a) A dedication of the Wisconsin Avenue frontage necessary to provide the Sector Plan-recommended 61-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
  - b) A dedication of the Montgomery Avenue frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
  - c) A dedication of the Waverly Street frontage necessary to provide the Sector Plan-recommended 30-foot-wide right-of-way between the Subject Property line and right-of-way centerline.

- 7) 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/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
- 8) Short-term public bicycle parking must be installed near the main entrance to the office building and hotel. Secure long-term private bicycle parking must be installed, internal to the garage, for employee and hotel guest use. The exact number and location of bicycle parking will be determined at the time of Site Plan.
- 9) In accordance with the 2016-2020 Subdivision Staging Policy, the Applicant must "fix or fund" the improvements of all public pedestrian infrastructure within 500-feet of the Subject Property that does not comply with the Americans with Disabilities Act ("ADA") requirement, as shown on the Certified Site Plan, as determined by MCDPS ROW Permitting, prior to issuance of use and occupancy permit for the development. The Applicant must submit a survey of ADA compliant improvements prior to Certified Site Plan, responsibilities for improvement of which will be coordinated with the M-NCPPC, MCDOT and MCDPS. An agreement of the responsibilities and ADA compliant work or funding (or partial funding) must be completed must occur by building permit issuance. The work or funding (or partial funding) must be completed prior to any Use and Occupancy Permit.
- 10) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated October 3, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 11) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Fire Department Access and Water Supply Section, in its letter dated January 16, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 12) 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 approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
- 13) The record plat must show necessary easements.
- 14) Prior to approval of any plat application, Site Plan No. 820180040 must be certified by MNCPPC Staff.
- 15) No clearing or grading of the site, or recording of plats prior to Certified Site Plan approval.
- 16) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

## Site Plan No. 820180040

Staff recommends approval of Site Plan 820180040 for up to 535,000 square feet of total commercial development, including up to 400,000 square feet of office space, up to 135,000 square feet of hotel (with a maximum of 225 rooms), and an allocation of up to 214,795 square feet of density from the Bethesda Overlay Zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

### Conformance with Previous Approvals & Agreements

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320180070.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120180040.

### Environment

3. Green Cover

- a. The Applicant must provide on-site a minimum of 12,734 square feet of Green Cover, which is equivalent to 35% of the site area.
- b. Prior to certification of the Site Plan, the Applicant must provide a Green Cover exhibit that corresponds with the ultimate architectural and landscape sheets demonstrating compliance with the Green Cover requirement.
- c. Any green roof installed pursuant to this condition must have a minimum soil depth of six inches.
- d. To qualify as providing Green Cover, rooftop planters must have a soil depth of 12" or greater.

4. Continuous Soil Panels

- a. The Applicant must provide continuous soil panels for street trees, as illustrated on the Certified Site Plan. Any modification to the soil panel detail, including by a public agency, must be approved by Staff, and may require a Site Plan Amendment.
- b. Prior to release of the associated Performance Bond, the Applicant must provide a report, prepared by a geotechnical engineer, landscape architect or other similarly qualified personnel, to the DPS Site Plan Enforcement Staff and Planning Department Staff that contains photographic evidence demonstrating that the new continuous soil panels along Montgomery and Wisconsin Avenue have been appropriately installed, consistent Site Plan Condition 4.a..
- c. The Certified Site Plan must clearly identify the landscape panels for street trees with a minimum total soil volume per tree of 600 cubic feet.

5. Noise Attenuation

- a. Prior to Certified Site Plan approval, the Applicant must submit a revised noise analysis which addresses the existing and 20-year projected noise contours for the rooftop amenity area. The recommended mitigation techniques (to be identified) shall be incorporated in the architectural plans as needed to meet the noise threshold requirements for open space (measuring 65 dBA Ldn or below), as determined by Staff. The mitigation measures may include parapet walls and/or solid railings.
- b. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.

## Open Space, Facilities and Amenities

### 6. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide on-site a minimum of 3,650 square feet of public open space (10% of Site area).
- b. Before the issuance of the final use and occupancy certificate for the development, all public open space areas and the public art on the Subject Property must be completed.

### 7. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines for each one.

- a. Major Public Facilities – Consistent with MCDOT’s letter of January 18, 2018, the Applicant must pay the capital costs for one off-site bike-sharing docking station.
- b. Connectivity between Uses, Activities, and Mobility Options
  - i. Minimum Parking –The Applicant must not provide/construct more than 500 parking spaces on the Property and is receiving a 20 percent reduction for minimum parking as recommended by the Bethesda Overlay Zone.
- c. Quality Building and Site Design
  - i. Exceptional Design – The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Staff.
  - ii. Public Art – Except as modified below, the Planning Board accepts the recommendations of the Art Review Panel in its letter dated January 18, 2018, and incorporates them as conditions of approval. The Applicant must provide for and install the public art concept designed by ESI Design, as presented to the Planning Board’s Art Review Panel on December 12, 2017, and illustrated in the Certified Site Plan. Any significant changes to the concept must be presented to the Art Review Panel and approved by M-NCPPC Staff prior to approval of the Certified Site Plan. Significant changes to the concept may require a Site Plan Amendment.
    - a) The Certified Site Plan must contain site details that clearly indicate the overall dimensions, prescribed materials, and related lighting.
    - b) Prior to building permit, the Applicant must provide to the Arts and Humanities Council of Montgomery County (“AHCMC”) site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners to ensure adequate safety and proper installation of the artworks.
    - c) Prior to final inspection of the public artwork by AHCMC not later than final use and occupancy permit, the Applicant must submit to the Public Art Coordinator with the Maryland – National Capital Park and Planning Commission (M-NCPPC) at least three images of the artwork(s) on-site and information regarding the 1) associated project number, 2) title of the piece, 3) date of completion, 4) description of materials used, and 5) address. This information will be added to the existing inventory of the public artworks throughout the County (<http://www.mcatlas.org/art/>).
  - iii. Structured Parking – The Applicant must provide no greater than 500 parking spaces within an above-grade and below-grade structure.
- d. Protection and Enhancement of the Natural Environment
  - i. Building Lot Terminations (BLTs) – Before issuance of the any building permit, the Applicant must provide proof of purchase and/or payment of 1.1976 BLTs to the MCDPS.
  - ii. Energy Conservation and Generation – The Applicant must construct the building to exceed the current ASHRAE 90.1 standard by 17.5 percent and/or the County’s approved International Green Construction Code energy efficiency standard by 2 percent. Prior to

issuance of final use and occupancy certificates, the Applicant must submit to Staff a Final Energy Performance Report.

8. Park Impact Payment

The Applicant must pay to the M-NCPPC a Park Impact Payment of \$2,147,950.00, prior to release of the first above-grade building permit. In the event the final allocation and density from the BOZ is less than the approved amount, the Applicant may apply to reduce the allocation of density from the BOZ and PIP through a minor amendment (Consent agenda).

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the public open space, public art, landscape, hardscape, and associated elements, and streetscaping.

## **Transportation & Circulation**

10. Trip Mitigation Agreement

Before the release of any building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.

11. Pedestrian & Bicycle

- a. The Applicant must provide a minimum of 91 long-term and 12 short-term bicycle parking spaces (6 inverted-U racks or Staff approved equivalent) in the following configuration:
  - i. 91 long-term bicycle parking spaces in a secured, well-lit bicycle room located on the first below-grade level of the garage, as illustrated on the Certified Site Plan, and
  - ii. 12 short-term bicycle parking spaces installed in a location convenient to the main entrances (weather-protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- b. As delineated on the Certified Site Plan, long-term bicycle parking spaces must be accessible to both employees and hotel guests in accordance with requirements set forth in Chapter 59 as follows: at least 68 spaces for office employees; and at least 23 spaces for hotel guests/ employees.
- c. Consistent with MCDOT's January 18, 2018, letter, the Applicant must participate in a pro-rata basis towards the construction of the Sector-Planned bicycle facility on their Montgomery Avenue frontage, as illustrated on the Certified Site Plan.
- d. At the time of Certified Site Plan, the Applicant must submit an exhibit, for Staff approval, showing the location of all pedestrian infrastructure, within 500-linear feet of the Site limits, determined to be non-compliant with standards set forth by the Americans with Disabilities Act. The exhibit will show how non-compliant facilities will be addressed and will include an engineering cost estimate for the required upgrades. An agreement of the responsibilities and ADA compliant work or funding (or partial funding) to be completed must occur by building permit issuance. The work or funding (or partial funding) must be completed prior to Use and Occupancy Permit.

12. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way (DPS-ROW) Section in its memo dated December 8, 2017, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.



## Site Plan

### 13. Building and Site Design

- a. The Planning Board accepts the recommendations of the Design Advisory Panel as described in their memo dated December 13, 2017, and incorporates them as conditions of approval.
- b. Any significant changes to the design must be presented to the Design Advisory Panel and approved by Staff prior to certification of the Site Plan, and significant changes to the design may require a Site Plan Amendment.
- c. The Applicant must minimize the width of the proposed garage ingress/ egress to approximately 24-foot wide by reducing the number of outbound lanes to one and consolidating the ingress/ egress lanes into a single point of access (i.e. a single 14-foot wide inbound lane and a single 10-foot wide outbound lane).
- d. The Applicant must provide minimum clear Pedestrian Through Zones of 19 feet along Wisconsin Avenue and 8 feet along Montgomery Avenue, as illustrated on the Certified Site Plan.
- e. The Applicant must remove the handicap access ramp on Wisconsin Avenue from the clear Pedestrian Through Zone.

### 14. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors must be installed on uplighting fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

### 15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, public art, site furniture, paths and associated improvements of development, including sidewalks, bikeways, stormwater facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

- d. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

16. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter, approval letters from applicable agencies, the Forest Conservation Exemption, development program, and Sketch Plan, Preliminary Plan, and Site Plan resolutions on the approval or cover sheet(s).
- b. Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.

## **SECTION 2: SITE DESCRIPTION & VICINITY**

The Site comprises 5 existing lots, parcels and parts of a lot along Montgomery Avenue, between Wisconsin Avenue and Waverly Street, with frontage on all three streets. The site covers about 1.47 gross acres and is Zoned CR-5.0, C-5.0, R-4.75, H-250. The immediate vicinity of the site consists primarily of mixed-use commercial development with hotel, office, retail, service, and professional uses. Elm Street Park, the future Purple Line tracks and the Capital Crescent Trail, and the single-family neighborhoods of the Town of Chevy Chase are one block southeast of the site. The Bethesda Metro and Purple Line Stations are, and will be, located within a block of the site across Wisconsin Avenue.

The Site is presently improved with the old 2<sup>nd</sup> District Station for the Montgomery County Police Department, an office building, and a small retail building. The Brooks Photographers Building Historic Site is located immediately adjacent to the Site along Wisconsin Avenue. There are no known a rare, threatened, or endangered species, floodplains, forests, historic properties or features on the Property.

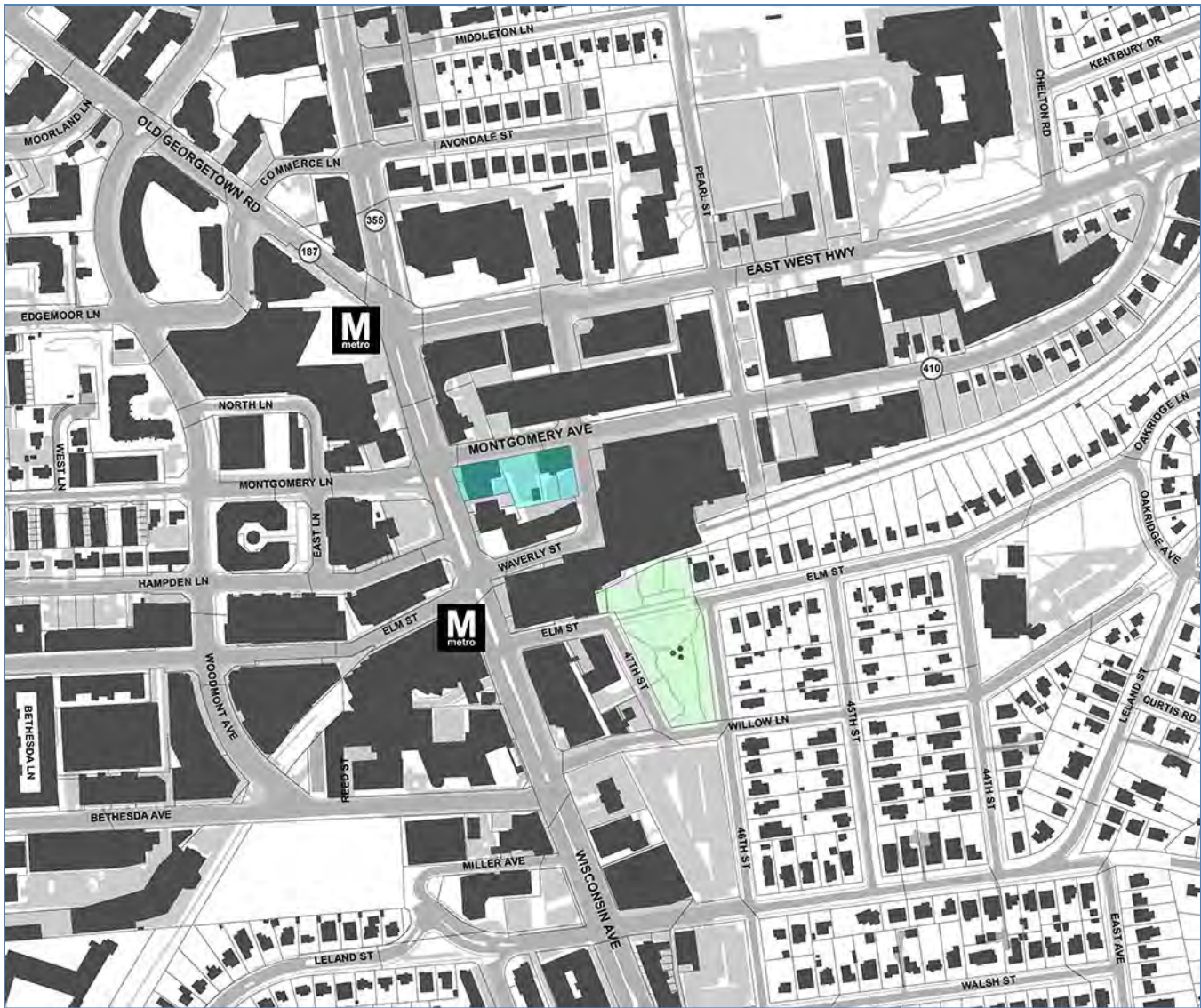


Figure 1-Vicinity Map



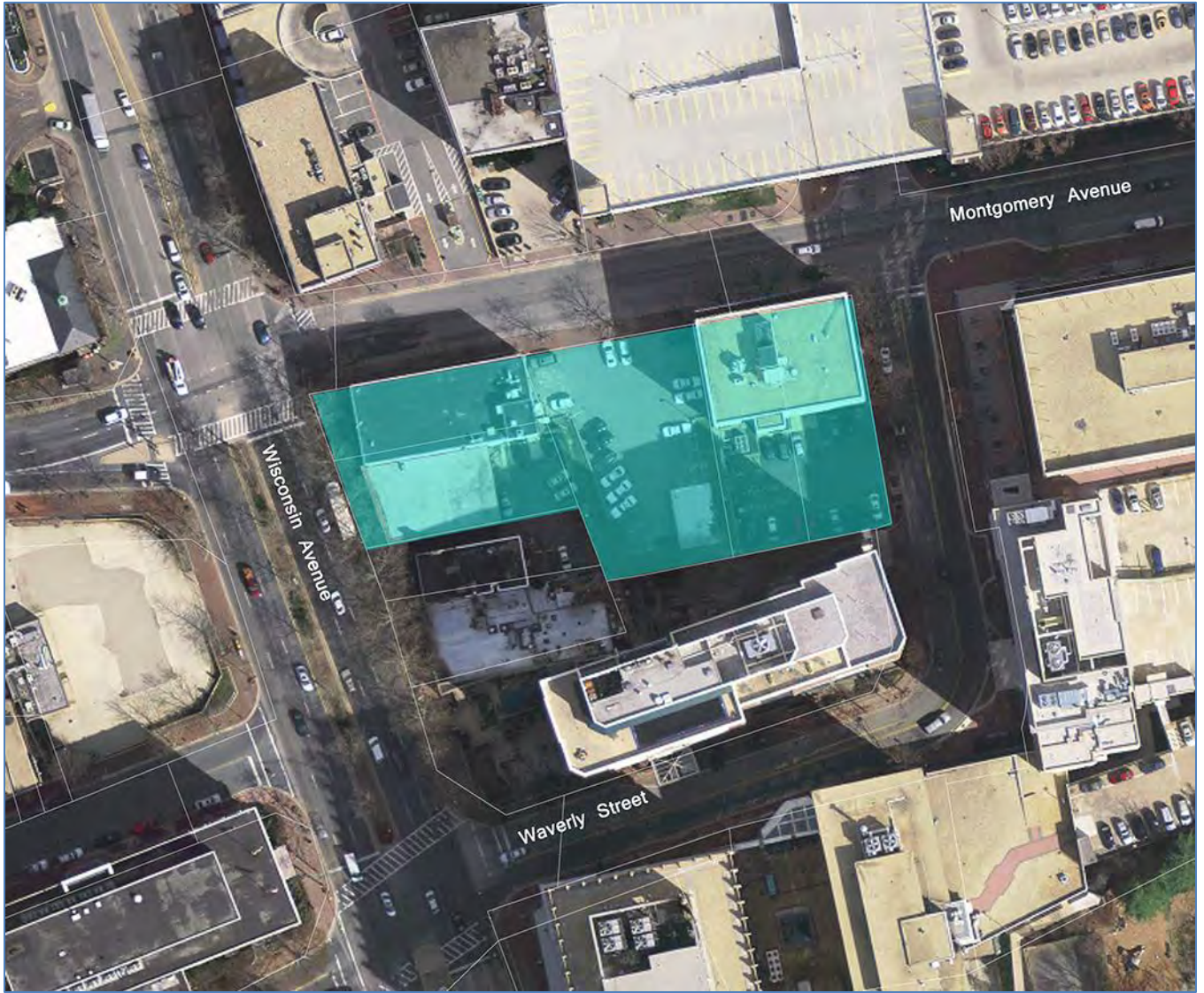


Figure 2 – Aerial Site Photo

## SECTION 3: PROJECT DESCRIPTION

### Background: P3PD

The proposed development is the second phase of a Public-Private Partnership between the County and the Applicant. In the first phase, the Applicant designed and built a new 2<sup>nd</sup> District Police Station on Rugby Avenue, upon completion of which the Applicant secures the Subject Site for redevelopment.



*Figure 3 – Conceptual Rendering of 2D Rugby Avenue Police Station*

### Previous Reviews

In July 2017, the Applicant submitted a Concept Plan (No. 520180010) for review by the Development Review Committee (DRC). Staff provided consolidated comments to the Applicant from the Planning Department and other reviewing agencies on August 8, 2017.

### Proposal

The Applicant is proposing to create one lot for a mixed-use development with a maximum buildable area of 535,000 square feet, including up to 135,000 square feet of hotel uses and up to 400,000 square feet of office uses. The maximum density includes 214,795 square feet of density from the Bethesda Overlay Zone (BOZ), and the project will be providing a Park Impact Payment (PIP) of \$2,147,950 at time of building permit.

The building massing occupies the entire site, save for a public plaza carved out of the lower levels of the building at the corner of Wisconsin Avenue and Montgomery Avenue. Pedestrian access to the hotel is from Montgomery Avenue and the office entry is off the plaza on Wisconsin Avenue. Vehicular access for parking, loading, and service is from Waverly Street.





Figure 4 – Illustrative Site Plan with Ground Floor Uses

On the upper floors the office use occupies the majority of the area along Wisconsin and Montgomery Avenues, with the hotel occupying the tower element at the corner of Montgomery Avenue and Waverly Street. As shown in the diagrammatic building section below, the lower above-grade floors and 2 below-grade levels will be used for parking.



Figure 5 – Typical Floor Plan

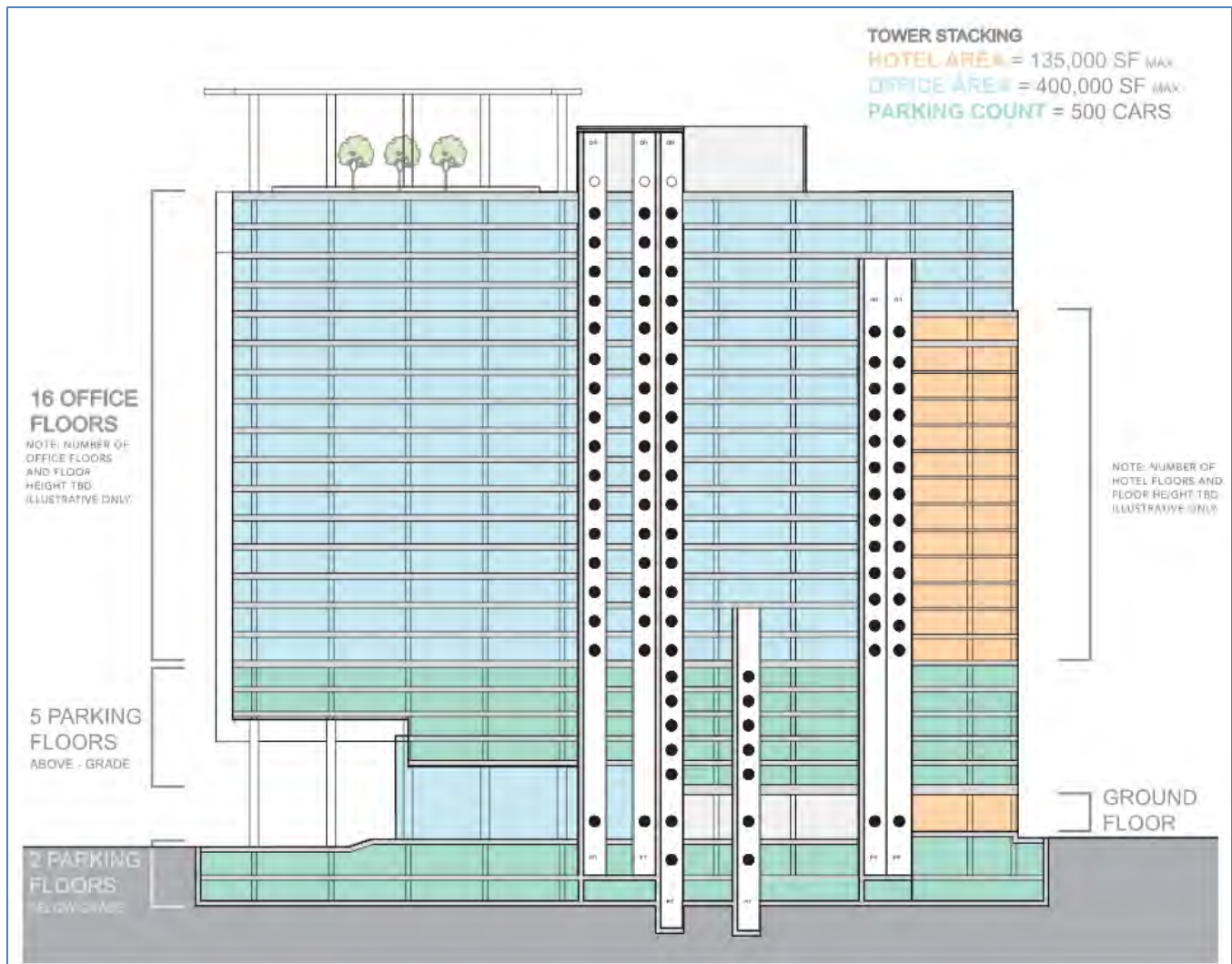


Figure 6 – Illustrative Building Section

As described in the Applicant’s Statement of Justification, the building:

modulates in form both horizontally and vertically, introduces outstanding mixes of materials and provides this important intersection with both an outstanding plaza at the ground level and an iconic architectural embellishment at the top. The...Project is comprised of three major vertical masses interconnected by the podium... Each of these masses is uniquely defined by distinct enclosure strategies and steps down from west to east. The façade of the building, as well as the parking garage above, are clad with a series of plane changes and pedestrian-scaled architectural embellishments which serve to both define the base of the building as well as provide for a human-scaled pedestrian experience. The transition to the tower mass is marked by a series of stepping architectural brows and culminates in the large building undercut at the corner, which holds the office tower a minimum of 45 feet above the entry plaza below...

Each of the three vertical masses has its own unique crown. The hotel mass to the east is crowned by a small setback terrace and green roof. The central mass is defined by a variation and extension of the cladding. The major office mass to the west is articulated by a rooftop terrace that can be occupied, capped by a functional architectural embellishment that wraps across the top of the



terrace, down the south face of the westerly mass and as currently conceived is expressed again as an artistic soffit feature for the entry plaza. This architectural embellishment creates a significant iconic feature in the Bethesda CBD.



*Figure 7 – Perspective View across Wisconsin Avenue from Montgomery Avenue*



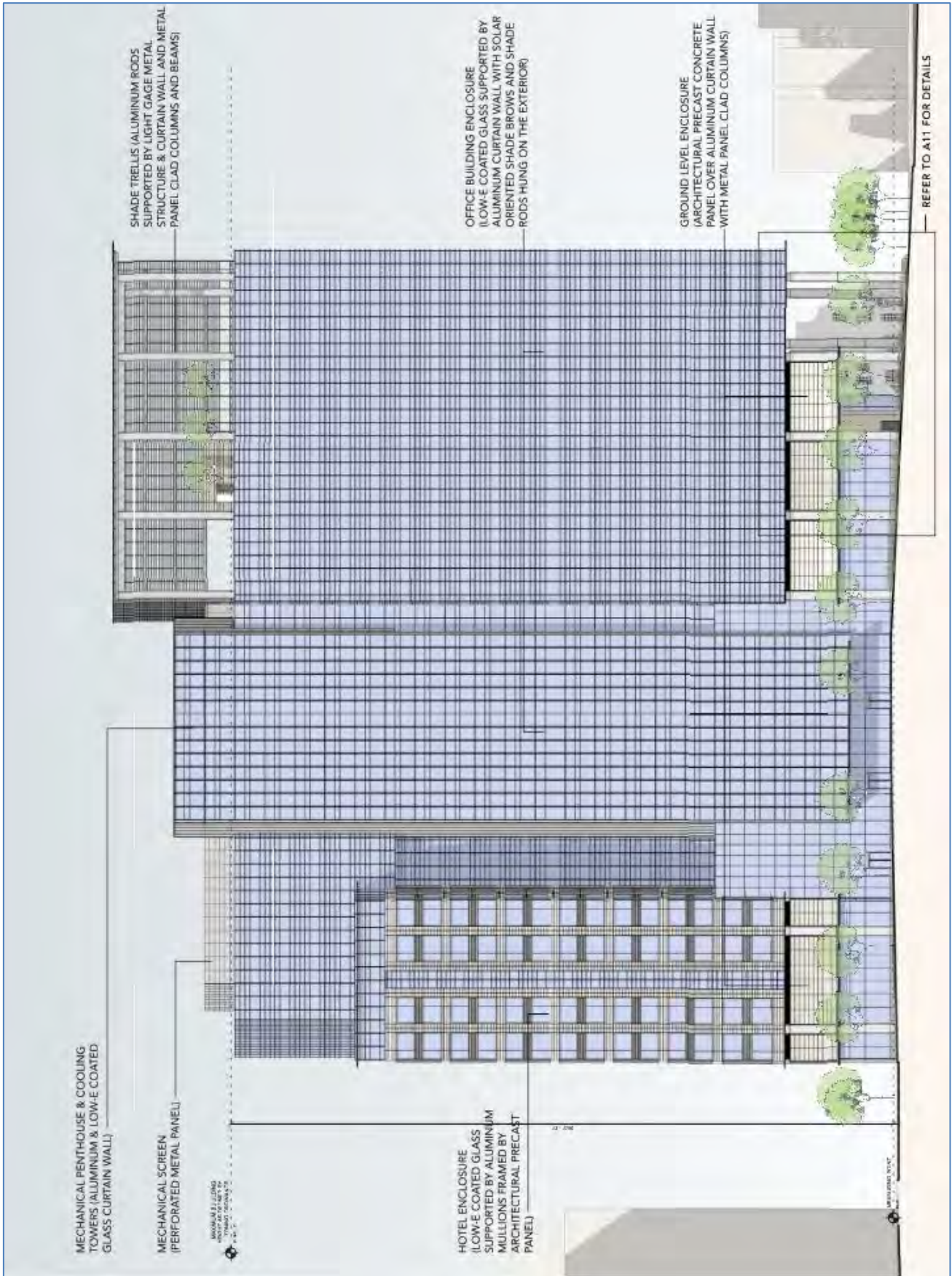


Figure 8 – Montgomery Avenue Elevation

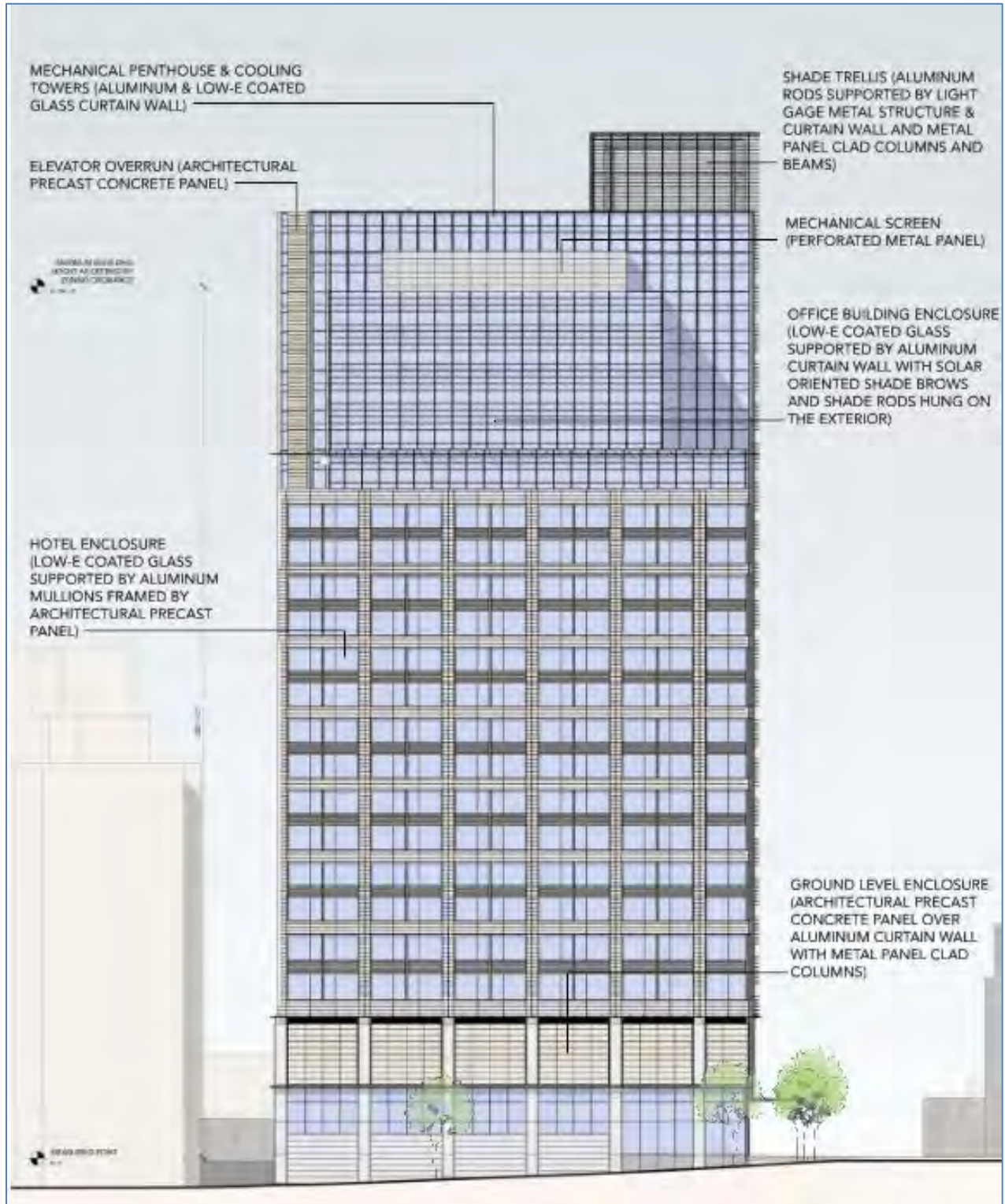


Figure 9 – Waverly Street Elevation



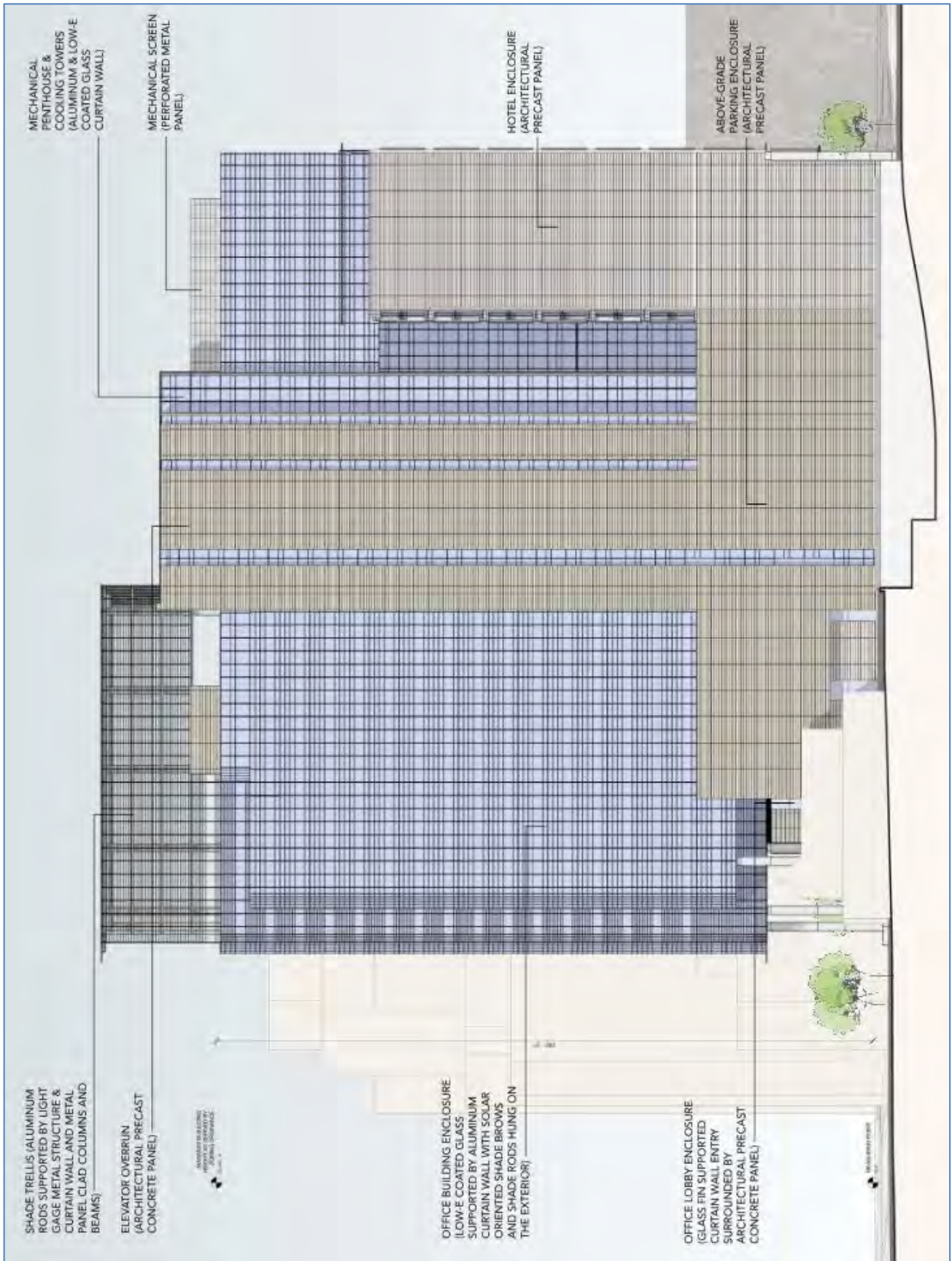


Figure 10 – Southern Property Line Elevation

Open Space & Public Art

With a tract area of between one and three acres and frontage on three public rights-of-way, the project has a Public Open Space requirement of 10 percent of the site area, or 3,639 square feet of area. The project proposes 3,650 square feet, in the covered plaza at the corner of Wisconsin and Montgomery Avenues.

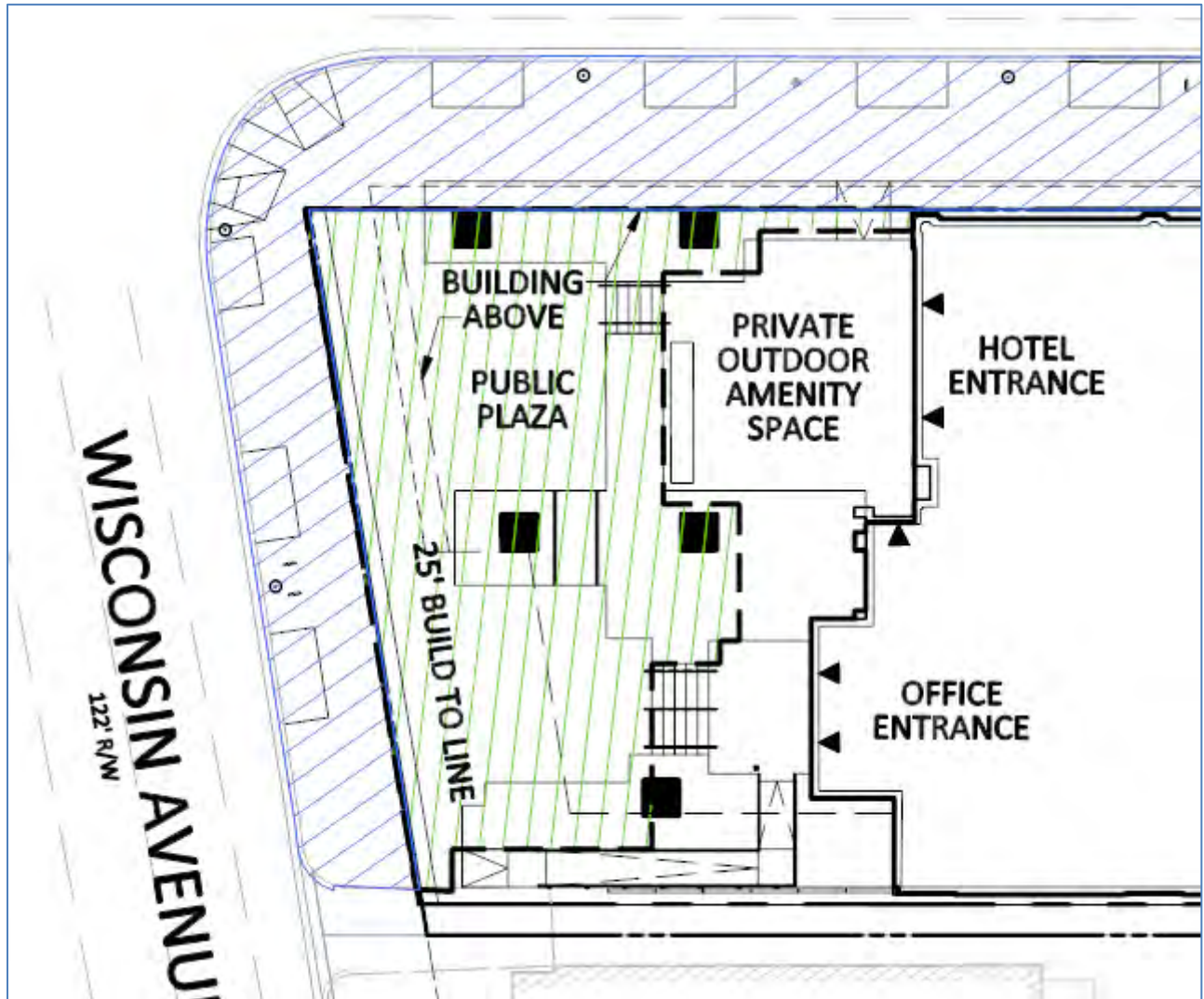


Figure 11 – Public Open Space Diagram

The plaza includes a series of terraced spaces delineated by landscaped edges and a connected series of pools, falls, and bridges. The areas adjacent to the building entrances are open but private, with the public areas along the sidewalks.





Figure 12 – Illustrative Plan of Public Plaza

*Issue: Accessible Ramp and Wisconsin Avenue Clear Pedestrian Path*

Consistent with the Sector Plan *Design Guidelines*, the Applicant is proposing a 19' minimum clear pedestrian path along Wisconsin Avenue. Given the prominence of the street and the elevated levels of pedestrian traffic expected by this development, including the innovative public art and plaza design, this wider clear path is an essential element of the success of the design, particularly in its relationship to the other properties along Wisconsin Avenue.

At issue is that the Applicant's design projects the handicapped accessibility ramp several feet into this pedestrian clear area. The ramp, and the central steps, are needed to access the main office entrance, as it is about 3.5 feet above the Wisconsin Avenue sidewalk. The building occupies the entire Montgomery Avenue portion of the block, and the ground floor grade is set at the hotel entrance on Montgomery Avenue, so the portion of the ground floor at Wisconsin Avenue is elevated.

The steps are well integrated into the "series of rooms" concept of the plaza design, serving as both a literal and figurative transition from a clearly defined plaza area that is more public, with direct access to the Wisconsin Avenue sidewalk and the adjoining "room" over the adjacent bridge, to another more private space at the actual building entrance. In contrast, the proposed accessible entrance ramp is never part of this processional transition, but instead leads from the edge of the building entrance landing down to the bottom corner of the site, well within the clear pedestrian area that is also the Fire Department Emergency Access, as well as being right next to the existing driveway of the building to the south.

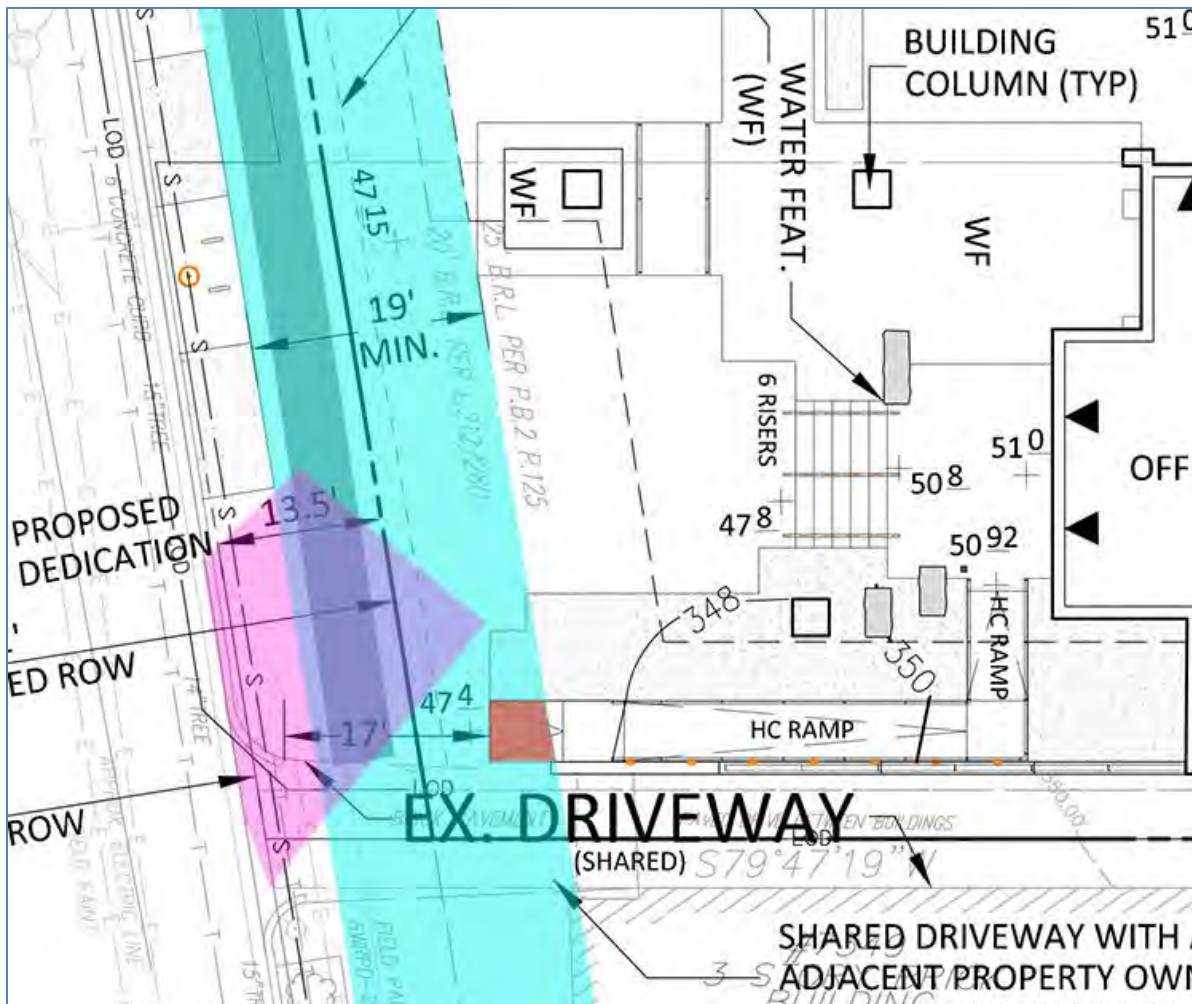


Figure 13 – Plaza Detail Showing Ramp Configuration

Staff initially raised concerns about the location of the ramp at the time of the Concept Plan, and raised it again at DRC for this combined review. The current design could readily be modified to better integrate the accessibility ramp, providing for improved safety and a better visitor experience. Below are two potential alternative designs, each of which are based on the existing ramp dimensions. The first alternative slides the lower ramp landing toward the building while rotating the final run of the ramp into the office entry procession space, in line with the proposed bridge. The bench is relocated adjacent to the Wisconsin Avenue sidewalk and a small landscape bed covers the transition. The second alternative more rotates the final ramp run to the north side of the lower landing in its current location, bringing the ramp into the space at the transition area between the sidewalk and the plaza, keeping more of the seating facing into the plaza at the base of the stairs.

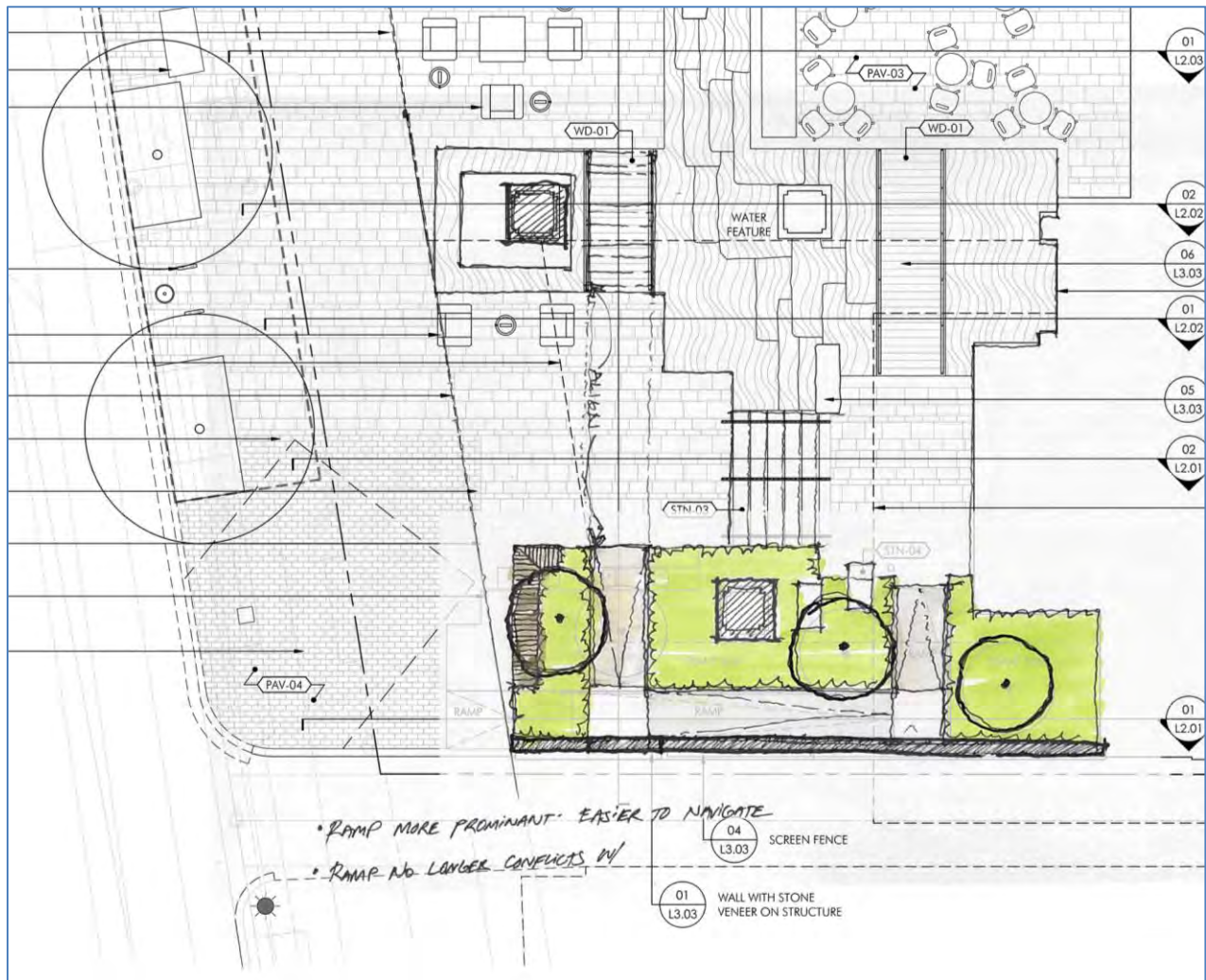


Figure 14 – Ramp Alternative 1

The second alternative more rotates the final ramp run to the north side of the lower landing in its current location, bringing the ramp into the space at the transition area between the sidewalk and the plaza, keeping more of the seating facing into the plaza at the base of the stairs.



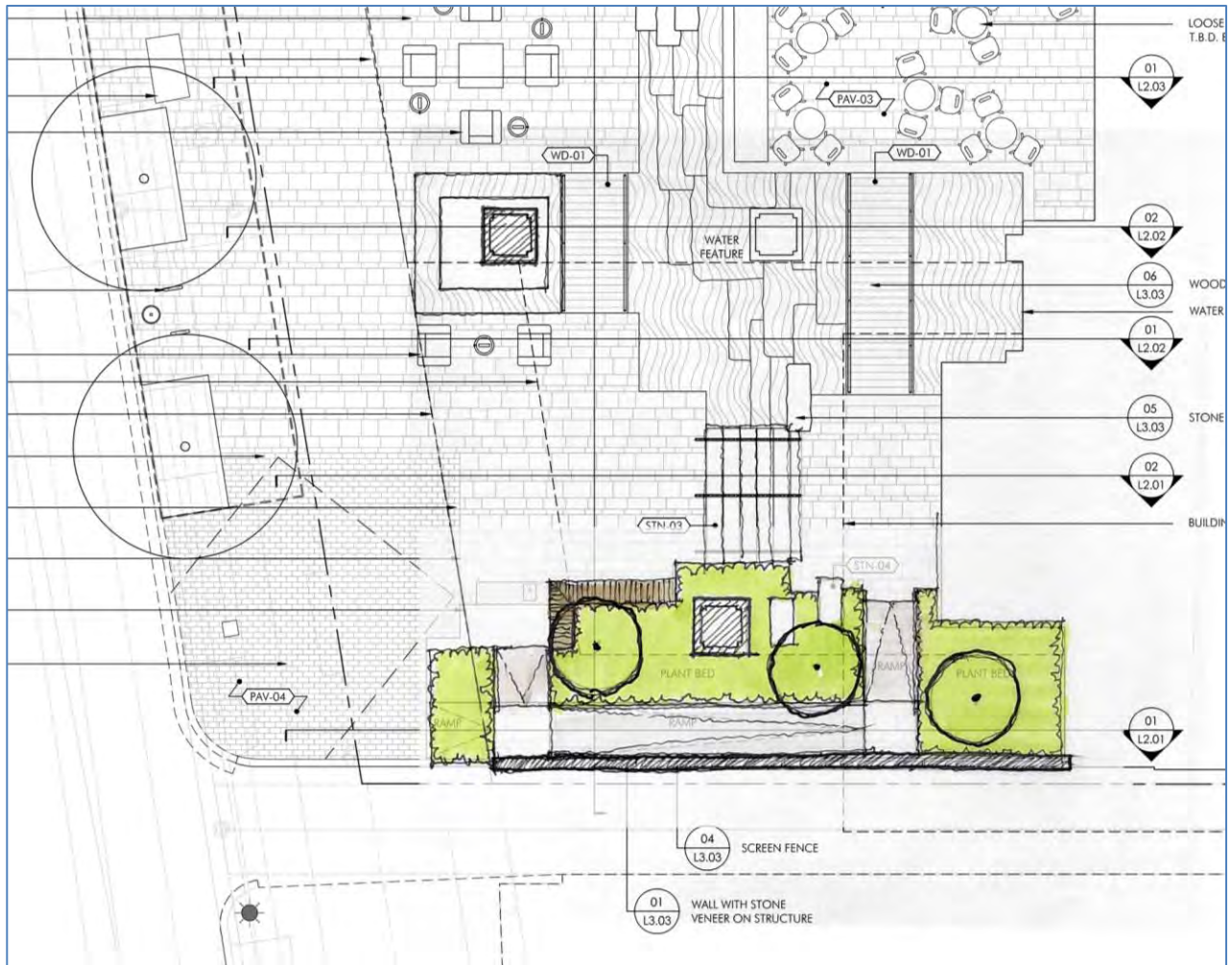


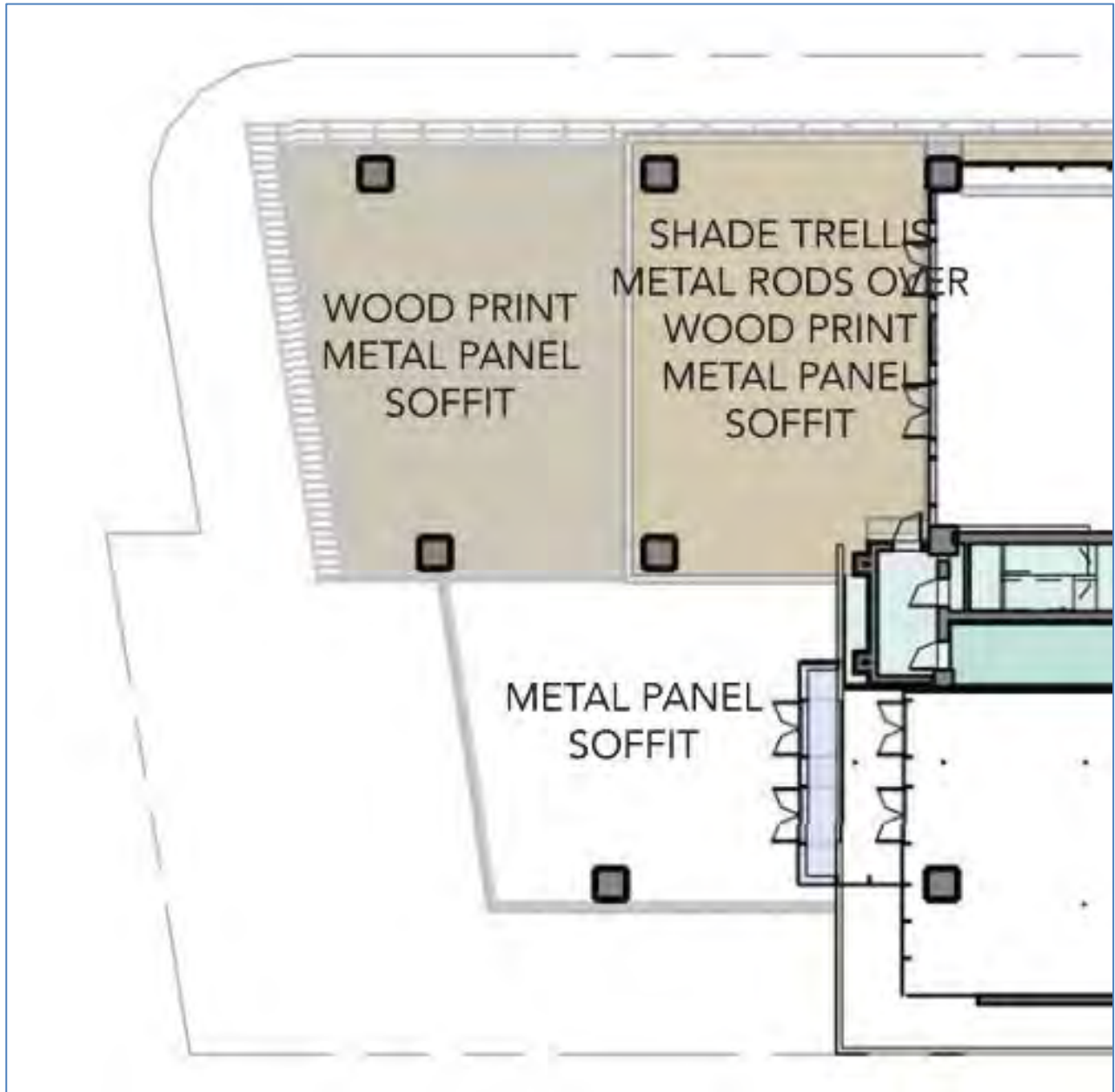
Figure 15 – Ramp Alternative 2

These are but two potential alternatives, but both better integrate the ramp into the plaza space while not requiring people using the ramp from coming out in the middle of the busy Wisconsin Avenue sidewalk, the Fire Department Emergency Access area, and next to a vehicular driveway. Staff has included in the recommended conditions of approval a requirement that the ramp be removed from the pedestrian clear zone. The Certified Site Plan can illustrate the new design.



*Over Your Head*

Above the plaza space, the building design features material finishes and lighting to provide a “ceiling”. This includes the termination of the metal trellis element continued down the façade from the rooftop feature and printed metal panel soffits.



*Figure 16 – Reflected Ceiling Plan above Plaza*

*Public Art*

To visually occupy and focus the space between the ground plane and the soffit, the Applicant is proposing a dynamic, interactive public art work to be suspended within it. As the artist describes the proposal:

The design resembles a living system that reflects the rhythms and energy of the site in what we are provisionally calling an ‘interactive sculptural network’. It is more than an art piece, the interactive sculptural network is an ever-changing and responsive experience that thrives through the synergy of urban culture, design innovation and social engagement. At different activation points, people will collaboratively influence the system to create new narratives, patterns and connections with the dynamic media. It will be designed so that visitors can engage with it and each other at multiple levels of engagement. The interactive sculptural network will provide an invitation to people to linger, explore and connect within the plaza.

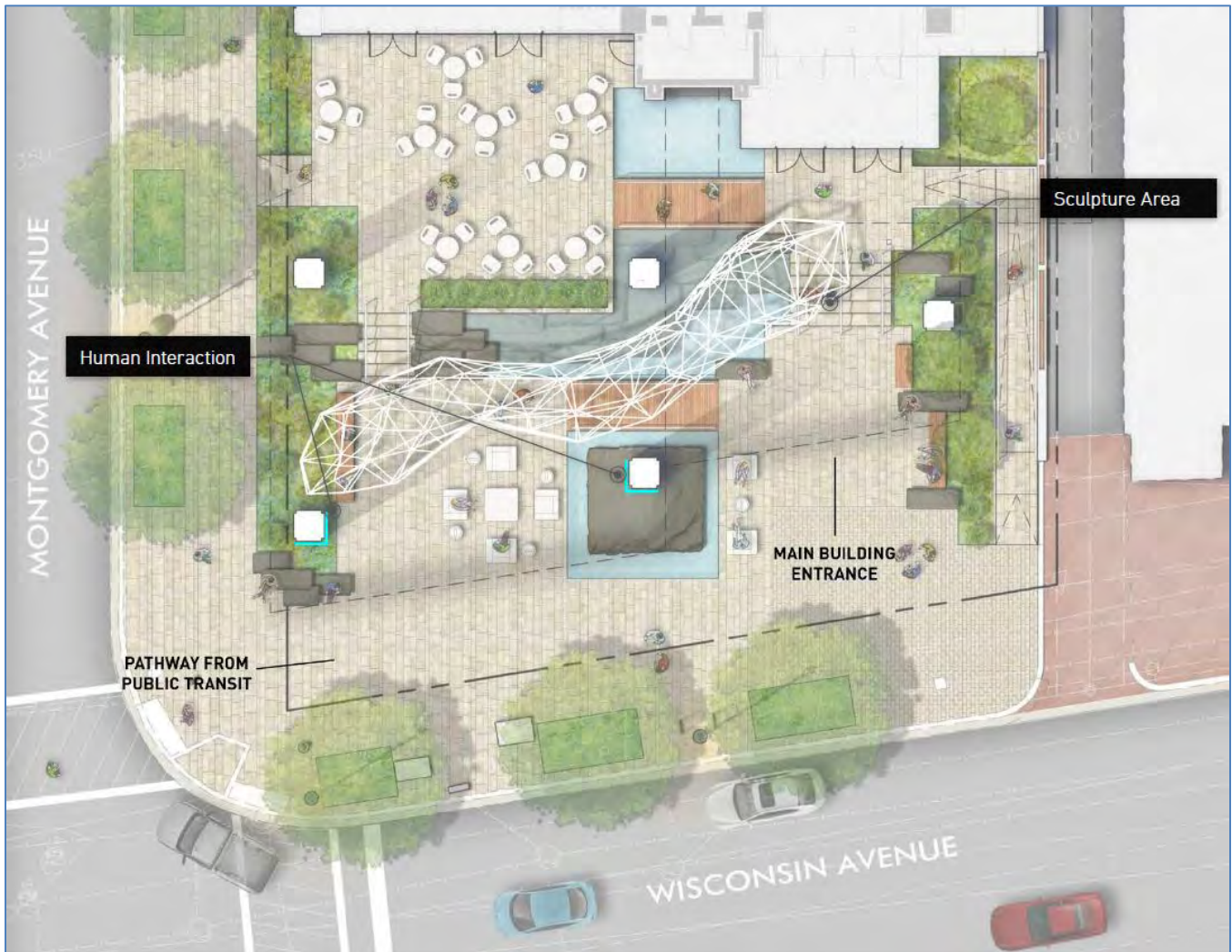
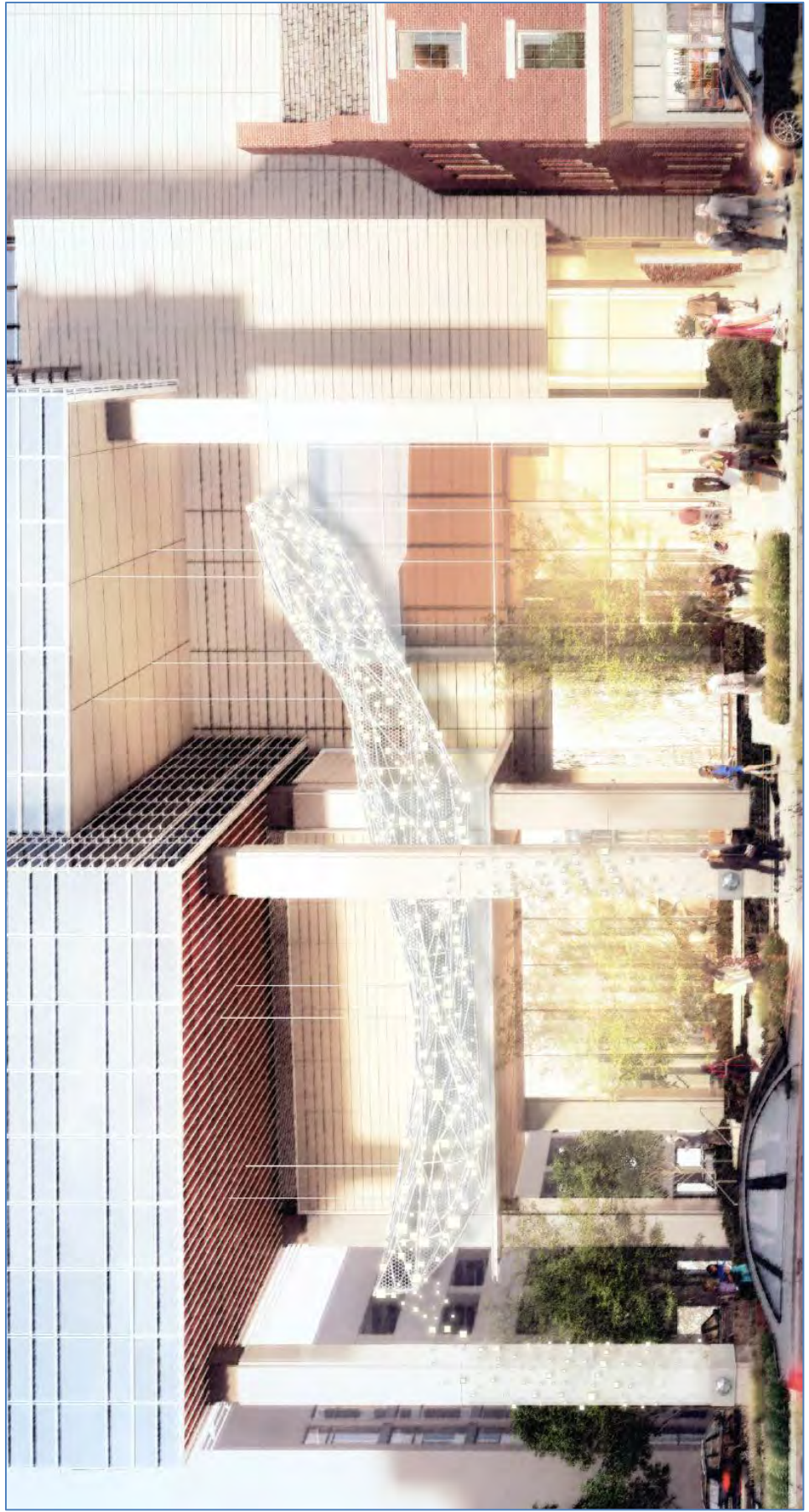


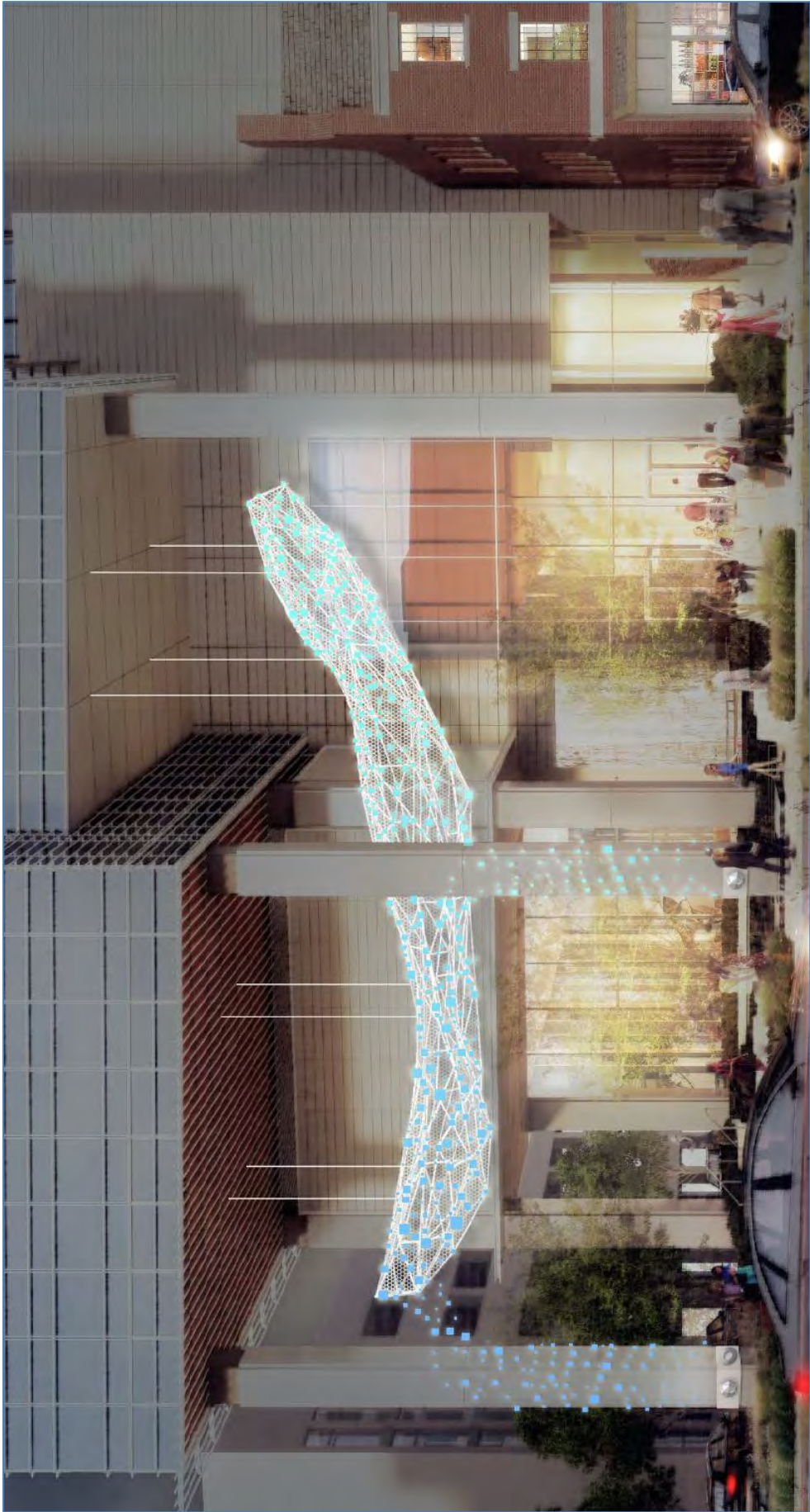
Figure 17 – Art Location Plan

Figures 18 and 19 on following pages – Daytime and Evening Conceptual Views of Public Art









## Access

### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 500 feet to the northwest of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

### *Master Plan Roadways and Pedestrian/Bikeway Facilities*

The 2017 *Bethesda Downtown Sector Plan* recommends the following Sector Plan facilities along Property frontage:

1. Wisconsin Avenue, along the western site frontage, as a major highway (M-6) with a minimum right-of-way width of 122 feet.
2. Montgomery Avenue, along the northern site frontage, as a business district street with a minimum right-of-way width of 80 feet and separated bicycle lanes (Figure 20).
3. Waverly Street, along the eastern site frontage, as a business district street with a minimum right-of-way width of 60 feet.

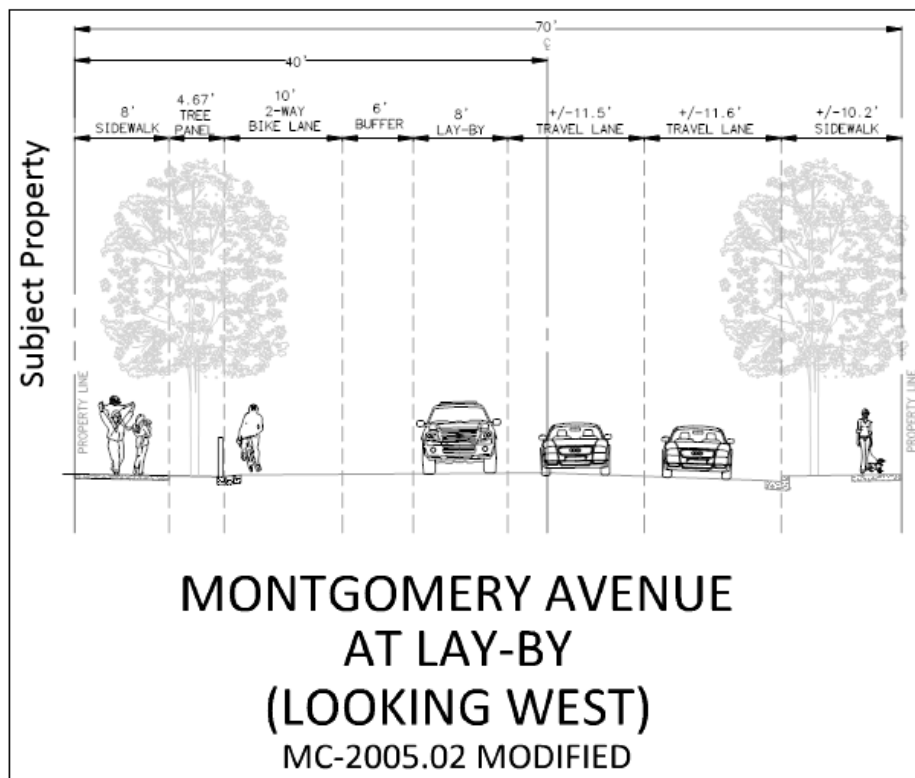


Figure 20: Montgomery Avenue Bicycle Facility, Section

### *Sector-Planned Transportation Demand Management*

As a mixed-use project within the Bethesda Transportation Management District (TMD), the development will enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD and contribute to the Sector Plan goal of 55% Non-Auto Driver Mode Share (NADMS), averaged between commuters and residents of the Downtown area.

### *Parking Recommendations*

The Sector Plan recommends each application in downtown Bethesda promote a constrained parking policy that supports a transit-oriented downtown. The Project is providing parking below the minimum. The Applicant is receiving a 20 percent reduction in number of spaces required as part of its public benefits package.

## Circulation

As conditioned, the Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area. The Project will be served by an on-site garage internal to the Project, containing approximately 500 parking spaces. Vehicular access for service, and loading are proposed as full-movement driveways directly from Waverly Street while the garage is proposed as a full-movement inbound and single-movement outbound lanes (Figure 21). This access configuration eliminates driveways on both Wisconsin Avenue and Montgomery Avenue and minimizes potential conflicts with pedestrians, cyclists and local vehicular traffic.

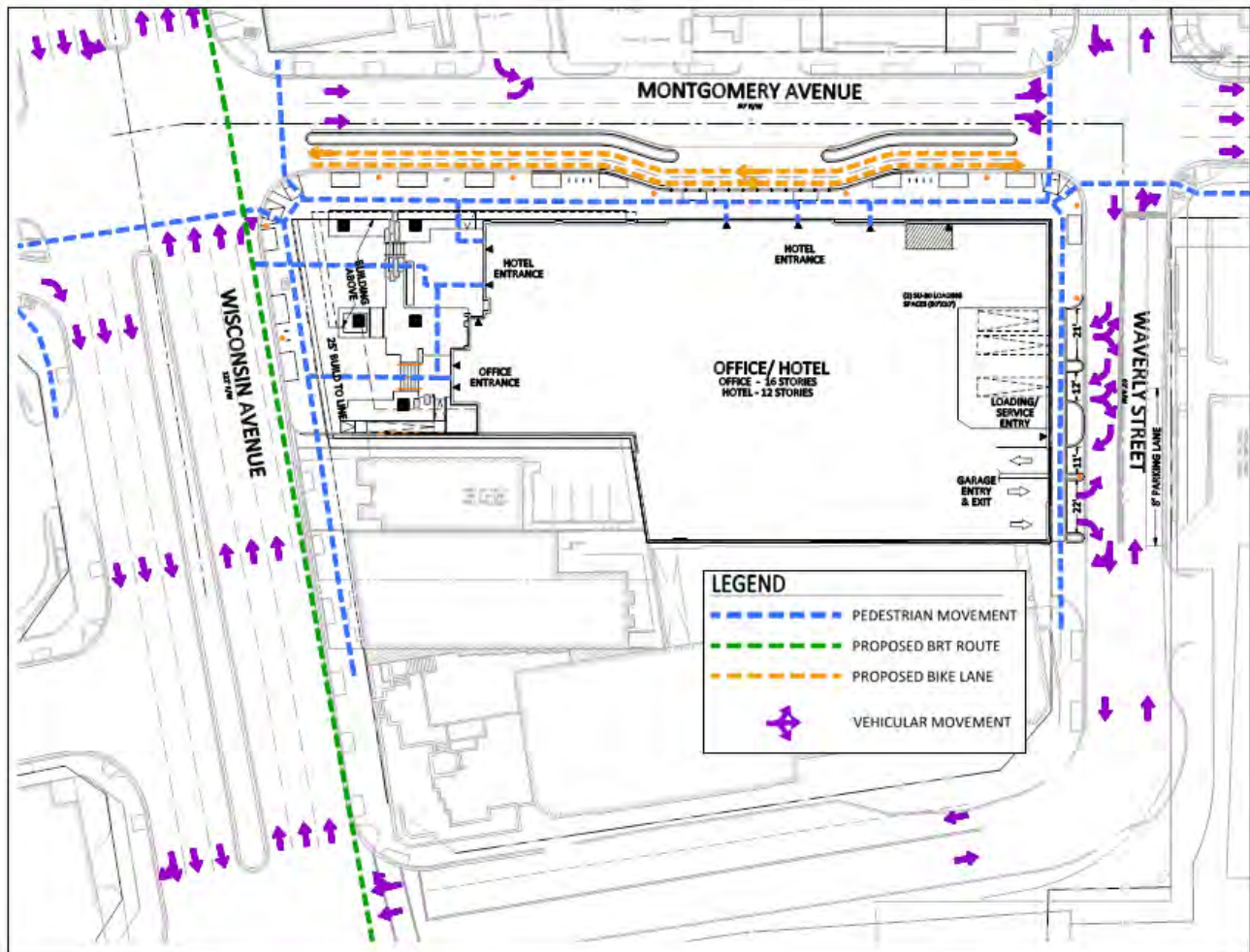


Figure 21: Circulation Plan

### Issue: Garage Access Design

Although there are many positive aspects to the site access concept proposed by the Applicant, Staff has conditioned that the garage access point on Waverly Street be reduced in width, from its currently proposed two outbound travel lanes and one inbound lane, to a single full-movement outbound lane and single full-movement inbound lane.

The Project's Waverly Street façade measures 133'. As proposed, 92' (69%) is dedicated to vehicular access points. Of that 92', 35.5' (27% of the Waverly Street frontage) is specifically dedicated to garage ingress/ egress with the remaining 56.5' (42%) allocated to loading/ service. As conditioned, the garage access will be narrowed to a maximum of 24' (18% of the total Waverly Frontage), resulting in a total of 80' (60%) allocated to vehicular access points. This modification would enhance pedestrian safety by limiting pedestrians' exposure to potential conflict



points and reinforce the multi-modal nature of the Bethesda Downtown area. Furthermore, this modification constrains outbound vehicular turning movements, creating a stronger yield condition as cars cross the sidewalk and enter the Waverly Street travel way.

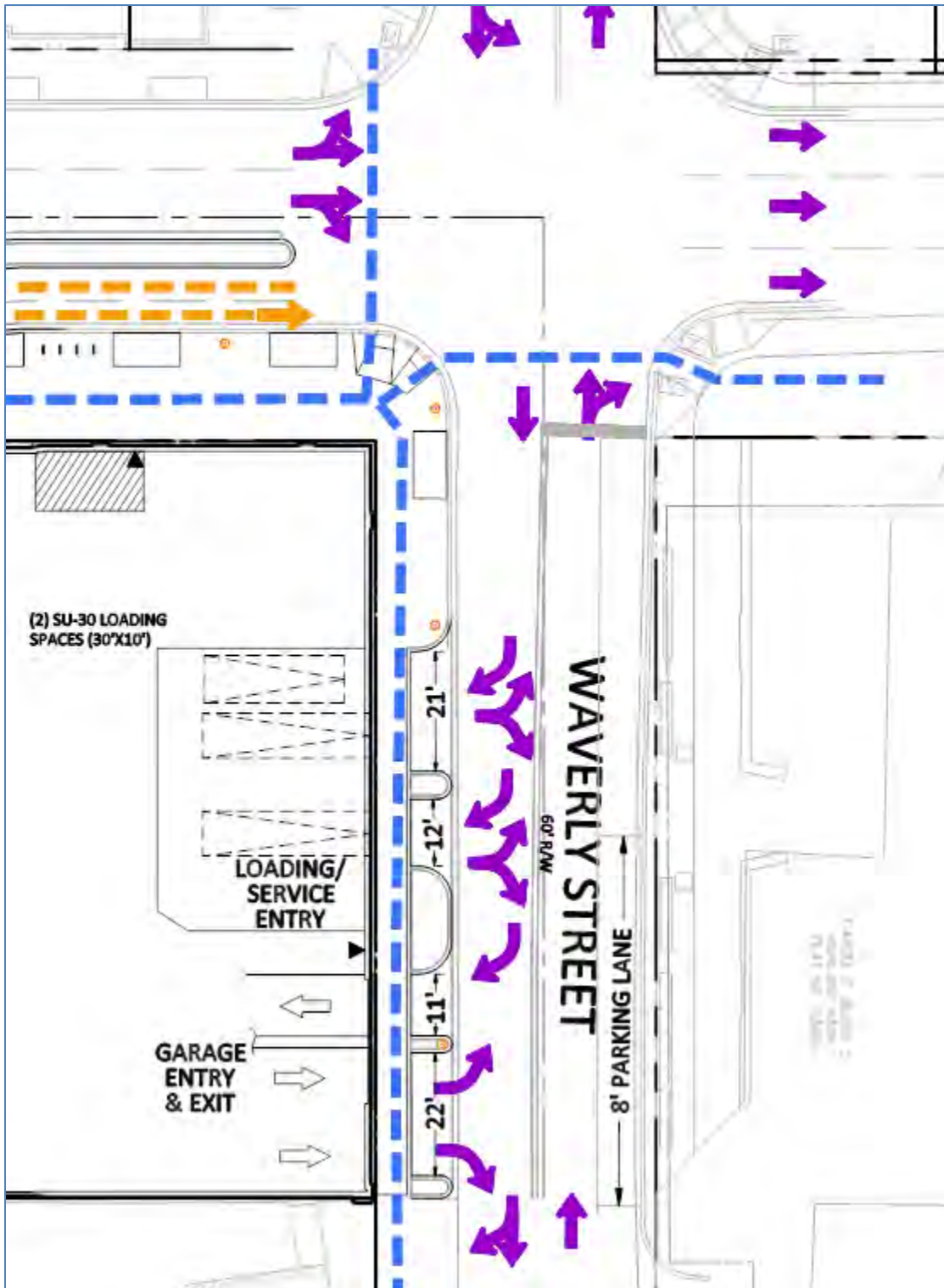


Figure 22: Waverly Street Loading Detail

In response to Staff's request, the Applicant asserted that two outbound travel lanes are necessary for efficient garage operations and to reduce delay for those wishing to exit the Site by car. While a second outbound lane would increase the efficiency of garage egress, it would do so to the detriment of the pedestrian realm by increasing the number of potential vehicle movements and increase the potential for conflict between cars exiting the garage and cars traveling on Waverly Street, as well as pedestrians, and bicyclists.

## SECTION 4: SKETCH PLAN 320180070

### PROJECT ANALYSIS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on: building densities; massing; heights and anticipated uses; the locations of open and public use spaces; the general circulation patterns for all modes of transportation; an estimated range of peak hour trips; and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan reviews.

### PROJECT FINDINGS

Section 59-7.3.3.E of the Zoning Ordinance states: "To approve a sketch plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:"

1. *meet the objectives, general requirements, and standards of this Chapter;*

As discussed in the Site Plan findings below, the Sketch Plan meets all of the Development Standards of the CR 5.0, C 5.0, R 4.75, H 250.

The intent of the CR Zone is to:

- a) *Implement the recommendations of applicable master plans.*

### **OVERARCHING GOALS OF THE BETHESDA DOWNTOWN SECTOR PLAN**

Specifically, this Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

- 1. Parks and open spaces**, including new civic greens at Veteran's Park, Bethesda Farm Women's Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
- 2. Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
- 3. Environmental innovation**, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
- 4. Economic competitiveness**, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.



**WISCONSIN AVENUE DISTRICT GOALS AND RECOMMENDATIONS:**

The Wisconsin Avenue Corridor is the main artery through the center of Downtown Bethesda. It extends from the Sector Plan Boundary/National Institutes of Health (NIH) on the north to Bradley Boulevard on the south, and from Woodmont Avenue on the west to Waverly Street on the east. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces.

The Wisconsin Avenue Corridor is primarily a commercial area, containing both retail and office uses. Among its numerous large office buildings are older ones predating the 1976 Bethesda Central Business District Sector Plan, such as the Air Rights Building; 1980s structures; and buildings at the Bethesda Metrorail Station. The northern part of Wisconsin Avenue comprises several hotels, stores, restaurants and offices, but currently has no clear identity.

The area's retail potential is compromised by its location on either side of Wisconsin Avenue. As a major commuter arterial, this street has heavy traffic volumes that eliminate the potential for "cross shopping" and a lack of visibility for retail establishments. However, Wisconsin North anticipates increased development activity with five planned projects, including the Harris Teeter site at 8300 Wisconsin Avenue. These projects will increase the employee, visitor and residential customer base within the district.

The Metro Core of Wisconsin Avenue struggles with the same condition caused by the barrier of Wisconsin Avenue's width as well as its vehicular traffic volume and speed. Similar to northern Wisconsin Avenue, the area includes hotels, but is most noted for the density of office buildings that surround its Metrorail station and accessible roadways. Consequently, most of the existing retail offerings in the Metro Core are oriented to the Monday through Friday, 9-to-5 customer. As Bethesda Row and Woodmont Triangle have become increasingly more attractive as locations for new and/or expanding retailers, these areas draw more and more customers away from the Metro Core's shops, restaurants and services.

The Wisconsin Avenue Corridor, consistent with adopted planning principles, has the tallest buildings in Downtown Bethesda. Building heights step down from the 200-foot Clark Building to the surrounding 143-foot heights allowed in the Commercial Residential Zone (former Central Business District-2 Zone in the 1994 Bethesda Central Business District Sector Plan). Buildings at Bethesda and Wisconsin Avenues provide a gateway open space at the corner of this intersection. A number of potentially high-density sites remain to be developed in the area.

***Land Use and Zoning Goals:***

- Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.
- Encourage mixed-income/affordable housing near transit stations.
- Provide zoning recommendations that allow signature tall buildings at major civic spaces in the established centers.
- Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.
- Improve and enhance underutilized privately owned public use spaces.
- Provide new civic gathering spaces.
- Encourage high-performance buildings and sites nearest the established centers.

- Improve the pedestrian environment with upgraded streetscapes.

***Land Use Recommendations:***

- Create two new civic gathering spaces in the form of civic green space/parks at the Farm Women’s Cooperative Market site and Veteran’s Park Civic Green.
- Emphasize mixed land uses focused on employment and high density residential.

***Zoning Recommendations (Site Specific):***

- ReZone Map #122 from its current Zones to increase the commercial density from 4.0 FAR to 5.0 FAR and increase the maximum allowable building height to 250 feet to provide flexible development opportunities and allow future development to better adapt to market conditions.

This Application incorporates many of the land use and zoning recommendations of the Sector Plan by including: 1) commercial and compact development in the core area along Wisconsin Avenue in the highest intensity centers, providing for distinctive infill buildings; 2) zoning recommendations that allow signature tall buildings near public gathering areas; 3) buildings that step down to lower densities to the east; 4) incorporation of energy efficiency and high performance in both the hotel and office buildings; and 5) an emphasis on mixed land uses that guide future employment surrounded by both commercial and residential uses.

The zoning approved for the Site through the Sectional Map Amendment (SMA) increases the base density to a total 5.0 FAR and increases the height to 250 feet. To reach the heights proposed, the Applicant is requesting an allocation of BOZ density in the amount of 214,795 square feet requiring a payment that would facilitate acquisition of parkland in the downtown.

***Urban Design Recommendations:***

**Public Realm**

*a. Goal: Create green, active and walkable sidewalks that are designed to balance pedestrian and retail activity with vehicular and BRT traffic along this major corridor.*

*Recommendations:*

- Provide a planting and furnishing buffer between sidewalks and street traffic.
- Ensure a clear pedestrian pathway.
- Allow space for various activities, such as outdoor dining in retail focus areas, and provide planting and seating along remaining sections of the street.

*b. Goal: Create major civic gathering spaces as the hinge between Wisconsin Avenue, Norfolk Avenue and Bethesda Avenue.*

*Recommendations:*

- Expand Veteran’s Park through a new civic green bordered by a shared street that connects Wisconsin Avenue to Norfolk Avenue and Woodmont Triangle.

This Application is improving the streetscape along Wisconsin Avenue and Montgomery Avenue consistent with the Bethesda Streetscape Standards. This includes new street trees, lights, paving, site furnishings and the undergrounding of utilities. The Applicant is providing between the tree pit and the building edge a minimum 19-foot clear pedestrian way along Wisconsin Avenue and a minimum 8-foot-wide clear pedestrian pathway along Montgomery Avenue.

### **Building Form**

*a. Goal: Design tall buildings along Wisconsin Avenue to have a human-scaled presence on the street, reduced uniformity and compatibility with edge neighborhoods.*

*Recommendations:*

- Provide building articulation such as step backs, glazing and material changes.
- Provide building separation to ensure the design allows for light and air, and reduces shadows cast onto public spaces.

*b. Goal: Provide visual interest along the corridor by highlighting significant points with increased height.*

*Recommendations:*

- Provide increased height at the transit gateways to the Metrorail and Purple Line stations.
- Mark the Veteran's Park Civic Green as a major civic gathering space through signature buildings at this location.

The building design modulates in form both horizontally and vertically, introducing mixes of materials and provides the intersection of Wisconsin Avenue and Montgomery Avenue with both a unique plaza at the ground level and an iconic architectural embellishment at the top. The design of the building provides a unique articulation to various building surfaces and provides an efficient use of the site in an urban environment. The form of the building is comprised of three major vertical masses interconnected by the podium. Each of the masses is defined by distinct architectural skins and steps down from west to east. The façade of the building, as well as the parking garage above, are clad with a series of plane changes and pedestrian-scaled architectural embellishments which serve to both define the base of the building as well as provide for a human-scaled pedestrian experience. The transition to the tower mass is marked by a series of stepping architectural features and culminates in the large building undercut at the corner, which holds the office tower a minimum of 45 feet above the entry plaza below. Each of the three vertical masses has its own unique top. The hotel mass to the east is articulated at the top by a small setback terrace and green roof. The central mass is defined by a variation and extension of the architectural cladding. The major office mass to the west is articulated by a rooftop terrace that can be occupied, capped by a functional architectural embellishment that wraps across the top of the terrace, down the south face of the westerly mass and as currently conceived is expressed again as an artistic soffit feature for the entry plaza.

### ***Transportation and Bicycle Recommendations:***

To enhance the existing transportation network, this Plan recommends "complete streets" improvements to the roadway network that increase the connectivity, safety and quality for all modes of transportation. Complete streets design principles refer to roadway treatments intended to accommodate multiple modes of transportation, including pedestrian, bicycle, vehicular and transit, within the same right-of-way. Due to the transit-oriented nature of Downtown Bethesda, future transportation improvements within the Sector Plan area should consider complete streets strategies as critical elements of the transportation network.

A high-quality pedestrian network is essential to the success of transit-oriented communities because, unlike most other modes of transportation, pedestrian activity is about experiencing the community between points of origin and destination. Nearly all modes of transportation require that at least a portion of each trip be completed as a pedestrian; therefore, the quality of the pedestrian network is an important issue for most residents and commuters in Downtown Bethesda.

### **Overall Goals**

- Enhance roadway accommodation of all users.
- Increase the use of non-auto driver travel.
- Implement new transit alternatives.
- Improve bicycle and pedestrian infrastructure.
- Expand the constrained parking policy.

**Montgomery Avenue (CT-9)** - Separated Bike Lanes (ultimate); Bike Lanes (interim); Wisconsin Avenue to East-West highway.

All roads in the Sector Plan area should be designed for shared use by motor vehicles and bicycles and are designated as shared roadways unless another higher quality bicycle facility is provided (e.g. bike lanes). These shared roadways are called out for wayfinding purposes. This Sector Plan recommends amending the practice of implementing shared roadways on wide travel lanes; Bicycles should operate on-road as vehicles where the prevailing roadway operation is characterized by low vehicular speed and volume.

### ***Parking Recommendations***

- Promote a constrained parking policy that supports a transit-oriented downtown.
- Explore opportunities for co-location of public facilities on Parking Lot District properties and facilities. Co-location should be considered as existing facilities are evaluated for replacement and as the market allows for new mixed-use development.

The Applicant contributes to the transportation network in downtown Bethesda and regionally by contributing to the separated bike lanes for Montgomery Avenue. A contribution is being made to provide one off-site bike share facility. Pedestrian circulation is improved with the implementation of streetscape along Wisconsin Avenue and Montgomery Avenue to encourage connectivity within the Wisconsin Avenue District and to other transit options.

### ***Environmental Recommendations:***

**Urban Green** - On private property, provide a minimum of 35 percent green cover, which may include singularly or a combination of the following:

- Intensive green roof (6 inches or deeper) on 35 percent of rooftop.
  - Tree canopy cover on 35 percent of landscape.
  - A combination of tree canopy and intensive green roof for a total green cover of 35 percent or greater\*.
- Install green roofs with at least 6 inches of soil depth allowing for greater stormwater treatment.
  - Provide soil volumes for canopy trees of no less than 600 cubic feet.
  - Montgomery Avenue is a recommended Canopy Corridor. Provide Canopy Street Trees along Montgomery Avenue 30 feet on center.

### **Water -**

- Integrate environmental site design strategies that provide multiple performance area benefits for water quality, habitat, health and aesthetic improvement. Some strategies include:
- Intensive green roofs (6 inches or greater to maximize water treatment).
- Reduce impervious cover to maximize stormwater infiltration and/or green space.
- Use permeable surfaces where feasible.

The Application is providing an intensive green roof beyond the recommended 6 inch soil depth and landscaping and green cover calculated on the site area to meet the 35 percent green cover requirement from the Sector Plan. The project incorporates Silva Cells to account for enhanced stormwater management and proper soil volumes for the proposed plant material.

**High Performance Area -**

An optional method project in the High Performance Area should be approved only if it achieves the maximum amount of public benefit points allowed for constructing buildings that exceed energy efficiency standards for the building type. To qualify for the maximum available points, any building that is located in whole or in part within the boundary of the High Performance Area would be required to exceed the current ASHRAE 90.1 standard by 15 percent. If the County adopts a building code with a different efficiency standard, a building in the High Performance Area should similarly exceed the minimum standard.

The building are subject to the high-performance standards and will exceed the current ASHRAE 90.1 standards as recommended in the Sector Plan and the Bethesda Overlay Zone.

**Section 4.1.5 Public Benefits in the CR Zone**

**Top Priority Benefits in the CR Zone (Bethesda Downtown Sector Plan Specific):**

- Affordable Housing
- Public Open Space
- High Performance Area and Enhanced Vegetated Roofs to Increase Green Cover
- Exceptional Design
- Minimum Parking

The development is providing several of the top-priority public benefits, including Exceptional Design, Minimum Parking, and Energy Conservation.

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

The development will redevelop three single-use buildings and surface parking areas within a new mixed-use development that will include office and hotel uses, with structured above- and below-grade parking.

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

The development deftly integrates office, hotel, and parking uses both vertically and horizontally within the building, while providing a unique public-art-driven public space, and sector-planned bike lanes along the Montgomery Avenue frontage. The development will provide parking within and below the building.

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

The mix of uses, density, and building height in the development design are compatible with the adjacent and nearby existing and planned commercial development, while taking advantage of the Wisconsin Avenue frontage to provide a signature building in this prominent location.

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

The project provides 400,000 square feet of premium office space in Downtown Bethesda to attract existing area businesses looking to upgrade their facilities, as well as new businesses looking to take advantage of the combination of nearby housing, parks, transit, and amenities. While the development does not include housing opportunities per se, the hotel component will serve a similar function for neighborhood businesses.

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

The Project will provide the required public benefits from eight categories and more than the required 100 points to achieve the desired incentive density above the standard method limit. In addition to the public benefits, the Applicant is also paying a significant park impact payment to the PIP for the acquisition of parkland in downtown Bethesda.

- 2. *substantially conform with the recommendations of the applicable master plan;*

As discussed in Finding 1.a) above, the Project substantially conforms to the *2017 Bethesda Downtown Sector Plan*.

- 3. *satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The site is not subject to a development plan or schematic development plan.

- 4. *Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;*

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

- 5. *achieve compatible internal and external relationships between existing and pending nearby development;*

While the development will occupy half of the block on which it sits, the design engages the streets by maximizing pedestrian and visual permeability along the primary frontages of Wisconsin Avenue and Montgomery Avenue. Along the Wisconsin Avenue frontage, the building presence forms a vertical element that signals the importance of the site at this crossroads intersection from a distance, while providing a public plaza at the sidewalk level that reinforces that importance with a destination-quality public artwork. For the longer Montgomery Avenue frontage, building entrances and façade modulation and transparency provide opportunities to connect to the building at the ground plane while the architectural articulation above relieves the potential monotony of a long façade with the appearance of several facades, providing interest and variety when viewed along the Avenue.

- 6. provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The site is surrounded by satisfactory circulation options. As conditioned, vehicular access for parking, service, and loading is provided from Waverly Street in a manner that is efficient enough to allow planting of much-desired street trees along that frontage, while maximizing pedestrian safety. A lay-by on Montgomery Avenue is integrated with the Sector-Planned bike lanes along that street. Pedestrian access on all three frontages will be enhanced with generally wider sidewalks and streetscape improvements.

- 7. propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

As discussed further in the Site Plan findings below, and taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the provided public benefits support the Applicant's request for incentive density and is appropriate for the community surrounding the Site.

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

The development is expected to be constructed in one phase.

## **SECTION 5: PRELIMINARY PLAN 120180040**

- 1. The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59*

The subdivision design is appropriate for the development. The lot was reviewed for compliance with the dimensional requirements for the CR 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.

- 2. The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan*

As discussion in Sketch Plan finding 1.a. above, the Preliminary Plan substantially conforms to the recommendations of the 2017 Bethesda Downtown Sector Plan ("Master Plan").

- 3. Public Facilities will be adequate to support and service the area of the subdivision*

The Applicant submitted a transportation study was submitted on September 1, 2017, revised December 21, 2017, in response to agency comments. The proposed development is estimated to generate 774 new morning peak-hour person trips (370 vehicle trips) and 640 new evening peak-hour person trips (307 vehicle trips) (Table 1). Because of the estimated transportation impact of the Project exceeds 50 net new person trips in each of the following: total person trips, pedestrian trips, and bicycle trips, the Project is required to complete a transportation study that evaluates vehicular (intersection) capacity, pedestrian system adequacy, and bicycle system adequacy to satisfy the Local Area Transportation Review requirement. The Project is exempt from the transit system adequacy test because the Site is within 1,000 feet of a Metrorail Station.

**Table 1: Project Peak Hour Trip Generation**

| <b>Total Existing</b>    |                        | <b>Vehicle Rates</b> |            | <b>Adjusted Vehicle Rates</b> |            | <b>Person Trips</b> |            |
|--------------------------|------------------------|----------------------|------------|-------------------------------|------------|---------------------|------------|
| <b>Use</b>               | <b>Total Units/GFA</b> | <b>AM</b>            | <b>PM</b>  | <b>AM</b>                     | <b>PM</b>  | <b>AM</b>           | <b>PM</b>  |
| Office                   | 37,000 SF              | 86                   | 120        | 50                            | 70         | 104                 | 146        |
| Police Station           | 16,200 SF              | 8                    | 13         | 5                             | 8          | 11                  | 17         |
| Restaurant/Retail        | 8,000 SF               | 8                    | 30         | 5                             | 18         | 11                  | 41         |
| <b>Existing Subtotal</b> |                        | <b>102</b>           | <b>163</b> | <b>60</b>                     | <b>96</b>  | <b>126</b>          | <b>204</b> |
| <b>Total Proposed</b>    |                        | <b>Vehicle Rates</b> |            | <b>Adjusted Vehicle Rates</b> |            | <b>Person Trips</b> |            |
| <b>Use</b>               | <b>Total Units/GFA</b> | <b>AM</b>            | <b>PM</b>  | <b>AM</b>                     | <b>PM</b>  | <b>AM</b>           | <b>PM</b>  |
| Office                   | 400,000 SF             | 580                  | 526        | 336                           | 305        | 701                 | 637        |
| Hotel                    | 225 Rooms              | 151                  | 158        | 94                            | 98         | 199                 | 207        |
| <b>Proposed Subtotal</b> |                        | <b>731</b>           | <b>684</b> | <b>430</b>                    | <b>403</b> | <b>900</b>          | <b>844</b> |
| <b>Net New Trips</b>     |                        | <b>629</b>           | <b>521</b> | <b>370</b>                    | <b>307</b> | <b>774</b>          | <b>640</b> |

Source: Wells & Associates Transportation Study, dated December 21, 2017.

**Table 2: Peak Hour Trip Generation by Mode**

|           | <b>Person Trips</b> | <b>Auto Driver</b> | <b>Pedestrian*</b> | <b>Transit</b> | <b>Bike</b> |
|-----------|---------------------|--------------------|--------------------|----------------|-------------|
| <b>AM</b> | 774                 | 370                | 306                | 184            | 122         |
| <b>PM</b> | 640                 | 307                | 254                | 157            | 97          |

\* Pedestrian trips are the sum of all transit and bicycle trips generated by the project.

Source: Wells & Associates Transportation Study, dated December 21, 2017.

As a project that generates more than 250 net new peak hour vehicle trips, the Applicant was required to evaluate a minimum of two tiers of intersections within Downtown Bethesda, resulting in a total of ten intersections evaluated as part of the Subject Application. In accordance with the *2016-2020 Subdivision Staging Policy*, eight of the ten intersections included in this analysis were evaluated as part of larger transportation corridors within the Downtown area under the Highway Capacity Manual (HCM) methodology. In addition to the typical HCM methodology analysis completed to satisfy the LATR, the Applicant also analyzed an alternative scenario in which the master planned separated bicycle lanes were implemented within an existing travel lane on Bethesda Avenue and Montgomery Avenue. The study locations and corridors are presented in Figure 23, below, and results of the HCM methodology are presented in Table 3. Each of the study area intersections/ corridors will continue to operate within acceptable limits of congestion following completion of the Project under either scenario.





Figure 23: Intersection Analysis Map

**Table 3: Intersection Capacity  
Highway Capacity Manual Methodology  
Control Delay (seconds)**

| Intersection/Corridor       | Delay Standard | Existing Conditions |      | Background Conditions |      | Future Conditions |      | Future Conditions (Bike Lanes) |      |
|-----------------------------|----------------|---------------------|------|-----------------------|------|-------------------|------|--------------------------------|------|
|                             |                | AM                  | PM   | AM                    | PM   | AM                | PM   | AM                             | PM   |
| Woodmont Avenue/ Elm Street | 120            | 13.0                | 13.0 | 29.9                  | 17.3 | 29.8              | 19.6 | 29.8                           | 19.5 |
| Wisconsin Avenue*           | 120            | 31.0                | 27.0 | 43.0                  | 43.0 | 50.0              | 48.0 | 58.0                           | 54.0 |
| East-West Highway*          | 120            | 57.0                | 38.0 | 82.0                  | 54.0 | 92.0              | 61.0 | 91.0                           | 61.0 |
| Montgomery Avenue*          | 120            | 25.0                | 23.0 | 32.0                  | 41.0 | 40.0              | 47.0 | 64.0                           | 82.0 |

\* Denotes a corridor analysis. Source: Wells & Associates Transportation Study, dated December 21, 2017.

In determining pedestrian system adequacy, the Applicant must evaluate pedestrian infrastructure within 500-linear feet of the Site limits and will “fix or fund” all pedestrian facilities determined to be non-compliant with standards set forth by the Americans with Disabilities Act. The Applicant will submit an exhibit at the time of Certified Site Plan, for Staff approval, showing the location of all non-compliant pedestrian facilities and cost estimate for all improvements associated with the requirement. The scope of improvements to satisfy this requirement will generally be limited to the horizontal clear width, longitudinal slope and cross slope of public pedestrian pathways, sidewalks, curb ramps, and crosswalks.

Other Public Facilities and Services

All other public facilities and services, including water and sewer, utilities, police, and fire, are adequate to serve the development.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

a. Environmental Guidelines

A Natural Resource Inventory Forest Stand Delineation Exemption (NRI/FSD) was approved for the project on August 24, 2017. There are no known a rare, threatened, or endangered species, floodplains, forests, historic properties or features on the Property. Most of the Property is paved with street trees along the sidewalks in the public right-of-way.

b. Forest Conservation Plan

A Forest Conservation Exemption was granted on August 24, 2017 (42018024E). Therefore, the project is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law) under Section 22A-5(s)(1) because the tract is less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

The MCDPS Stormwater Management Section approved the stormwater management concept on October 3, 2017. The Applicant will provide 3,752 cubic feet of stormwater treatment via an 8-inch green roof and micro-bioretenion and includes a waiver for the untreated runoff. The DPS has requested the Applicant provide additional square footage of green roof.

6. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to the Subdivision.

**SECTION 6: SITE PLAN 820180040**

FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

2. *To approve a site plan, the Planning Board must find that the proposed development:*

a. *satisfies any previous approval that applies to the site;*

The development is consistent with Sketch Plan 320180070 and Preliminary Plan 120180040, being reviewed concurrently with this Site Plan.

b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Property’s zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*
- i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Site covers approximately 0.84 acres Zoned CR 5.0, C 5.0, R 4.75, H 250. The data table below shows the Application’s conformance to the development standards of Section 59-4.5.4.

| <b>Table 4- Data Table</b> |   |  |   |
|----------------------------|---|--|---|
| <b>Section 59 - 4</b>      | <b>Development Standard</b>   | <b>Permitted/ Required</b>                             | <b>Proposed</b>                                   |
|                            | <b>Tract Area (sf)</b><br>Previous Dedications<br>Proposed Dedications<br><b>Site Area (sf)</b>   | n/a  | <b>64,041</b><br>21,650<br>6,007<br><b>36,384</b> |
| <b>4.5.4.B.2.b</b>         | <b>Base Density</b><br>CR 5.0, C 5.0, R 4.75, H 250<br>Commercial FAR/GFA<br><b>BOZ Density</b><br>GFA Requested<br><b>Total Base + BOZ Density</b><br>Commercial FAR/GFA | 5.0/320,205<br>n/a                                     | 5.0/320,205<br>214,795<br>8.35/535,000            |
| <b>4.5.4.B.2.b</b>         | <b>Building Height (feet)</b>   | 250  | 250   |
| <b>4.5.4.B.3</b>           | <b>Minimum Setback (feet)</b><br>From R.O.W.  | 0  | 0   |
| <b>4.5.4.B.1</b>           | <b>Open Space (minimum)</b><br>Public Open Space (% of Site Area/sq. ft.)   | 10/3,638   | 10/3,650  |
| <b>6.2</b>                 | <b>Parking (spaces)</b><br>Office (min/max)<br>Hotel Rooms (min/max)<br>Hotel Common Space (min/max)<br><b>Total</b><br><b>BOZ Adjustment (80% min.)</b>                  | 800/1,200<br>75/225<br>13/65<br>888/1,490<br>711/1,490 | 500   |

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square

feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ requires a park impact payment of \$10/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. This Application is requesting an allocation of 214,795 square feet from the BOZ initiating a Park Impact Payment of \$2,147,950 to be paid at the time of building permit. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

ii. *Division 4.7 Optional Method Public Benefits*

For the proposed development, the Zoning Ordinance requires 100 points in four categories. At the time of Sketch Plan review only the categories need to be approved. The Table below shows the both the categories and points for public benefits recommended at Sketch Plan to demonstrate the Project’s ability to meet the requirement to sufficient benefit points. The public benefit categories and associated points below were modified with the Bethesda Overlay Zone (59.4.9.2) and supersede the general CR public benefits.

| <b>Table 5- Public Benefits</b>  |                                 |                  |
|--|---------------------------------|------------------|
| <b>Public Benefit</b>  | <b>Incentive Density Points</b> |                  |
|  | <b>Max. Allowed</b>             | <b>Requested</b> |
| <b>59-4.7.3.A: Major Public Facility</b>                                 |                                 |                  |
| <b>2<sup>nd</sup> District Police Station</b>                            | <b>70</b>                       | <b>70</b>        |
| <b>Bike Share</b>  |                                 |                  |
| <b>59-4.7.3.C: Connectivity and Mobility</b>                             |                                 |                  |
| <b>Minimum Parking (59-4.9.2.C.4.g)*</b>                                 | <b>20</b>                       | <b>12.7</b>      |
| <b>59-4.7.3.E: Quality of Building and Site Design</b>                   |                                 |                  |
| <b>Structured Parking</b>  | <b>20</b>                       | <b>12</b>        |
| <b>Public Art</b>  | <b>20</b>                       | <b>12</b>        |
| <b>Exceptional Design (59-4.9.2.C.4.g)*</b>                              | <b>30</b>                       | <b>30</b>        |
| <b>59-4.7.3.F: Protection and Enhancement of the Natural Environment</b> |                                 |                  |
| <b>Building Lot Termination (BLT)</b>                                    | <b>30</b>                       | <b>10.8</b>      |
| <b>Energy Conservation and Generation (59-4.9.2.C.4.g)*</b>              | <b>25</b>                       | <b>15</b>        |
| <b>TOTAL</b>   |                                 | <b>162.5</b>     |

\*Denotes Sector Plan priority

Major Public Facility

Section 59-4.7.3.A.1 of the Zoning Ordinance permits up to 70 public benefit points for provision of Major Public Facilities. Under a Public-Private Partnership agreement with Montgomery County, the Applicant constructed the new 2<sup>nd</sup> District Police Station on Rugby Avenue in Bethesda (worth over 300 points). In addition, the Applicant will fund one off-site bike share facility. The Applicant is requesting the maximum 70 points. Staff supports the points requested for major public facility.

Connectivity and Mobility

*Minimum Parking:* Section 59-4.7.3.C.2 of the Zoning Ordinance permits up to 10 public benefit points for less than the maximum number of allowed parking spaces, if a maximum is applicable under Section 59-C-15.631. The Bethesda Overlay Zone increased the number of points one could achieve under this

category to 20 points as this was a priority in the Sector Plan. This Project provides fewer than the minimum number of parking spaces required by the Zoning Ordinance in one on-site above- and below-grade structured parking garage. The minimum number of parking spaces required for the uses proposed is approximately 711 parking spaces, however the BOZ permits the minimum number of parking spaces required at 80% of the minimum number of spaces required under Section 59-6.2.4.

The incentive density is calculated on a sliding scale  $[(A/P)/(A/R)]*10$ . The BOZ allows up to 20 points however the multiplier for minimum parking remained at 10. The Applicant is requesting 12.7 points. Staff supports the points requested for minimum parking.

#### Quality of Building and Site Design

*Exceptional Design:* Pursuant to Section 59-4.7.3.E.2 the Applicant can achieve 10 points; however the BOZ makes this a minimum requirement and permits up to 30 points for this category to emphasize the importance of exceptional design in downtown Bethesda. The criteria allow for building or site design whose visual and functional impacts enhance the character of a setting. The Applicant requests 30 points for this category.

The building has been designed to enliven and aesthetically awaken this important transit-oriented core intersection in the heart of Downtown Bethesda. Through the provision of a large interactive public plaza that will integrate the new mixed-use project and surrounding land uses and urban activities, an enhanced pedestrian environment and exceptional architectural design and “place-making,” it help define the urban skyline and further reinforce the functional emergence of Downtown Bethesda as the urban core of Montgomery County and the region.

The design will create a continuous flow of activity from Wisconsin Avenue through a public/private plaza and the lobby areas for both the office and hotel, which will provide work and gathering spaces, as well as a restaurant and socializing space for Avocet Tower occupants as well as the residents, workers, and visitors at the urban core of Downtown Bethesda. The plaza at the front entrance on Wisconsin Avenue will feature a more than 45 foot “overhang” from the building rising above the public plaza – creating a dramatic and welcoming element to the Project (the “Entry Plaza”).

The planning and design of Avocet Tower has been reflective of the following Exceptional Design considerations:

- Providing innovative solutions in response to the immediate context
  - Creates a gateway to the Pearl District and a distinctive pedestrian node at the corner of Wisconsin and Montgomery Avenues.
  - Elevates the office space at the corner to reveal pedestrian-scaled forms within the plaza that relate in scale and character to the neighboring historic building to the south, and to the local Bethesda context.
  - Purposefully modulates the building’s massing to create three distinct vertical masses along Montgomery Avenue that step down to transition from the grand scale of the Central Business District, to the more residential scale of the Pearl District to the east.
  - The distinctive form of the shade trellis descending the side of the building and framing the soffit of the Entry Plaza at the corner of the intersections of Wisconsin and Montgomery Avenues creates a gateway to the Pearl District along Montgomery Avenue to the east. Additionally, the open space and “living roomlike” character of the Entry Plaza will serve as spatial node that welcomes all to the center of Downtown Bethesda.
  - In elevating the office building at least 45’ at the corner, the articulated architecture that reveals itself incorporates more pedestrian-scaled forms and a higher degree of detail. Furthermore, integrated and highly articulated solid Zones deliberately reflect the character

- of surrounding Bethesda and purposefully relate the scale of the plaza to that of the neighboring historic building to the south.
  - Looking down Montgomery Avenue, the project is seen as three major vertical masses, interconnected at the podium level as well as other minor elements. Each of these masses is defined by bespoke enclosure strategies and, from west to east, drops away to relate to the urban scale along Wisconsin Ave and the residential scale of the Pearl District.
- Creating a sense of place and serves as a landmark
  - Rather than simply adorning the building a dramatic crown, the tower top presents and serves as a large and lush rooftop terrace, available to all building tenants.
  - The rooftop terrace is covered by a solar mitigating shade trellis, which wraps down the southern face of the building to become a distinctive overhang to the Entry Plaza, connecting the base and the top of the building.
  - The dual gardens at the top and base of the tower, along with the integrated shade trellis, form a monumental architectural gesture. It will attract people from the Metro stops across Wisconsin Avenue as well as pedestrians from along the Wisconsin Avenue Corridor.
  - Avocet Tower's rooftop shade trellis is designed to reach outward and attract people from Bethesda's Central Business District and Metro station. It will also announce the project as a new destination within the Downtown Bethesda skyline. The crowning element is composed of series of evenly spaced rods that begin as the soffit feature of the Entry Plaza, climb the south face of the most prominent office massing, and continue up to the top of the building where it becomes an elegant shade trellis for the open space on the sky terrace. Additionally, the western mass of the building is prominently elevated to create an Entry Plaza at the corner of Wisconsin and Montgomery Avenues.
- Enhancing the public realm in a distinct and original manner
  - Architectural embellishments at the top of the building. The public experience starts blocks away as the intersection of building and of Wisconsin Avenue create a unique vantage point for the building from afar.
  - The aesthetic crowning element, as well as the public plaza at ground level, bring the attention from top to ground as you arrive at Avocet Tower.
  - Along Avocet Tower's three major frontages on Wisconsin Avenue, Montgomery Avenue and Waverly Street, the project has been designed to create a vital and active streetscape by offering the integrated experience of the connected office and hotel lobbies, hotel restaurant, conference spaces and the entry plaza.
  - The Entry Plaza is designed to create an urban living room at the corner of Wisconsin Avenue and Montgomery Avenue, providing outdoor seating and meeting areas.
  - As a part of the Entry Plaza, a large and distinctive piece of art will further enhance the dynamic quality of elevating the office building and activating the ground level as a green space for work, play and contemplation.
  - The Entry Plaza, office lobby, hotel lobby and ground floor hotel amenities are designed as an integrated whole. The range of uses, from informal work and meeting spaces, to the hotel-operated food service space with indoor and outdoor seating, to a lush and active green space at the corner, all combine to create a vibrant and active streetscape and ground level across nearly the entire site.
  - The plaza is designed in overall context as a point, counter point to the architectural massing. The plaza includes the same shapes on a ground plane as above, rectangles intersecting and juxtaposing each other in the plaza. A series of north/south movements of the plaza are combined with intersections of east/west movement, predominantly displayed in the seating options and the extensive water feature, creating a series of rooms to enjoy, sit, contemplate or work. The water starts as an element on the building,



drawing down and horizontally over a series of beautiful stones. The water disappears under two “bridges” that shift and intersect the horizontal planes and rooms. The rooms created provide different seating options and feel. The building overhangs the plaza at a minimum 45’ above the ground creating a dynamic space for the plaza visitors. The hotel has a private dining area within the plaza space as well.

- The artwork is designed to function at two scales: first, drawing people in from the Metro and surrounding area due to its vibrancy and size; and then as it enhances the experience of working, playing or contemplating within the Entry Plaza through its dynamic and lively modulations and manipulations.
- The building and public spaces shapes, design and integration of unique spaces and materials creates a dynamic, unique and original public experience.
- Introducing materials, forms or building methods unique to the immediate vicinity or applied in a unique way.
  - Avocet Tower’s exterior enclosure is designed to emphasize the three vertical massings, employing different arrangements of curtain wall and highly articulated precast concrete panels to represent a transition in scale from the urban Central Business District toward the residential districts to the east.
  - The above-grade parking garage is fully enclosed in curtain wall and highly articulated precast concrete panel to simultaneously diminish its presence and create a modulated and pedestrian scaled street face.
  - Avocet Tower has a number of soffits that have been designed to provide warmth, shelter and a human scale and to counter the large and small overhung spaces through the use of wood prints, crisp lines, scaled articulation and inviting up-lighting.
  - The tower is clad with an intricate lattice of brushed nickel, aluminum, precast concrete panels and glass curtain wall. The transition to the tower mass is marked by a series of stepping architectural brows and culminates in the large building undercut, which elevates the office tower at least 45’ above the Entry Plaza below. The combination of the purposeful placement of the three vertical masses at differing depths from the street face; the lush and diverse landscaping; and the composed brows and architectural features will provide for a varied, elegant and distinct experience on all three of the building’s frontages.
  - Warm and elegant up-lighting on the more natural elements, such as the highly articulated precast concrete panels and warm soffits, will transition the scale of the building’s base to a more inviting and pedestrian scale that will be reminiscent of the historic building to the south as well as other adjacent historic structures.
- Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site;
  - The anticipated activity at Avocet Tower’s Entry Plaza and street-level hotel amenities will serve to identify this site as an exciting and lively destination and an exceptional gateway to Bethesda’s newly conceived Pearl District.
  - Avocet Tower will be constructed on three currently underutilized sites in the heart of Downtown Bethesda. It presents a unique opportunity to combine the needs of a forward-thinking Class A office building with onsite parking and a contemporary and youthful hotel experience.
  - The combination of a “hip” and active hotel lobby and restaurant, with adjoining conference and informal work spaces, seamlessly transition into an office lobby space designed with hoteling stations and work rooms. These elements funnel activity out into the plaza, creating a dynamic and exciting site throughout the day.
  - The streetscape of the building, as well as the parking garage above, are clad with a series of plane changes and pedestrian-scaled architectural embellishments which serve to both

- define the base of the building as well as provide for a human-scaled pedestrian experience.
- These spaces will create a connection to nature through direct access to daylight, diverse plant life and water features. It will also serve as a place for interaction and cultural exchange with the integration of a variety of seating, dining, work and conversational spaces and integrated artwork. This open ground-scape will serve as the catalyst of integrating the office and hotel users with the local community.
- Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements.
  - Avocet Tower is being designed not only for today’s residents, workers and visitors but for the future of the way people are utilizing spaces and enjoying the environments they inhabit.
  - The enclosure system provides for a highly developed shading system, allowing for great views and controlled natural light deep within the office spaces.
  - Each of the three vertical masses as well as the podium structure of the parking garage are articulated by scaled and composed architecture features, horizontal brows, and material shifts, which all serve to make a large single structure appear as the integrated whole of a series of elements.
  - The roofscapes at the top of the parking garage, hotel and office buildings are developed as a series of accessible tenant terraces and landscaped areas. They support required storm water management while providing tenants unique elevated exterior spaces along with a visual and physical connection to the natural environment.
  - The building enclosure is a crafted composition of highly efficient low-e coated glass, solar-oriented metal shading devices and highly articulated precast concrete panel. The mix of glass, metal and concrete is proportioned and manipulated to respond to climate and to provide distinct scales as a part of an overarching and balanced composition. Avocet Tower provides less than the required parking to encourage alternative transportation methods. The design integrates siting, fenestration, water quality/quantity management, green roofs and other critical sustainability actions that are integral to the design all to provide the project a minimum LEED Gold rating for the office tower core and shell. The rooftop terrace and richly appointed plaza provide escapes from the office and allow natural light, fresh air and an alternate location to work, rest or enjoy.

A major initiative of the Bethesda Downtown Plan was the creation of the Design Advisory Panel (DAP) and their role to bring design awareness to the County and specifically to downtown Bethesda. The Panel met on December 13, 2017, with the Applicant to review their design proposal and offered comments on the building cap, but otherwise endorsed the overall architecture and design. Part of the Panel’s responsibility is to evaluate the Applicant’s request for Exceptional Design points based upon the criteria and goals outlined in the CR public benefit guidelines. The Panel endorsed the project with the following comments and supported the request for 30 points. Staff also supports the Applicant’s request for this benefit.

1. Public Benefit Points: The majority of the panel recommends the 30 of 30 Exceptional Design points requested. However, there was a dissenting opinion that the project did not provide enough integration between the base and upper floors or between the three distinct pieces of architecture articulated on the Montgomery Avenue façade to achieve this many points.
2. Further consider how the bike path should function and how it relates to vehicular and pedestrian traffic. Consider raising the pedestrian crossing from the lay-by on Montgomery Avenue so that cyclists yield to pedestrians.
3. Explore local sourcing of materials rather than using materials such as ipe.

4. Provide a less abrupt transition between the proposed and adjacent sidewalk. Consider using the same color as the streetscape standard paving for continuity.

*Public Art:* The Applicant requests 12 points for installing public art in the central plaza on-site to visually occupy and focus the space between the ground plane and the soffit,. The dynamic, interactive public art work will be suspended within the space and resembles a living system that reflects the rhythms and energy of the site in what we are provisionally calling an ‘interactive sculptural network’. It will be designed so that visitors can engage with it and each other at multiple levels of engagement. The public art concept for this location was presented to the Art Review Panel. Staff supports the Applicant’s request.

*Structured Parking:* The Applicant requests 12 points for structured parking. The BOZ requires 10 points as the minimum for this benefit. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade. Staff supports 12 points for the below-grade parking.

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Project will implement up to 502,979.5 square feet of incentive density, which is gross floor area above 0.5 FAR. Section 59-4.7.3.F.1.a permits up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund. The Applicant will purchase easements in an amount equal to 7.5 percent of the incentive density floor area through the following parameters: 9 points for every 31,500 square feet of gfa, comprising 7.5 percent incentive density floor area (Optional method density at 535,000 sf – standard method density at 32,020.5 sf = incentive density of 502,979.5 sf;  $7.5\% \text{ of incentive density} / 31,500 = 1.1976 \text{ BLTs} \times 9 \text{ points/BLT} = 10.8 \text{ points}$ ). Staff supports this request.

*Energy Conservation and Generation:* The Sector Plan requires that all projects in the High-Performance area must exceed the current ASHRAE 90.1 requirement by at least 15 percent. The CR Zone Incentive Density Implementation Guidelines states that up to 15 points are available for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5 percent, however the BOZ permits up to 25 points for this benefit. Exceeding the energy efficiency standards by 17.5 percent in the BOZ proportionally allows the Project to receive 15 public benefit points. Staff supports the points for Energy Conservation and Generation.

#### *iii. Division 6.1. Site Access*

As conditioned, the Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area. The Project will be served by an on-site garage internal to the Project, containing approximately 500 parking spaces. Vehicular access for garage, service, and loading are proposed as full-movement driveways directly from Waverly Street. This access configuration eliminates driveways on both Wisconsin Avenue and Montgomery Avenue and minimizes potential conflicts with pedestrians, cyclists and local vehicular traffic.

Although there are many positive aspects to the site access concept proposed by the Applicant, Staff has conditioned that the garage access point on Waverly Street be reduced in width, from its currently proposed two outbound travel lanes and one inbound lane, to a single outbound lane and single inbound lane. This modification would enhance pedestrian safety and reinforce the multi-modal nature of the Bethesda Downtown area. In response to Staff’s request, the Applicant asserted that two outbound travel lanes are necessary for efficient operations of the garage and to reduce delay for those wishing to exit the Site. While a second outbound lane would increase the efficiency of

garage egress, it would do so at the detriment of the pedestrian realm by increasing the number of potential vehicle movements and conflict points.

The Project is designed so that Wisconsin Avenue serves as the main frontage of the office building and Montgomery Avenue is the main frontage of the hotel use. In support of the hotel use, the Applicant is proposing a lay-by, between the vehicular travel lanes and separated bicycle lanes. As proposed, the lay-by is designed in a manner than keeps vehicles from crossing the proposed bicycle lanes. The proposed lay-by is supported by the Maryland State Highway Administration (MD SHA) as a means of managing vehicular demand for the proposed hotel use. MNCPPC Staff also support the lay-by given the redesign of Montgomery Avenue in support of the Sector Plan recommendation.

The sector-planned two-way separated bicycle lanes on the south side of Montgomery Avenue (the Subject Property frontage) is proposed pursuant to the latest design available from the Montgomery County Department of Transportation. The design of these bicycle lanes may be changed by MCDOT as that agency's project progresses, however, the current design satisfies the master plan requirement and establishes a conceptual design for the Applicant's participation.

Bike share facilities will be provided off-site by the Applicant, who will contribute the capital costs of one 19-dock bikeshare station. Enhanced sidewalks and streetscaping along Wisconsin Avenue, Montgomery Avenue, and Waverly Street provide safe access to the Metro station, future Purple Line station, and nearby neighborhoods.

The Project is required to provide a minimum of 12 short-term bicycle parking spaces (six inverted-U racks or approved alternative) along the Wisconsin Avenue office building frontage. Additionally, the Project is required to provide a bicycle parking room to provide 91 long-term bicycle storage for both the office building employees (a minimum of 68 spaces) and hotel guests (a minimum of 23 spaces). This requirement is satisfied through the provision of a bike room within the garage. In addition to the bicycle parking provided for employees, hotel guests, and short-term visitors, the Applicant is contributing the capital cost of one off-site 19-dock bikeshare station to be installed within the Downtown area.

*iv. Division 6.2. Parking, Queuing, and Loading*

The Project includes 500 parking spaces in structured above- and below-grade parking within the building, and has applied the 20 percent reduction to support the goal of the Sector Plan to minimize parking. The Site is located within the Parking Lot District (PLD) allowing the Project to minimize parking to an even greater extent. Access to parking and loading is from Waverly Street. Parking, queuing, and loading will be provided in an adequate, safe, and efficient manner.

*v. Division 6.3. Open Space and Recreation*

The project includes 10 percent of the Site area, or 3,650 square feet, as Public Open Space in the covered plaza at the corner of Wisconsin and Montgomery Avenues. The plaza includes a series of terraced spaces delineated by landscaped edges and a connected series of pools, falls, and bridges. The areas adjacent to the building entrances are open but private, with the public areas along the sidewalks. Above the plaza space, the building design features material finishes and lighting to provide a "ceiling". This includes the termination of the metal trellis element continued down the façade from the rooftop feature and printed metal panel soffits. Finally, to visually occupy and focus the space between the ground plane and the soffit, the Applicant is proposing a dynamic, interactive public art work to be suspended within it. The development will provide adequate, safe, and efficient open space.



While this is a commercial development, and recreation facilities are not required, the Application is contributing to Sector-Planned bike lanes along Montgomery Avenue.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by tenants, guests, and visitors. The Application provides streetscape improvements along Wisconsin and Montgomery Avenues and Waverly Street, with new street trees, improved sidewalks, and street lighting. The on-site lighting is integrated into the design of the main plaza. Site furnishings will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

The landscaping will enhance the visual and textural variety of the public open space, adding a colorful counterpoint to the hardscape, stone, and structural building elements.

The rooftop of the building will include a vegetated roof, including plant material, seating and outdoor furnishings.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The MCDPS Stormwater Management Section approved the stormwater management concept on October 3, 2017. The Applicant will provide 3,752 cubic feet of stormwater treatment via an 8-inch green roof and micro-bioretenment, and the approval includes a waiver for the untreated runoff. The DPS has requested the Applicant provide additional square footage of green roof.

ii. *Chapter 22A, Forest Conservation.*

A Forest Conservation Exemption was granted on August 24, 2017 (42018024E). Therefore, the project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law) under Section 22A-5(s)(1) because the tract is less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

As conditioned, the Site Plan provides adequate, safe, and efficient parking and circulation patterns. The Project provides well-integrated on-site parking in an above- and below-grade structure with primary access from Waverly Street. A lay-by is proposed along Montgomery Avenue for pick up and drop off at the hotel entrance.

The Application includes sidewalk and streetscape upgrades to the Property's frontage along all three street frontages, and participation in the realization of a Sector-Planned bicycle facility on Montgomery Avenue. These enhancements will facilitate improved pedestrian connections from nearby neighborhoods by offering access to existing and planned bikeways, transit, shared use paths, and retail uses.

The Project provides safe and well-integrated buildings, open spaces and site amenities. The Project's building heights of up to 250 feet provide an iconic gesture in downtown Bethesda and an appropriate transition to existing buildings south of the Property.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in Sketch Plan Finding 1.a. above, the Application substantially conforms to the recommendations and guidelines for the 2017 *Bethesda Downtown Sector Plan*.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120180040 findings, the Site will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential Zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential Zone.

- j. on a property in all other Zones, is compatible with existing and approved or pending adjacent development.*

The development is compatible with existing and approved or pending adjacent development, which consists primarily of other mid- to high-rise commercial development. The mixed-use development is located near multiple modes of transit including the Metro Station and Purple Line Station within a few blocks of the site. The Project will allow for the future development of "compact nodes that place the highest intensity in those centers" as recommended in the Sector Plan.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property Zoned C-1 or C-2 on October 29, 2014 that has not been reZoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not Zoned C-1 or C-2.

#### **SECTION 7 – COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. Staff has received no correspondence on the proposed development.

#### **SECTION 8– CONCLUSION**

The proposed lot meets all of the requirements established in the Subdivision Regulations and the Zoning Ordinance, and conform to the recommendations of the Sector Plan. As conditioned, access to the lot is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans.

Further, as conditioned, the Project complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance and the Bethesda Overlay Zone. The Project satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan* and the *Bethesda Downtown Design Guidelines*.

Therefore, Staff recommends approval of Sketch Plan No. 320180070, Preliminary Plan No. 120180040 and Site Plan No. 820180040 with the conditions specified at the beginning of this report.

#### **ATTACHMENTS**

- A. Department and Agency letters
- B. DAP Comments