



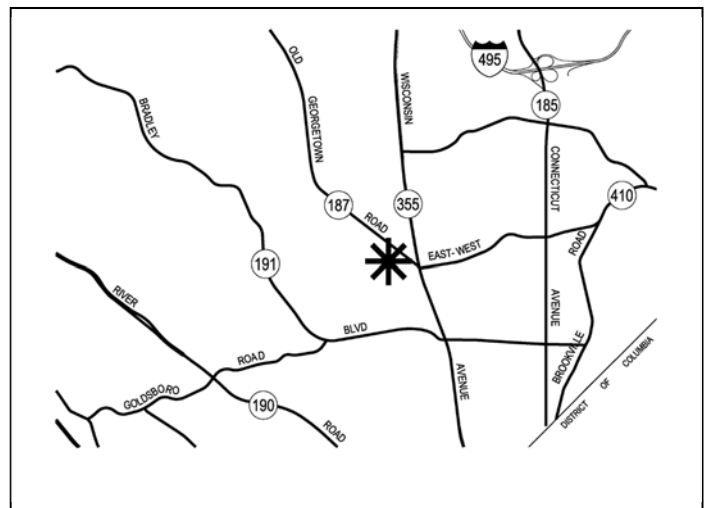
ZOM Bethesda, Preliminary Plan No. 120180140 and Site Plan No. 820180120

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Description

Completed: 6.29.18

- Creation of one lot for construction of a residential project of up to 253,200 total square feet with up to 230 multi-family dwelling units; project includes an allocation of Bethesda Overlay Zone density;
- Current use(s): Commercial/ office in single-family dwellings;
- Located on the east side of Arlington Road, between Moorland Lane and Edgemoor Lane;
- 1.84 acres or 80,381 gross square feet of tract area zoned CR 2.25 C 0.5 R 2.25 H60, CR 2.0 C 0.25 R 2.0 H60, and CR 1.0 C 0.25 R 1.0 H60 in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: ZMA Development, LLC;
- Acceptance date: March 16, 2018



Summary

- Staff recommends approval of the ZOM Bethesda Preliminary Plan and Site Plan with conditions.
- The Planning Board approved Sketch Plan 320180050 on November 30, 2017.
- The Planning Director granted a 30-day extension on May 16, 2018, from July 14, 2018 to August 30, 2018.
- The Project includes an allocation of Bethesda Overlay Zone density of up to 168,233 square feet. Ordinarily, this would result in a Park Impact Payment (PIP) of \$1,682,330. However, because the Applicant is providing 15% MPDUs, the total MPDU square footage is excluded from the PIP calculation, resulting in a reduction equal to \$242,460. The resulting PIP is \$1,439,870 to fund park acquisition in downtown Bethesda.
- The Project will provide 5,565 square feet of open space improvements off-site (10% of site less easement area along Arlington Road) by either constructing open space improvements at the Bethesda Library or by making a financial contribution of \$805,881 toward other open space improvements.
- The proposal will redevelop the site with an energy-efficient residential building including 15% moderately priced dwelling units, minimum parking, structured parking, a vegetated roof and public art.
- The Project proposes entry stoops along Arlington Road within a six-foot-wide easement (828 square feet) in lieu of full width right-of-way dedication.

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SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 120180140

Staff recommends approval of Preliminary Plan No. 120180140 subject to the following conditions:

1. This Preliminary Plan is limited to 1 lot for up to 230 multi-family dwelling units and an allocation of 168,233 square feet of density from the Bethesda Overlay Zone.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letters dated May 16, 2018 and July 5, 2018, 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 MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MSHA") in its letter dated April 25, 2018, 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 MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. 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:
 - a. A dedication of the Arlington Road frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline, except as modified to a width of 34-feet between the Subject Property line and right-of-way centerline to permit stoops and residential entrances along the southern building façade, as illustrated on the Certified Preliminary Plan.
 - b. Where right-of-way dedication is reduced to 34-feet, between the Subject Property and right-of-way centerline, the plat shall reflect a six-foot wide public improvement easement (PIE) and a Maintenance and Liability Agreement, or other instrument as determined by Montgomery County, for the entire area that would otherwise be dedicated as public right-of-way. The PIE and Maintenance and Liability Agreement must be approved or executed by Montgomery County, as appropriate.
 - c. The record plat must show necessary easements.
6. Prior to recordation of any plat, Site Plan No. 820180120 must be certified by M-NCPPC Staff.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 30, 2018, 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.
8. 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 May 29, 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.
9. 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.

10. After certification of the Final Forest Conservation Plan and payment of the forest conservation fee in-lieu, and prior to certification of the Site Plan and recordation of the Plat, the Applicant may obtain permits for demolition, below-grade excavation, and sheeting and shoring. The record plat(s) and Certified Site Plan must be submitted to M-NCPPC prior to any below-grade activity occurring on site.
11. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

Site Plan No. 820180120

Staff recommends approval of Site Plan 820180120, for a residential building of up to 253,200 total square feet with up to 230 multi-family dwelling units, on 80,381 square feet of land, zoned CR 2.25 C 0.5 R 2.25 H60; CR 2.0 C 0.25 R 2.0 H60; and CR 1.0 C 0.25 R 1.0 H60. The Project density excludes 68,270 square feet previously transferred to the Christopher Condominium and includes an allocation of up to 168,233 square feet of Bethesda Overlay Zone density. 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.

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320180050 as listed in the MCPB Resolution No. 17-108 dated November 30, 2017.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120180140.

3. Public Open Space, Facilities, and Amenities

- a. In accordance with Section 59.6.3.6.C of the Zoning Ordinance, the Applicant must either provide 5,565 square feet of public open space improvements off-site at the Bethesda Library site or contribute \$805,881 to the M-NCPPC for off-site public improvements in downtown Bethesda.
- b. All off-site improvements must be accepted by the Montgomery County Department of General Services and the Bethesda Urban Partnership (BUP) and other relevant agencies, and be illustrated on the Certified Site Plan.
- c. At Certified Site Plan, Staff may approve an area of public open space improvements at the Bethesda Library site less than 5,565 square feet, but not less than 5,000 square feet, per Section 59.4.9.2.C.7.a of the Zoning Ordinance. For any amount of public open space improvements less than 5,000 square feet, the Applicant must make a financial contribution based on the calculation described in Condition 3.a., above.
- d. Prior to issuance of the first above-grade building permit, the Applicant must either:
 - i. Provide the financial contribution described in Condition 3.a. to M-NCPPC; or
 - ii. Obtain all applicable permits to construct public open space improvements at the Bethesda Library site.
- e. Prior to the issuance of the final Use and Occupancy Certificate for the Subject Property, all off-site public open space improvements to the Bethesda Library site must be completed, unless the Applicant has provided the financial contribution described in Condition 3.a. to M-NCPPC.
- f. Prior to issuance of the final Use and Occupancy Certificate for the Subject Property, the Applicant must construct streetscape improvements, including the undergrounding of utilities, along the Subject Property's frontage on Moorland Lane, Arlington Road, and Edgemoor Lane, consistent with the Bethesda Streetscape Standards, and as illustrated in the Certified Site Plan.

- g. The Applicant must maintain all open spaces and amenity areas located on the Subject Property and off-site location(s) required by this approval.

4. Green Cover

- a. The Applicant must provide a minimum of 19,476 square feet of Green Cover, which is equivalent to 35% of the site area, exclusive of 828 square feet of easement area along Arlington Road, as illustrated on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches.

5. Recreation Facilities

Before Certified Site Plan approval, the Applicant must demonstrate substantial conformance with the M-NCPPC Recreation Guidelines.

6. Bethesda Overlay Zone Density

- a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of this Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.
- b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$1,439,870, prior to release of the first above-grade building permit for the allocation of 168,233 square feet of Bethesda Overlay Zone Density.

7. Affordable Housing

- a. The development must provide 15 percent Moderately Priced Dwelling Units (MPDUs) on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
- c. The Planning Board accepts the recommendations of DHCA in its letter, dated May 31, 2018, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

8. 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. Connectivity and Mobility
 - i. Minimum Parking – The Applicant must not provide more than 202 parking spaces, all of which must be unbundled from the sale or lease of the proposed dwelling units.
- b. Diversity of Uses and Activities
 - i. Enhanced Accessibility for the Disabled – The Applicant must provide at least 7% (17 dwelling units) of the Site Plan's dwelling units in accordance with ANSI A117.1 Residential Type A standards.
- c. Quality Building and Site Design
 - i. Exceptional Design – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan, as determined by Staff.

- ii. Structured Parking – The Applicant must provide all parking spaces within the below-grade structure on the Subject Property.
- d. Public Art
 - i. Provide and install the public art concept as recommended by the Art Review Panel in its letter, dated June 19, 2018, and illustrated on the Certified Site Plan.
 - ii. Any significant changes to the concept presented on May 30, 2018, must be presented to the Art Review Panel and approved by Staff before Certified Site Plan.
- e. 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 equivalent to 0.51 BLTs to MCDPS.
 - ii. Energy Conservation and Generation – The Applicant must construct the building to exceed energy efficiency standards for the building type by 10%, as determined by MCDPS.
 - iii. Recycling Facility Plan – The Applicant must comply with the letter from the Montgomery County Department of Environmental Protection – Waste Reduction and Recycling Section, dated June 15, 2018.
 - iv. Vegetated Roof – The Applicant must install a vegetated roof with a soil depth of a minimum of eight (8) inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment, as illustrated on the Certified Site Plan.

9. Transportation

Before the release of any above grade 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.

10. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of 115 bicycle parking spaces to include 107 long-term and eight (8) short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room in the garage, and the short-term spaces must be inverted-U racks (or approved alternative) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must participate in the implementation of master planned separated bicycle lanes along the project's Edgemoor Lane frontage.

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

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated May 21, 2018, 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.

12. Fire and Rescue

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 May 29, 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 Site Plan approval.

13. Building & Site Design

- a. 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.
- b. The Applicant must provide a minimum of four (4) pedestrian entrances from the Arlington Road sidewalk.
- c. The Planning Board accepts the recommendations of the Design Advisory Panel as described in their letter, dated April 25, 2018, and incorporates them as conditions of approval.
- d. 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 certain changes to the design, as determined by Staff, may require a Site Plan Amendment.
- e. Building height is limited to 60 feet, as measured from the building height measuring point on Moorland Lane.

14. Landscaping

- a. Prior to issuance of final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lights, sidewalks/ pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

15. Forest Conservation & Tree Save

- a. Prior to any clearing, grading or demolition necessary to construct the project, the Applicant must obtain Staff certification of a Final Forest Conservation Plan and payment of the fee-in-lieu.
- b. Prior to certification of the Final Forest Conservation Plan, the applicable sheets must be revised to address the following items:
 - i. 0.24 acres of proposed landscape credit need to be eliminated and replaced with credit by fee-in-lieu or off-site bank;
 - ii. The Tree Save Plan must be prepared by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert, and address all affected neighboring trees. The Applicant must provide suitable mitigation (subject to Staff approval) for trees which cannot be appropriately retained;
 - iii. The plans shall include a monitoring and replacement program for the affected trees; and
 - iv. Coordinate with Staff on minor corrections & clarifications of the plans notes and details.
- c. The plans must be revised to include details and specifications for soil restoration in all areas of the LOD which are not built (i.e. to remain in a lawn or landscape setting).
- d. Prior to any clearing, grading or demolition within the project area, the Applicant must submit a fee-in-lieu payment or certificate of compliance which satisfies the off-site 0.24-acre afforestation credit requirements (or as approved in the certified FFCP). If a certificate of compliance is used, the M-NCPPC approved document must be recorded in the Land Records of Montgomery County.
- e. The limits of disturbance shown on the final Sediment Control Plan must be consistent with the limits of disturbance shown on the Final Forest Conservation Plan.
- f. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
- g. The Applicant must make good faith efforts to reconstruct the landscape bed along the eastern property line (shared with the neighboring Edgemont property), as located on the FFCP, in a manner that will accommodate the planting of a canopy tree.
- h. The Applicant must plant four off-site shade trees within the CBD (in addition to any street tree plantings along the Subject Property frontages). The off-site plantings may be incorporated into the

off-site public open space under 59.6.3.6.C (if the Applicant chooses to construct off-site open space rather than make a financial contribution).

16. 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 on-site 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 on-site down-lights must have full cut-off fixtures.
- c. Deflectors must be installed on all proposed 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.

17. Noise Attenuation

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. 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.
- d. Before issuance of use and occupancy permit for residential units, the Applicant must obtain certification that the noise impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding sheet and shoring, or sediment control 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 at-grade Site Plan elements, including, but not limited to streetscape, plant material, on-site lighting, site furniture, trash enclosures, private utilities, sidewalks, storm drainage facilities, street trees, public art, 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. A separate cost estimate and bond must be completed for any off-site improvements associated with the off-site public open space requirements.

- d. 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.
- e. 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.

19. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to Certified Site Plan.

20. 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, Department of General Services acceptance letter for off-site public open space, Department of Environmental Protection letter approving the recycling facility plan, Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution 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

Site Vicinity and Analysis

Surrounding Uses

The Property is surrounded by a mix of residential, office, and institutional uses. Directly to the west of the Property, across Arlington Road, is the Bethesda Elementary School (R-60). Across Moorland Lane, to the north, is the 7700 Old Georgetown (Garden Plaza) office building (CR 3.0 H110). Immediately adjacent to the east are residential buildings, including “The Christopher,” (CR 2.25 H150) and Edgemont Bethesda¹ (CR 2.5 H90). To the south of the site, across Edgemoor Lane, is a townhouse development (CR 1.75 H50).

Subject Property

The Site (Subject Property or Property) consists of an assemblage of properties in the “Edgemoor” subdivision, located on the east side of Arlington Road, between Moorland Lane and Edgemoor Lane, in the Arlington North District of the Bethesda Downtown area. The Property has a tract area of approximately 1.84 acres, or 80,381 square feet.

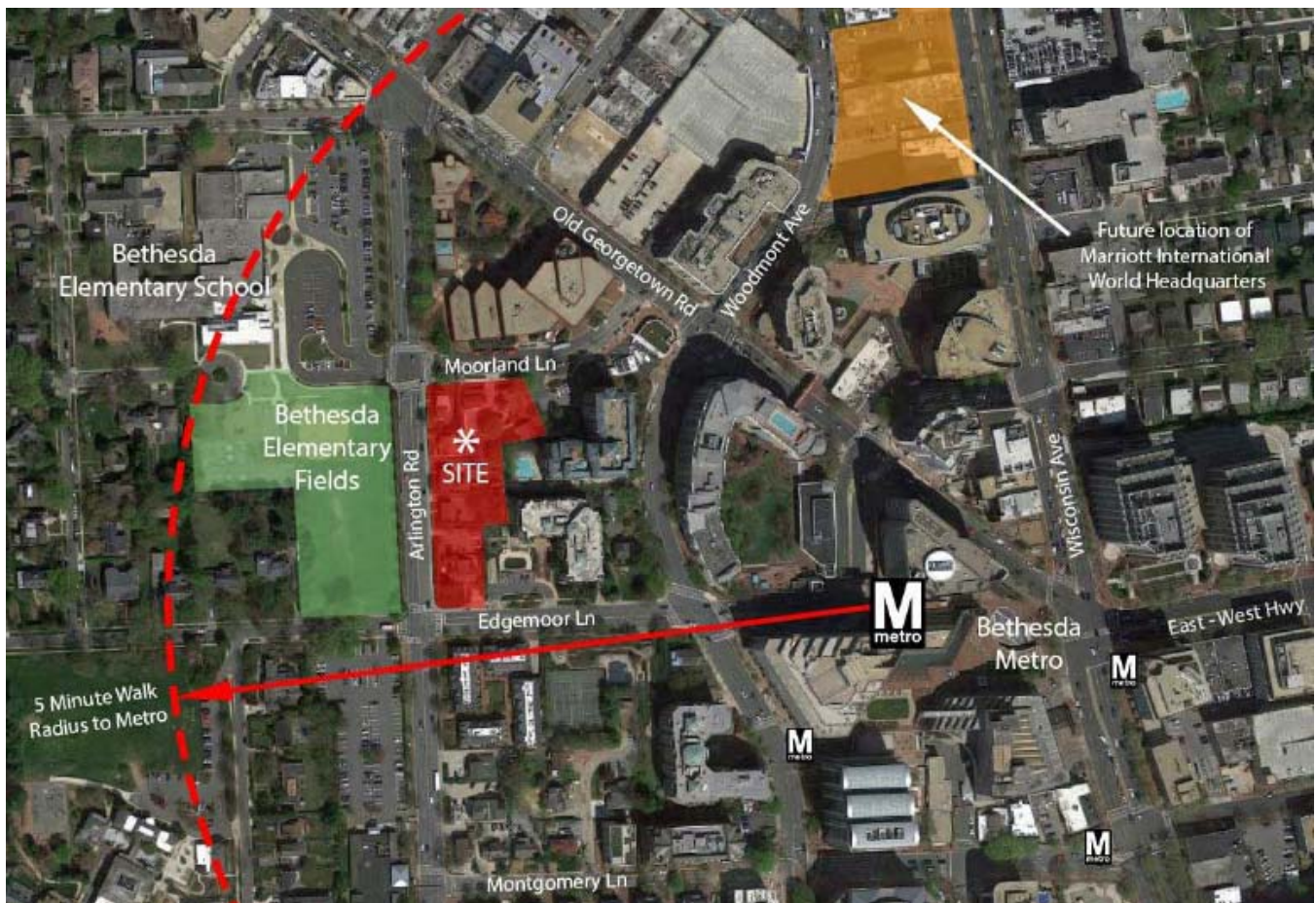


Figure 1 - Aerial View

The Property is within the area encompassed by the 2017 *Bethesda Downtown Sector Plan* (the Sector Plan). The Property is located within a ¼ mile of the Bethesda Metro Station and falls within the area identified for future expansion of the Bethesda Parking Lot District (PLD); however, the Site is not currently within the PLD.

¹ Edgemont Bethesda is currently the subject of Site Plan application No. 820180170.

Site Analysis

The Property is zoned CR 2.25 C 0.5 R 2.25 H60, CR 2.0 C 0.25 R 2.0 H60, CR 1.0 C 0.25 R 1.0 H60, and is within the Bethesda Overlay Zone. The Site is comprised of several separate lots, each of which is improved with single-family-detached buildings containing commercial and professional uses. These lots have frontage on Moorland Lane, Arlington Road, and Edgemoor Lane. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no historic properties on site.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

The Planning Board approved Sketch Plan No. 320180050 by Resolution dated November 30, 2017 (Attachment A) for a maximum of 257,675 square feet of residential development for up to 235 multi-family dwelling units, including an allocation of Bethesda Overlay Zone density of up to 172,708 square feet, subject to binding elements and conditions.

Proposal

Uses and Density

The Applicant proposes to create one (1) lot for a maximum density of 253,200 square feet with up to 230 multi-family dwelling units on 1.84 acres in the CR 2.25 C 0.5 R 2.25 H60, CR 2.0 C 0.25 R 2.0 H60, CR 1.0 C 0.25 R 1.0 H60, and Bethesda Overlay Zones.

The maximum density proposed for this Site includes the mapped density provided by the zone and an allocation of density from the Bethesda Overlay Zone. The specific densities requested as part of the Subject Application are as follows:

- a. Mapped Density: The Site has an overall mapped residential density of approximately 84,967 square feet of gross floor area (an FAR of 1.05);
- b. MPDU Density: 24,246 square feet of MPDUs (Excluded from the BOZ density calculation for Park Impact Payment in accordance with 59.4.9.2.C.3.c.i); and
- c. Bethesda Overlay Zone Density: 168,233 square feet of BOZ density (an FAR of 2.09) attributed toward residential uses.



Figure 2 – Illustrative Site Plan

Building

The Project proposes a 60-foot tall residential building that will serve as a transition between the higher density downtown Bethesda core and the lower-density residential uses to the west. As presented to the Design Advisory Panel (DAP) on April 25, 2018, the building is anticipated to activate its three frontages through the implementation of a highly articulated building and Bethesda streetscape improvements. The main residential lobby, loading, and parking garage entrance are proposed along the building's Moorland Lane façade while a secondary lobby is proposed along Edgemoor Lane.



Figure 3 – Moorland Lane Elevation

(Left: Christopher Condominium Driveway, looking west; Right: Moorland Lane, looking southeast)



Figure 4 – Edgemoor Lane Elevation

(Left: Arlington Road, looking northeast; Right: Edgemoor Lane, looking northwest)

The proposed building height measuring point is on Moorland Lane, near the vehicular access point and main residential lobby. The topography falls approximately seven-feet from Moorland Lane to Edgemoor Lane, resulting in an additional (seventh) story within the Project's 60-foot height limitation. As conditioned, this additional story is stepped back from the building façade so that the building is perceived as six stories from Arlington Road.



Figure 5 – Arlington Road Elevation
(Arlington Road/ Moorland Lane, looking southeast)

The building, which occupies the entirety of the block on Arlington Road, is designed to read as two separate but complementary facades. The northern portion is rendered in a red brick with the three prominent bays, featuring recessed balconies and intimate landscaped courtyards that will showcase the public art. The southern portion of the building is rendered in beige brick and features a subtle series of bays that respond to a substantially narrower site depth than the northern portion. This portion of the building also features street entrances for units on Arlington Road, a desirable element on such a long building. The site design of the adjacent multi-family development on Edgemoor Lane, “Edgemont Bethesda,” exposes to the street the Subject Property’s eastern (rear) façade (Figure 4). As a result of the condition created by the adjacent building, the Project has three “fronts” as it turns the corner from Arlington Road to Edgemoor Lane.

The Design Advisory Panel (DAP) suggested the following in response to the proposed architecture and exposed eastern façade (Attachment B). As shown in the final e-plans submittal and conditioned in this staff report, each of the DAP’s concerns is addressed.

1. Treat the southern portion of the building more similarly to the renderings shown at sketch plan. Create a more engaging southwest corner and more glazing. The northern portion of the building has projecting glass, create the opposite reading on the southern portion of the building and make the setback areas glassier.
2. Resolve the disconnect between the rear [eastern] elevation and the Arlington road elevation. The rear elevation should be attended to in the same way as Arlington road. It should not be a back. Create more recessed bays, or an expression of modulation through material change.
3. Work with county agencies on the stoops and entry issue along Arlington Road. Stoeps and entries are critical for the site’s urban design. The panel fully supports stoeps and entries.

Staff and the Applicant worked diligently to identify creative solutions in response to DAP items #2 and #3, above, given constraints imposed by the Site. At this location, the Building Code dictates that the eastern façade must be a minimum of 15-feet away from the adjacent property line to maximize the amount of window openings on the eastern façade. This constraint, coupled with the Master Plan recommended dedication, results in a narrow site and several site design elements, such as the desire for maximum windows on the eastern façade and street-level entrances along Arlington Road, competing against one another.

To balance the demands of a three-front façade, street articulation through the provision of entrances on the street, and recommendations included in the Sector Plan, the Applicant and Staff agreed to reduce the public right-of-way dedication along Arlington Road to allow entrances along the façade. This approach should not establish precedent in achieving Master Plan recommendations for rights-of-way and is necessary in this particular case in response to a very unique set of circumstances. The resulting condition will have a positive impact of the pedestrian circulation along the street.

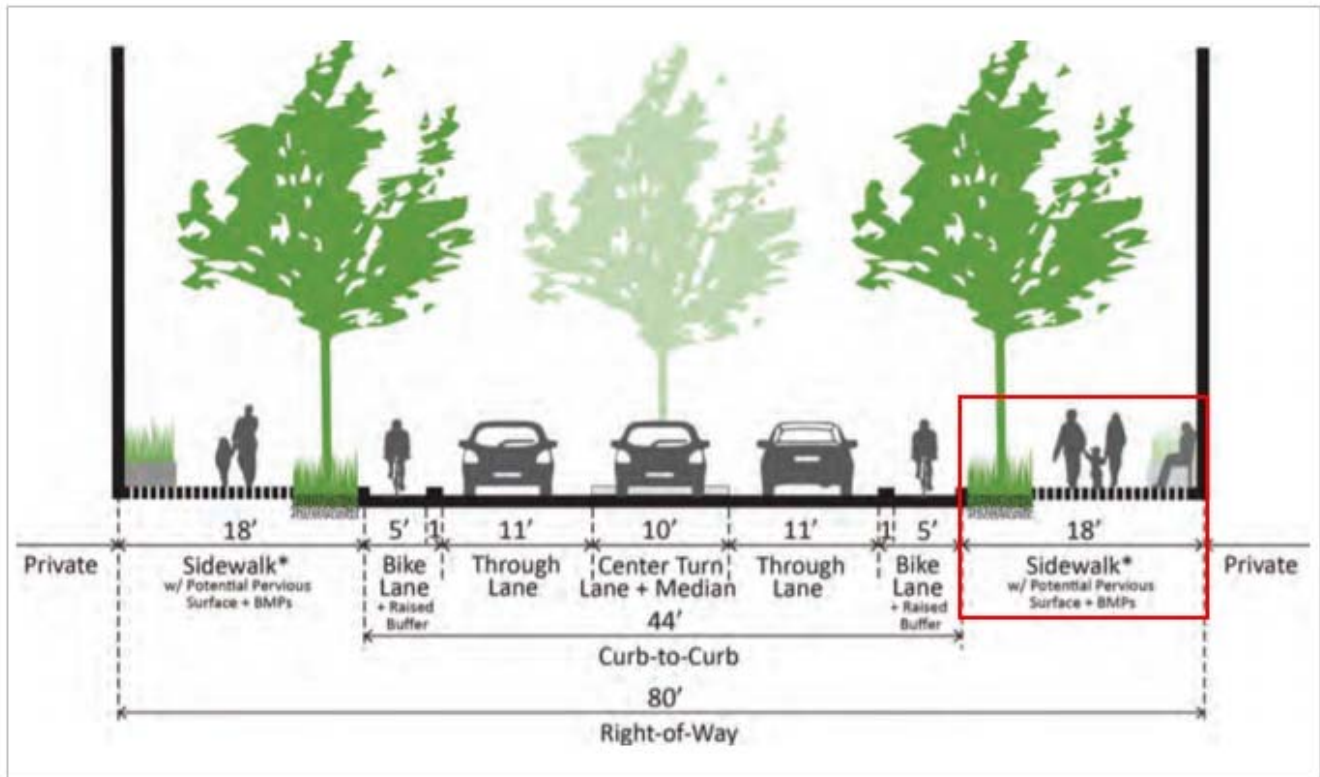


Figure 6 - Proposed Arlington Road Section

Where right-of-way dedication is reduced to 34-feet, between the Subject Property and right-of-way centerline, the plat shall reflect a six-foot wide Public Improvement Easement (PIE) and Maintenance and Liability Agreement, or other appropriate instrument, to Montgomery County for the entire area that would otherwise be dedicated as public right-of-way, an area of approximately 828 square feet. This reduced width right-of-way will result in an ultimate right-of-way width of 74-feet and remains consistent with the Master Plan street section on Arlington Road, as depicted in Figure 6, above. The reduced width right-of-way does not preclude any future roadway improvements envisioned in the Master Plan and will enhance the pedestrian experience in downtown Bethesda.

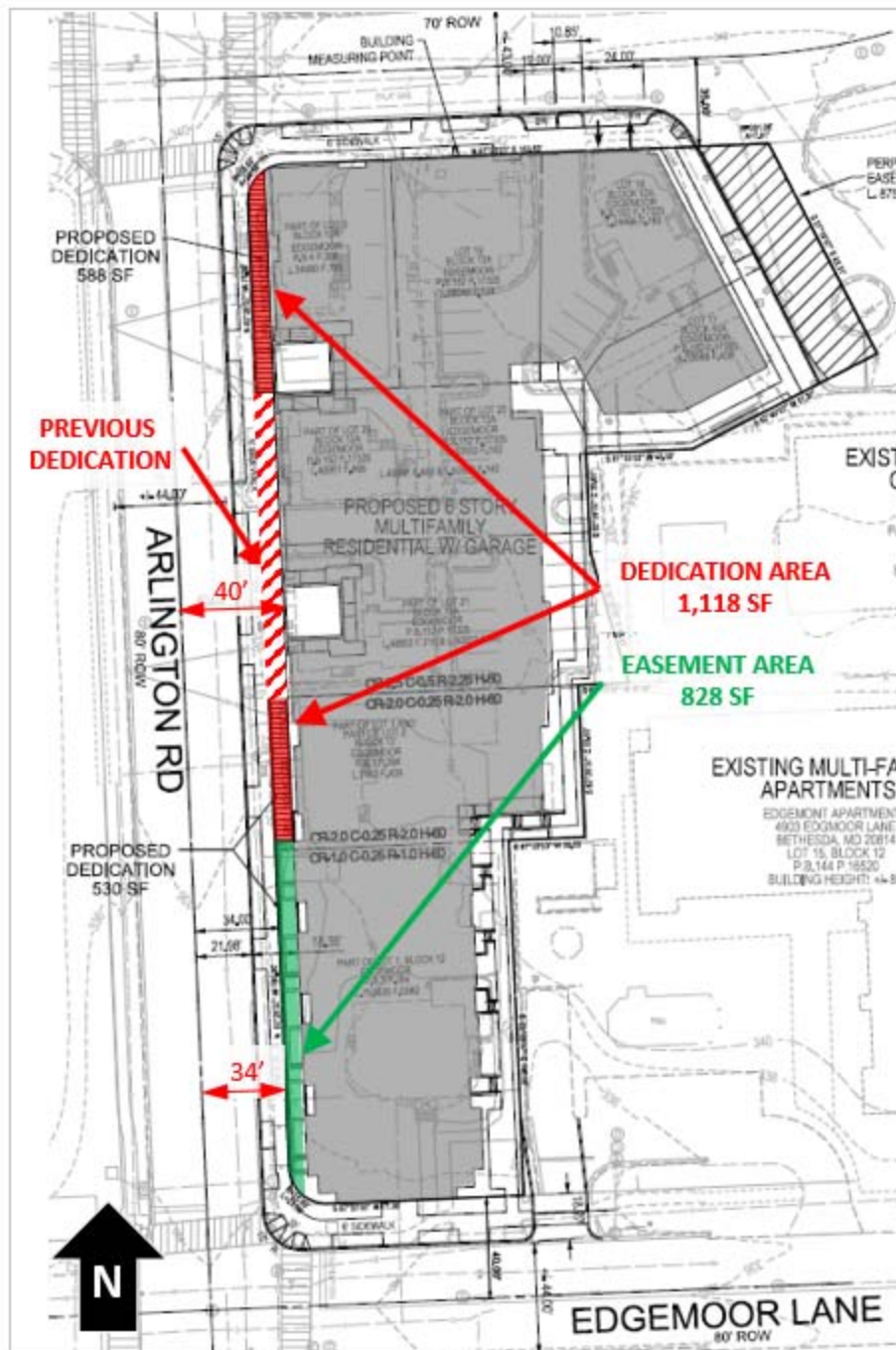


Figure 7 - dedication/ easement

Open Space

With a Site area of 56,474 square feet and frontage on three public roadways, the Applicant must provide 10% of the Site as public open space. Although 10% of the Site calculates to 5,647 square feet, the Applicant is encumbering 828 square feet in easement (in lieu of public right-of-way dedication) to accommodate private entries along Arlington Road. As a result, Staff recommends basing the public open space requirement on the Site area exclusive of this 828 square feet, or 55,646 square feet, resulting in a public open space requirement of 5,565 square feet.

Given the constrained depth of the Site, from Arlington Road to the eastern property line, the Applicant will meet this requirement off-site, consistent with Section 59.6.3.6.C of the Zoning Ordinance. The Applicant is seeking flexibility in meeting this requirement, through either implementation of open space improvements at an off-site location, based upon on-going coordination with the Montgomery County Department of General Services (DGS), or a financial contribution. The Applicant will meet the requirements of through satisfying one of the two options described below:

Construct (59.6.3.6.C.1)

“[make] public park or public open space improvements in an area at least as large as the required public open space located within or near the applicable master plan area.”

Under this option, the Applicant would make improvements to the area on the southern end of the Connie Morella Bethesda Library site (Figures 8 and 9), an area that measures approximately 140-feet wide by 45-feet deep. These improvements must be accepted by the Montgomery County Department of General Services (MCDGS) and be documented on the Certified Site Plan. Precedent images, shown in Figure 10, reflect initial ideas about the character of this public open space. Such improvements would complement the adjacent Caroline Freeland Park, located to the south, while allowing the improvements to be implemented within the timeframe of the Subject Development.

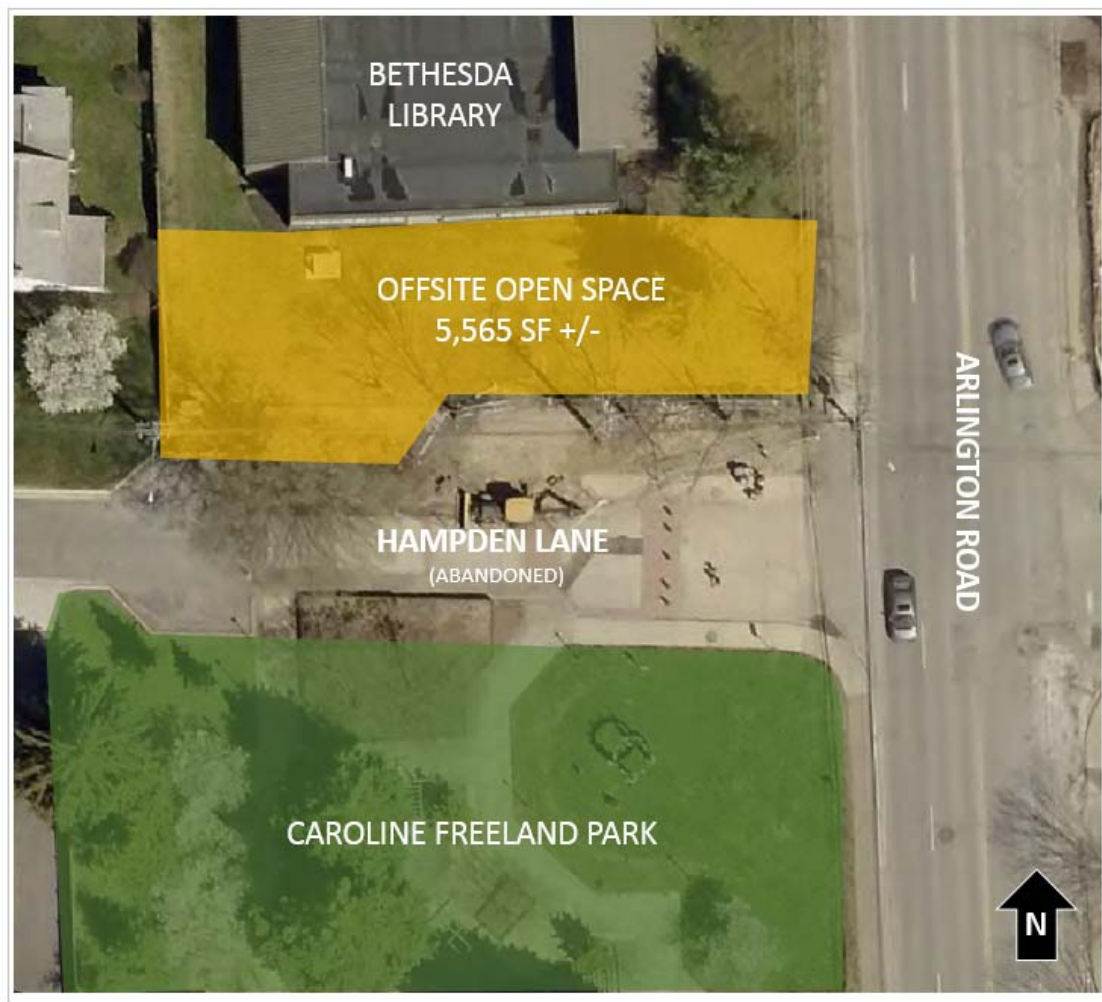


Figure 8 – Potential Offsite Open Space at the Bethesda Library



Figure 9 – Potential Offsite Open Space at the Bethesda Library

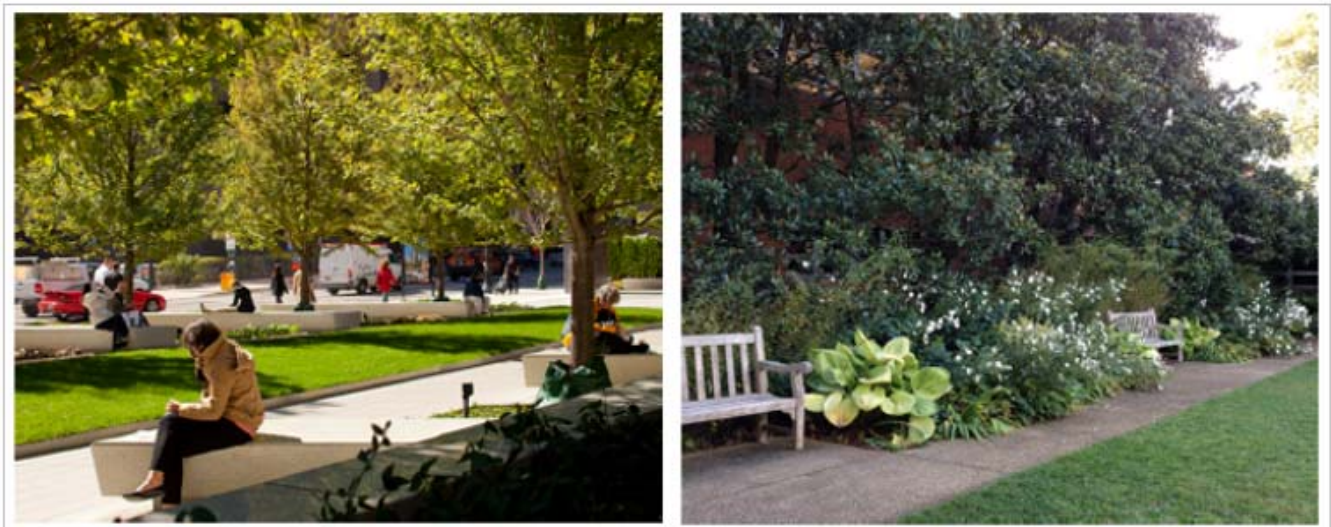


Figure 10 – Off-site Open Space Precedent Images

Additionally, M-NCPPC Staff is recommending a condition of approval to allow some flexibility in the amount of public open space provided because the library site area is fixed and may not yield the full 5,565 square feet required. However, in light of this unique opportunity to improve public open space so close to the Project and next to an existing park and major public facility, Staff recommends a condition of approval that would allow Staff to accept a reduction of up to 10% of the public open space requirement, at the time of Certified Site Plan. This action would result in the Planning Board delegating limited authority to Staff to provide flexibility in meeting the spirit and intent of the off-site open space requirement as described above. Any shortfall greater than 10% would trigger a financial contribution for the balance based on a value of \$35 per square foot.

Financial Contribution (59.6.3.6.C.2)

“[pay] all or part of the cost to design, construct, renovate, restore, install or operate a public open space located within or near the applicable master plan area if the payment:

- ii. Equals the cost of constructing the same amount of public open space and any associated amenity on-site per square foot plus the fair market value of the land per square foot...”

Under the financial contribution, the Applicant would pay for future open space improvements within downtown Bethesda. Staff recommends that the monetary amount of the contribution be \$805,881, based on 10% of the Site land value (\$611,120 as determined by the latest State Department of Assessments and Taxation amount, included as Attachment C) and the cost of improvements, estimated to be \$35 per square foot of open space area (\$194,761). \$35 per square foot is appropriate and consistent with past practice because it represents the value of implementing the Bethesda standard streetscape elements.

Public Art

The Applicant proposes two works of public art, along the Arlington Road façade, by two local artists. These pieces will be located in each of the two elevated courtyards along Arlington Road, which will serve as natural rooms to “frame” the public art (Figure 11).

The art concept was presented to the Art Review Panel on April 11, 2018, and May 30, 2018. Both of the sculptures are stainless-steel and are intended to complement each other and the proposed architecture. The Art Panel recommended approval of the location and artwork (Attachment D). Each of the art pieces is presented in Figure 12.

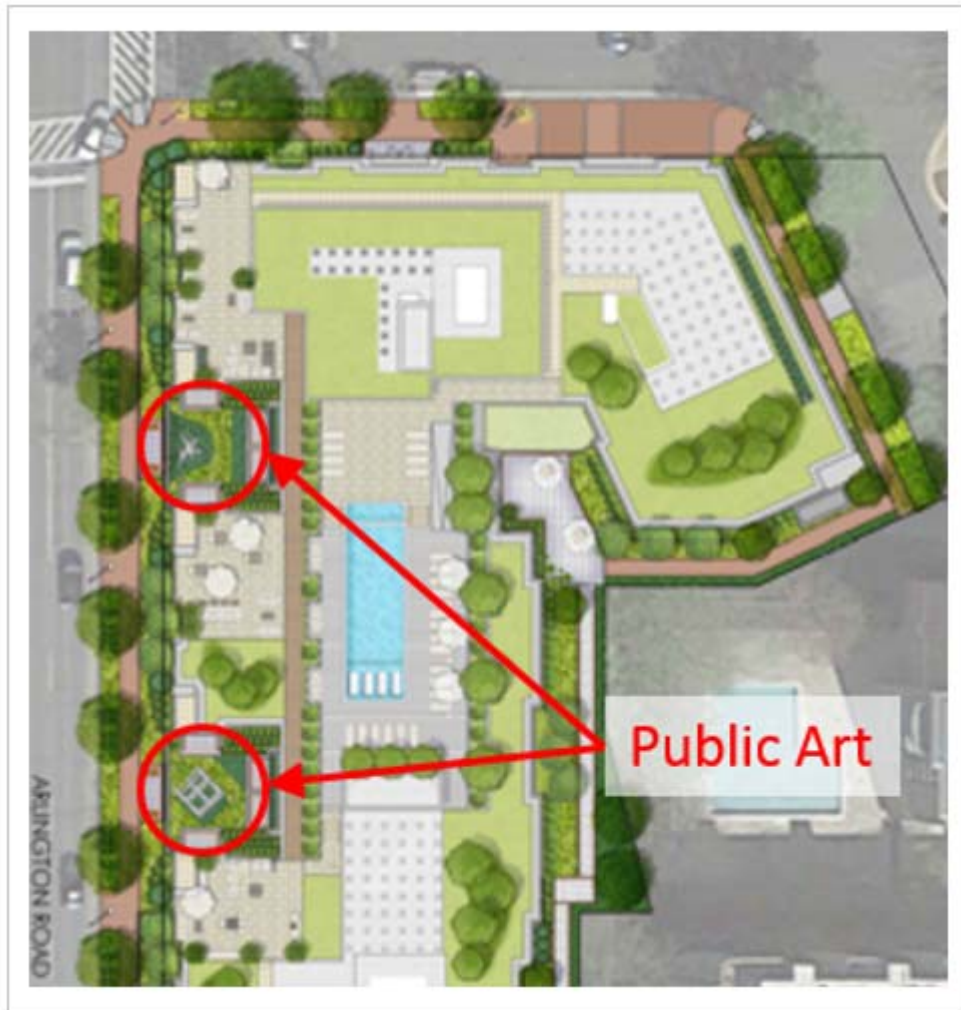


Figure 11 – Location of Public Art

The first art piece, located in the northern courtyard, is by Zachary Oxman. This piece is intended to be evocative of community by presenting the roots, shelter, and growth of a tree. The deconstructed style of this stainless steel sculpture allows for multiple levels of viewer experience. From a distance, the sculpture is representative of a tree; up close, the sculpture conveys information about the creative and engineering process that made it possible.

The second art piece, called “Synergy,” located in the southern courtyard, is by Jeff Chyatte. The connected stainless steel components of this geometric piece are intended to suggest each part of Bethesda’s past, present, and future mutually supporting one another and how diverse elements of the community are integral to the whole.

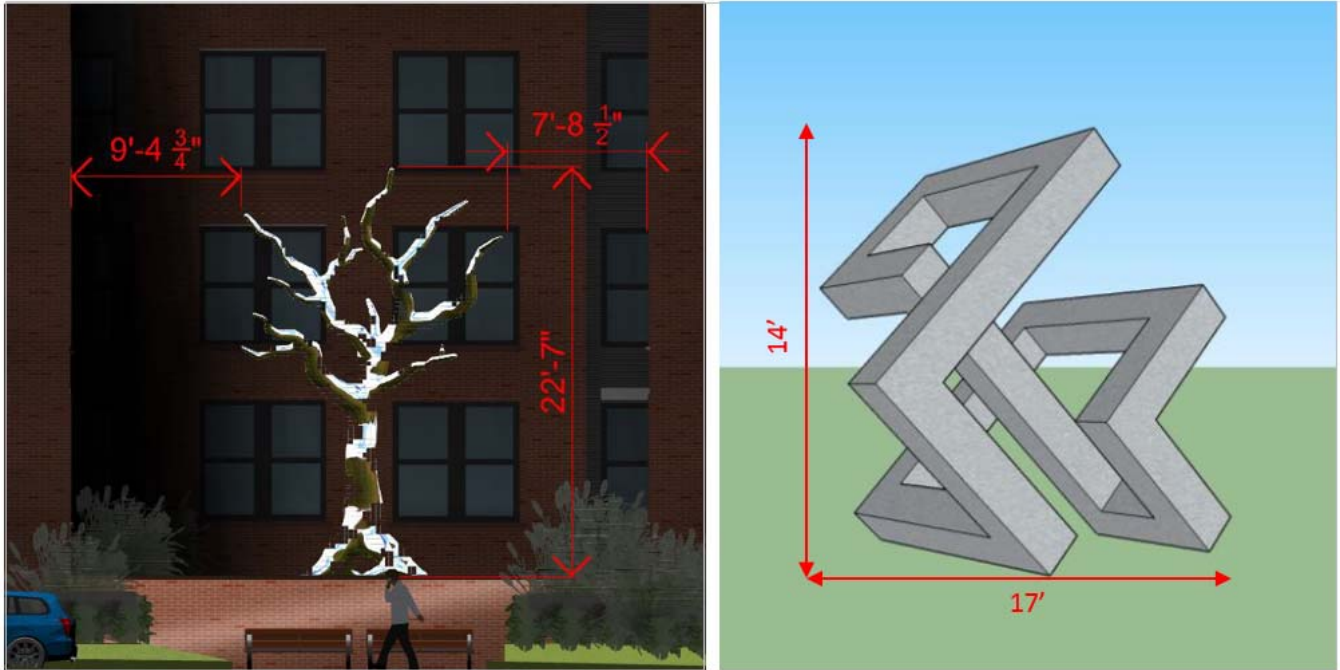


Figure 12 – Proposed Public Art
(Tree left; Synergy, right)

Circulation

Vehicular access to the Property is proposed directly from Moorland Lane through a consolidated garage access point and loading bay (two separate, but adjacent entrances) at the northeast corner of the site. Resident vehicle parking is proposed to be contained within a structured below-grade garage. Pedestrian and bicycle access to the Property will be provided along both Moorland Lane and Edgemoor Lane, though pedestrian and bicycle access will be prioritized along the Edgemoor Lane frontage through the provision of a secondary lobby (oriented toward the Bethesda Metrorail station) and bicycle parking room (Figure 13).



Figure 13 - Pedestrian and Vehicular Circulation

SECTION 4: PRELIMINARY PLAN 120180140

ANALYSIS AND FINDINGS

The Preliminary Plan will create one lot (56,474 square feet or 1.30 acres of net lot area) to allow for a maximum density of 253,200 total square feet for up to 230 multi-family residential dwelling units. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable Master Plan, and for the type of development or use contemplated. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

Section 50.4.3.E.2.F.iii of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections that ensures adequate sight distance is available and creates space for traffic channelization and other traffic control devices. The regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and traffic operation needs at the intersections adjacent to the Subject Property. The proposed non-standard truncation at the intersections of Arlington Road and Moorland Lane and Arlington Road and Edgemoor Lane is appropriate because adequate sight distance exists at these locations. The intersections are signalized, which further enhances safe operations and removes the concern that there is not sufficient room within the right-of-way to place signal equipment. Providing truncation at this location would negatively impact the design of the proposed project.

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.*

Staff finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2017 *Bethesda Downtown Sector Plan* and the type of development and use contemplated. The lots were reviewed under and found to be in compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

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

The Preliminary Plan Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Property is designated as sites 128, 129, and 130 on page 145 of the Sector Plan. The Property is located in the area of the Sector Plan designated as the "Arlington North District," a transitional zone between the urban core and single-unit neighborhoods to the west of the Sector Plan area. Specifically, the Project addresses the following goals as outlined in the Arlington Road District section of the Sector Plan:

- *Retain the residential scale along Arlington Road as a transition between the urban core and suburban neighborhoods.*

The Project will provide up to 230 multi-family residential dwelling units in a building of no more than 60 feet in height. The proposed building will serve as a transition from the taller Christopher Condominium building (approximately 145-feet in height) and Edgemont building (approximately 85-feet in height), to the east, to the lower-scale two-to-three story residential neighborhoods west of Arlington Road.

- *Improve access, mobility, and pedestrian safety along Arlington Road.*

The Project will consolidate existing vehicular access points to a single point on Moorland Lane, thus eliminating vehicular access entirely from this block of Arlington Road. The Project will construct the Bethesda streetscape on its three frontages and will participate in the implementation of new separated bicycle lanes on Arlington Road and Edgemoor Lane. Each of these improvements will improve access, mobility, and pedestrian safety along Arlington Road.

- *Promote redevelopment opportunities for under-utilized sites such as single-unit homes.*

The Project will redevelop eight existing single-family homes that are currently occupied by non-residential uses. Given the Site's proximity to the Metro station and the downtown Bethesda core, these structures are under-utilized and will better contribute to the area as a mid-rise residential building and as a gradual height transition from the core to the adjacent neighborhoods.

- *Limit commercial and retail uses to preserve residential urban village character.*

The Sector Plan recommends that commercial and retail uses be limited to the ground floor of buildings along Woodmont Avenue. The Project complies with this recommendation by providing a purely residential building.

- *Create a new neighborhood park adjacent to Bethesda Elementary School.*

The Sector Plan identifies a potential area for a new neighborhood park on the west side of the Bethesda Elementary School playing fields. Although the potential future park location is within the Arlington North District, it is not near the Subject Property and will therefore not be implemented as part of the Project. Since the Application is not able to meet its open space requirement on-site, the Applicant will comply with the off-site open space requirements set forth in Section 59.6.3.6.C of the Zoning Ordinance.

The Preliminary Plan Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Preliminary Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Site is not subject to an Urban Renewal Plan.

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

Vehicular access to the Property is proposed directly from Moorland Lane through a consolidated garage access point and loading bay (two separate, but adjacent entrances) at the northeast corner of the site. Pedestrian and bicycle access to the Property will be provided along both Moorland Lane and Edgemoor Lane, though pedestrian and bicycle access will be prioritized along the Edgemoor Lane frontage through the provision of a Metro station lobby and bicycle parking room.

The Project includes a bicycle parking room to provide long-term bicycle storage for the residents. Bicyclists will access the room from via the lobby on Edgemoor Lane. The bicycle parking room will provide secure, private parking for 107 bikes and the proposed layout meets the design and capacity standards set by the Zoning Ordinance. The final number of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the number of residential dwelling units.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ¼ mile 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 along property frontages:

1. Moorland Lane, along the northern site frontage, as a Business District Street with a minimum right-of-way width of 70 feet;
2. Arlington Road, along the western site frontage, as an arterial roadway (A-82) with a minimum right-of-way width of 80' and separated bicycle lanes (LB-2); and
3. Edgemoor Lane along the southern site frontage, as a Business District Street with a minimum right-of-way width of 80 feet and separated bicycle lanes (LB-8).

Given the Site's constrained depth on the southern portion the Arlington Road dedication will be reduced to 34-feet, between the Subject Property and right-of-way centerline, to accommodate residential unit entrances and stoops. This accommodation responds to a very unique set of circumstances and will have a positive impact of the pedestrian circulation along the street. The area will be encumbered with a public improvement easement (PIE) and Maintenance and Liability Agreement, or other appropriate instrument, measuring a maximum depth of six-feet, and covering an area of approximately 828 square feet. No negative impacts to the public right-of-way will result from the reduced width dedication; all elements of the master plan recommended streetscape (travel lanes, planting area, sidewalk, etc.) will be implemented within the public right-of-way.

Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

Adequate Public Facilities

A transportation study, dated February 21, 2018, was submitted to analyze the Project. The proposed development is estimated to generate 130 new morning peak-hour person trips (66 vehicle trips) and 159 new evening peak-hour person trips (81 vehicle trips) (Tables 1 and 2). Because the estimated transportation impact of the Project exceeds 50 net new vehicle trips, the Project evaluated vehicular (intersection) capacity to satisfy the Local Area Transportation Review requirement.

Table 1: Project Peak Hour Trip Generation

| Proposed | | Vehicle Rates | | Adjusted Vehicle Rates | | Person Trips | |
|----------------------------------|-----|---------------|------------|------------------------|-----------|--------------|------------|
| Units | | AM | PM | AM | PM | AM | PM |
| Mid-Rise Apartments | 235 | 83 | 102 | 66 | 81 | 130 | 159 |
| Net New Trips¹ | | 83 | 102 | 66 | 81 | 130 | 159 |

¹No credit taken for existing uses to be removed

Source: Wells & Associates Transportation Study, dated February 21, 2018.

Table 2: Peak Hour Trip Generation by Mode

| | Person Trips | Auto Driver | Pedestrian* | Transit | Bike |
|-----------|--------------|-------------|-------------|---------|------|
| AM | 130 | 66 | 37 | 15 | 22 |
| PM | 159 | 81 | 45 | 19 | 26 |

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

Source: Wells & Associates Transportation Study, dated February 21, 2018.

As a project that generates more than 50 net new peak hour vehicle trips but less than 250 peak hour vehicle trips, the Applicant was required to evaluate one tier of intersections within Downtown Bethesda, resulting in a total of five intersections, including the site access point. In accordance with the 2016-2020 Subdivision Staging Policy, The study locations are presented in Figure 14, below, and results of the HCM methodology are presented in Table 3.

Although the County Department of Transportation has deferred implementation of the master planned separated bicycle lanes on Arlington Road, Staff required the Applicant to evaluate an alternative scenario in which the separated bicycle lanes were implemented on Arlington Road via a road diet. The findings of that analysis indicate that each of the study area intersections will continue to operate within acceptable limits of congestion following completion of the Project under either the existing Arlington Road configuration or potential future road diet scenario.

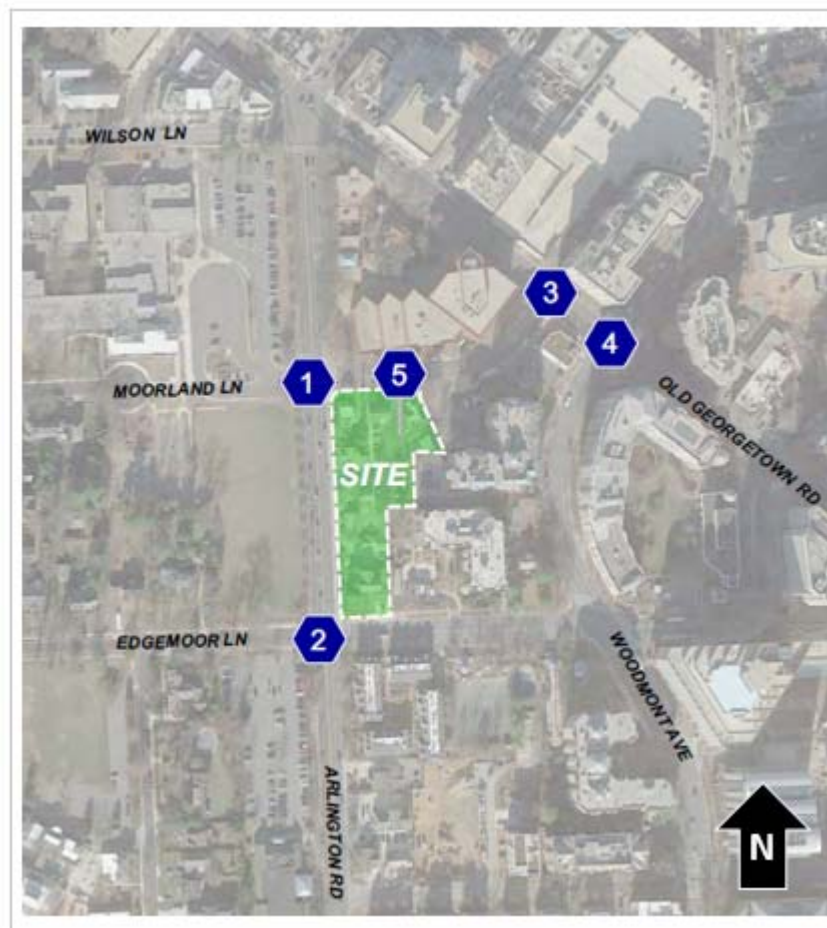


Figure 14 – Intersection Analysis Map

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 |
| Arlington Rd/ Moorland Ln | 120 | 7.3 | 8.6 | 6.6 | 9.3 | 7.0 | 9.9 | 9.2 | 15.9 |
| Arlington Rd/ Edgemoor Ln | 120 | 14.0 | 21.6 | 14.6 | 23.3 | 14.6 | 23.5 | 20.5 | 64.4 |
| Old Georgetown Rd/ Moorland Ln | 120 | 1.4 | 1.3 | 2.4 | 1.2 | 3.2 | 1.6 | -- | -- |
| Old Georgetown Rd/ Woodmont Ave | 120 | 37.7 | 26.8 | 103.8 | 51.1 | 107.9 | 52.5 | -- | -- |
| Site Driveway/ Moorland Ln | 120 | 2.5 | 4.4 | 2.5 | 4.4 | 3.5 | 4.8 | -- | -- |

Source: Wells & Associates Transportation Study, dated February 21, 2018.

School Capacity

The Subject Application, located in the Southwest Region of the County, was reviewed under the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018. The number of students generated by the Project was determined by multiplying the proposed number of dwelling units, a maximum of 235 multi-family dwelling units, by the applicable regional student generation rate for each school level (Table 4).

Table 4: Per Unit Student Generation Rates – Southwest Region

| | Elementary School | Middle School | High School |
|----------------------------|-------------------|---------------|-------------|
| SF Detached | 0.193 | 0.111 | 0.147 |
| SF Attached | 0.191 | 0.094 | 0.124 |
| MF Low- to Mid-Rise | 0.146 | 0.063 | 0.083 |
| MF High-Rise | 0.055 | 0.022 | 0.031 |

The Project includes 235 multifamily high-rise dwelling units on a property with eight existing single family detached units serving commercial uses. With a net of 235 new multifamily high-rise residential units, the Project is estimated to generate 12 new elementary school students, 5 new middle school students, and 7 new high school students (Table 5).

Table 5: Student Generation Calculations

| Type of Unit | Net Number of Units | ES Generation Rates | ES Students Generated | MS Generation Rates | MS Students Generated | HS Generation Rates | HS Students Generated |
|---------------------|---------------------|---------------------|-----------------------|---------------------|-----------------------|---------------------|-----------------------|
| MF High-rise | 235 | 0.055 | 12.925 | 0.022 | 5.170 | 0.031 | 7.285 |
| TOTAL | 235 | | 12 | | 5 | | 7 |

Cluster Adequacy Test

The Project is located in the Bethesda-Chevy Chase High School (B-CC) Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the B-CC Cluster are noted in Table 6.

Table 6: Cluster Adequacy Test

| School Level | Projected Cluster Totals, September 2023 | | | Moratorium Enrollment Threshold | Projected Enrollment + Application Impact |
|--------------|--|--------------------|---------------|---------------------------------|---|
| | Enrollment | Program Capacity | % Utilization | | |
| Elementary | 3,690 | 4,043 ¹ | 91.3% | 4,852 | 3,702 |
| Middle | 1,803 | 2,024 | 89.1% | 2,429 | 1,808 |
| High | 2,463 | 2,407 | 102.3% | 2,889 | 2,470 |

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment, plus the estimated impact of this Application, fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this Project.

Individual School Adequacy Test

The applicable elementary and middle schools for this Project are Bethesda Elementary School and Westland Middle School, respectively. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the Table 7:

Table 7: Individual School Adequacy Test

| School | Projected School Totals, September 2023 | | | | Moratorium Enrollment Thresholds | | Projected Enrollment + Application Impact |
|-------------|---|------------------|---------------|--------------|----------------------------------|--------------|---|
| | Enrollment | Program Capacity | % Utilization | Seat Deficit | 120% Utilization | Seat Deficit | |
| Bethesda ES | 699 | 698 ² | 100.1% | -1 | 838 | 808 | 711 |
| Westland MS | 832 | 1,089 | 76.4% | 257 | 1,307 | 1,269 | 837 |

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment, plus the estimated impact of this Application, falls below both applicable moratorium thresholds for both Bethesda Elementary School and Westland Middle School. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this Project.

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Application.

¹ The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda Elementary School and a four-classroom placeholder project at Somerset Elementary School included by the County Council in the FY 2019 Capital Budget.

² The projected Bethesda Elementary School capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY 2019-2024 Capital Improvements Program.

Other Public Facilities

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

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

Environment

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was approved for the project on April 9, 2018. The plan, designated 420181450, identifies the existing man-made and natural features associated with the Property, such as the buildings, associated parking, the street trees and landscape elements. The on-site setting includes two significant trees and one specimen tree¹ ranging in size from 25 to 28-inch diameter. The site topography is gently sloping from north to south. There are no rare, threatened, or endangered species, no trees measuring 30-inch DBH or greater, no stream/buffers, steep slopes or known historical or cultural resources on site. The site is located within the Little Falls Watershed, a use I-P watershed².

Forest Conservation

There is no forest on-site or adjacent to the property, however there is an afforestation requirement of 0.24 acres. The Applicant is proposing to meet all of the forest conservation requirements through the planting of street trees within the adjacent public rights-of-way, however, the proposed means of credit is not acceptable for forest conservation purposes, and the afforestation requirements must be addressed off-site, either by a fee-in-lieu payment or certificate of compliance for an off-site bank. As conditioned, all afforestation requirements will be met off-site.

Forest Conservation Variance

The Application is not subject to a forest conservation variance as it does not impact any trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current state champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

¹ Tree #3 is a 28-inch Holly and measures 75% or more (85%) than of the size of the current County champion and is therefore a specimen tree. It is not subject to the forest conservation variance because it does not meet any of the qualifying attributes for a variance tree, such as measuring 30-inch diameter or 75% or more of the size of the current State champion.

² Use I-P:

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; industrial water supply; and public water supply.

Tree Save Plan

Sketch Plan 320180050, ZOM Bethesda, includes condition of approval item 11.d. to provide a tree-save plan addressing any impacts to neighboring trees. However, the Subject Project does not acknowledge neighboring trees located on the adjacent Edgemont at Bethesda property. The adjacent Edgemont site, subject to Sketch Plan 320180030 and Preliminary Plan 11984058A, has its own set of Planning Board conditions (Condition 11.p), that require the applicant to maximize overall site Green Cover, a part of which may be met by existing canopy trees.

The Edgemont applicant is actively exploring ways to satisfy this condition, however the likely removal of the existing Edgemont canopy trees by the ZOM Bethesda project would undermine the green coverage accounting for the Edgemont project. Therefore, Staff is recommending conditions of approval that the revised tree save plans be prepared by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert, and that the ZOM Bethesda Applicant should provide suitable mitigation (subject to Staff approval) for affected trees which cannot be appropriately retained on the Edgemont property.

The Subject Application also proposes retaining four existing street trees, along the northeast edge of the Site (along the entryway of the Christopher Condominiums). However, it is unlikely that these trees will survive the construction proposed as part of the Project. To mitigate potential removal of the four street trees, Staff recommends four additional shade trees be planted elsewhere in the Sector Plan Area. Additionally, when and if any of these four street trees are removed, the Applicant must replant a street tree in its place. The four off-site plantings may be incorporated into the off-site public open space area (discussed within the Open Space section of this report) if off-site construction of public open space is selected by the Applicant. As conditioned, the Applicant will prepare a revised Tree Save Plan for Staff approval that will identify suitable mitigation for trees that cannot be retained.

Green Cover requirements

The Applicant must provide a minimum of 19,476 square feet of Green Cover to meet the 35% Green Cover requirement set forth in Section 2.4.1 of the Sector Plan and Section 2.3.2 of the associated Design Guidelines. In response to this requirement, the Application proposes an intensive green roof, with a minimum depth of 8-inches, on portions of the building.

Noise

The Subject Application provides residential units fronting an arterial roadway and is therefore subject to the noise regulations associated with residential development. To address development standards regarding noise mitigation, the Applicant coordinated with Phoenix Noise & Vibration, LLC, an engineer specialized in acoustics. The analysis shows excessive noise impacts, measuring 65 dBA Ldn and above, currently affecting the Subject Property and future noise levels are projected to be slightly higher. The noise analysis determined that future noise levels throughout the rooftop pool and terrace areas will be below 65 dBA Ldn, therefore, no mitigation is recommended for the rooftop amenity space. The zone of excessive noise impacts generally occurs along the Arlington Road frontage, however, interior noise levels for the affected residential units can be mitigated to appropriate levels (less than 45 dBA Ldn) through building construction techniques and installation of windows designed to mitigate the sound. As conditioned, the Project adequately mitigated interior noise for the proposed residential units.

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

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on May 30, 2018 (Attachment E). The Preliminary Plan proposes to meet stormwater

management requirements through the use of an extensive (8-inch depth) green roof over 14,437 square feet of the site and a waiver of quantity and quality control for remaining requirements based on site limitations.

2. *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 5: SITE PLAN 820180120

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 Site Plan conforms to all bindings elements of Sketch Plan No. 320180050.

- 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 Subject 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 Tract is approximately 1.84 acres, zoned CR 2.25 C 0.5 R 2.25 H60, CR 2.0 C 0.25 R 2.0 H60, CR 1.0 C 0.25 R 1.0 H60, and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 8: Data Table

| Data Table | | | |
|--------------|---|--|--|
| Section 59.4 | Development Standard | Permitted/ Required | Proposed |
| | Tract Area per Zone CR 2.25 C-0.5 R-2.25 H-60 CR 2.0 C-0.25 R-2.0 H-60 CR 1.0 C-0.25 R-1.0 H-60 Total Tract Area | n/a n/a | 51,229 sf (1.18 ac) 8,820 sf (0.20 ac) 20,332 sf (0.46 ac) 80,381 sf (1.84 ac) |
| | Prior Dedication Proposed Dedication Arlington Road Easement Area Site Area | n/a n/a n/a n/a | 22,789 sf (0.52 ac) 1,118 sf (0.03 ac) 828 sf (0.02) 56,474 sf (1.30 ac) |
| | Residential Density (GFA/ FAR)* CR 2.25 C-0.5 R-2.25 H-60 CR 2.0 C-0.25 R-2.0 H-60 CR 1.0 C-0.25 R-1.0 H-60 Residential Density Subtotal | 46,995 sf/ (2.25) 17,640 sf/ (2.00) 20,332 sf/ (1.00) 84,967 sf/ (1.05) | 46,995 sf/ (0.58) 17,640 sf (0.22) 20,332 sf (0.25) 84,967 sf (1.05) |
| | Previous Density Transfer (Removed from GFA/ FAR) | n/a | (68,270 sf) |
| | Bethesda Overlay Zone Density | n/a | 168,233 sf (2.09) |
| | Total GFA/ FAR | n/a | 253,200 sf (3.15) |
| | MPDU Density GFA/ FAR (Minimum) | 15% | 24,246 sf (0.30) |
| | Building Height | 60 feet | 60 feet |
| | Public Open Space (min) | 10% (5,565 square feet) | 10% (5,565 square feet) (Off-Site per 59.6.3.6.C) |
| | Minimum Setbacks | 0 | 0 |

*No commercial density is proposed with the Subject Application.

Table 8 (Continued): Parking

| Parking ¹ | Spaces Required | Spaces Provided |
|--|-----------------------------------|------------------------|
| Vehicle Parking | | |
| Residential | | |
| Efficiency (29 market rate units); 5 MPDUS | (32 minimum/ 32 maximum) | -- |
| 1 Bedroom (74 market rate units); 12 MPDUS | (80 minimum/ 100 maximum) | -- |
| 2 Bedroom (88 market rate units); 18 MPDUS | (97 minimum/ 146 maximum) | -- |
| 3 Bedroom (4 market rate units); 0 MPDUS | (4 minimum/ 8 maximum) | -- |
| (195 market rate; 35 MPDUS) | (213 minimum/ 286 maximum) | 190 (Unbundled) |
| Total | | 202¹ |
| Bicycle Parking (Long Term/ Short Term) | | |
| Residential (230 units) | (95/5) 100² | (107/8) 115 |
| Loading Spaces | 1 | 1 |

¹ Twelve (12) spaces for motorcycle parking, electric vehicle charging station, and handicapped spaces provided in accordance with the Zoning Ordinance

² Bicycle Parking requirement is limited to a maximum of 100 spaces, however, the Applicant has elected to provide additional spaces.

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 168,233 square feet from the BOZ initiating a Park Impact Payment of \$1,439,870 (24,246 square feet of MPDU Density, valued at \$242,460, excluded from payment) 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*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan proposes the following public benefits to satisfy the requirements: Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

¹ Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units.

Table 9: Public Benefits

| Public Benefits | | |
|---|---------------------------------|------------------|
| Public Benefit | Incentive Density Points | |
| | Max Allowed | Requested |
| 59.4.7.3C: Connectivity and Mobility | | |
| Minimum Parking* | 20 | 10 |
| 59.4.7.3D: Diversity of Uses and Activities | | |
| Enhanced Accessibility for the Disabled | 20 | 20 |
| 59.4.7.3E: Quality of Building and Site Design | | |
| Exceptional Design* | 30 | 10 |
| Public Art | 20 | 15 |
| Structured Parking | 20 | 20 |
| 59.4.7.3F: Protection and Enhancement of the Natural Environment | | |
| Building Lot Termination (BLT) | 30 | 4.56 |
| Energy Conservation and Generation* | 25 | 10 |
| Vegetated Roof | 20 | 15 |
| Recycling Facility Plan | 10 | 10 |
| TOTAL | | 114.56 |

**Denotes Sector Plan priority*

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points, for providing the maximum allowable number of on-site spaces, to 20 points for providing no more than the minimum numbers of spaces on site. Staff supports the Applicant's request.

$$\begin{aligned} & [(Maximum\ Allowed - Proposed) / (Maximum\ Allowed - Minimum\ Required)] * 10 \\ & [(285 - 202) / (285 - 213) * 10 = 11.4\ points \end{aligned}$$

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled: The Applicant requests 20 points for providing at least 7% of the Project's units in accordance with ANSI A117.1 Residential Type A standards. Staff supports the Applicant's request.

$$(17\ ANSI\ Accessible\ Units / 230\ Total\ Units) * 300 = 22.17\ (20\ points)$$

Quality of Building and Site Design

Exceptional Design: The Applicant requests 10 points for a building or site design that enhances the character of a setting. Per the Commercial/ Residential and Employment Zone Incentive Density and Implementation Guidelines, incentive density of 10 points is appropriate for development that meets all guideline criteria. In accordance with the Bethesda Overlay Zone density, the Project was reviewed by the Design Advisory Panel, which supported the Applicant's request based on the quality of the design. The Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements. Based on the materials submitted with the Application, Staff supports the Applicant's request for 10 exceptional design points.

The proposed building massing is formed in response to the Site's unique site dimensions and topography. As a result of these Site elements, the Project takes the shape of two distinct buildings, along Arlington Road, thus breaking down a long urban block into two well-proportioned and distinct building forms. The building will be constructed in concrete, which is a more substantial and expensive method of construction given the relatively limited maximum building height of 60 feet. By comparison, many buildings measuring less than 85 feet in height utilize wood construction over a one-story, concrete podium. As a result of the use of concrete construction, the Project will incorporate unique features, such as building terracing and extensive rooftop vegetation. The Project satisfies the following "exceptional design" public benefit point criteria in the following manner:

The design provides innovative solutions in response to the immediate context:

The building transitions between the downtown urban core to the east, and lower density residential neighborhood to the west. The façade is split into two distinct parts that incorporate shifting heights and changing planes to create visual interest along the façade. The southern end of the building includes a 1:1 setback above the sixth-floor to reduce the overall mass and maintain the perceived height of 60 feet from Arlington Road. These elements help present the building as a well-crafted transitional piece of architecture.

Creates a sense of place and serves as a landmark:

The Project achieves a sense of place through its relationship to the surrounding community and enhanced public realm. The building's richly detailed façade, courtyards, and public art will enliven the pedestrian experience around the Site and help define the western edge of downtown Bethesda.

Enhances the public realm in a distinct and original manner:

The Project will vastly improve the pedestrian experience around the Site on Moorland Lane, Arlington Road, and Edgemoor Lane. These enhancements include a respectful transition to adjacent properties, introduction of residential entries on Moorland Lane, Arlington Road, and Edgemoor Lane to activate the street, installation of public art along Arlington Road, and creation of a passageway along the eastern (rear) façade of the building.

Introduces materials, forms or building methods unique to the immediate vicinity or applied in a unique way:

The building architecture applies familiar forms and materials, such as masonry, distinctive crown detailing, and tailored setbacks and stoops, in unique ways. The resulting building is intended to be warm and familiar and serve as a bridge between the lower-density residential uses to the west and higher-density downtown to the east.

Integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements:

The building integrates low-impact development methods into the overall design by incorporating:

1. extensive and intensive green roofs, which enhance the rooftop environment and screen mechanical equipment;
2. stormwater management facilities adjacent to the building's eastern façade; and
3. landscaped courtyards along Arlington Road, which break-down the façade length and provide additional intensive green roof area.

The Design Advisory Panel (DAP) supported the Applicant's request for 10-points and suggested the following in response to the proposed architecture and exposed eastern façade. As shown in the final e-plans submittal and conditioned in this staff report, each of the DAP's concerns is addressed.

1. Treat the southern portion of the building more similarly to the renderings shown at sketch plan. Create a more engaging southwest corner and more glazing. The northern portion of the building has projecting glass, create the opposite reading on the southern portion of the building and make the setback areas glassier.
2. Resolve the disconnect between the rear [eastern] elevation and the Arlington road elevation. The rear elevation should be attended to in the same way as Arlington road. It should not be a back. Create more recessed bays, or an expression of modulation through material change.
3. Work with county agencies on the stoops and entry issue along Arlington Road. Stoeps and entries are critical for the site's urban design. The panel fully supports stoeps and entries.

Public Art: The Applicant requests 15 points for providing two pieces of public art along the Arlington Road façade. The Applicant proposed the Project's art component to the Art Review Panel on May 30, 2018 and received a favorable response supporting 15 points for the Project's public benefit points. Staff supports the Applicant's request.

Structured Parking: The Applicant requests 20 points for providing all parking in a below-grade parking structure. Staff supports this request.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 4.56 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area (0.51 BLTs based on an incentive density of 213,010 square feet). Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Staff supports the Applicant's request.

Energy Conservation and Generation: The Applicant requests 10 points for providing a project that exceeds the energy efficiency standards for new buildings by 10% through high efficiency mechanical, electrical, and plumbing systems. Staff supports the Applicant's request at this time. Although the Site is not within a High Performance Area, this category is a priority in the Sector Plan.

Vegetated Roof: The Applicant requests 15 points for providing vegetated roofs with a soil depth of at least eight inches and covering at least 33% of the total roof excluding space for mechanical equipment. The Project's green roof will be intensively planted with native plants to provide habitat. Staff supports the Applicant's request.

Recycling Facility Plan: The Applicant requests 10 points for providing a recycling facility plan that exceeds the minimum requirements set forth in the Zoning Ordinance. In achieving the intent of this category, the Project will provide recycling and compost chutes, separate from the buildings trash chute, and will provide paper shredding to encourage paper recycling. The Applicant must comply with the letter from the Montgomery County Department of Environmental Protection – Waste Reduction and Recycling Section, dated June 15, 2018. Staff supports the Applicant's request.

iii. Division 6.1. Site Access

Vehicular access and loading will occur via a consolidated access point on Moorland Lane. Pedestrians and bicyclists will be able to enter the Project from the residential lobbies on either Moorland Lane

or Edgemoor Lane and short-term bicycle parking will be provided along the public sidewalks. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

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

Parking for the residential building will be provided in a below-grade facility. Vehicular and loading access will occur via Moorland Lane along the north side of the Property to limit impacts to either the higher volume Arlington Road or more pedestrian oriented Edgemoor Lane.

v. *Division 6.3. Open Space and Recreation*

Since the Application is not able to meet its open space requirement on-site, the Applicant will comply with the off-site open space requirements set forth in Section 59.6.3.6.C of the Zoning Ordinance through one of the following options:

Construct (59.6.3.6.C.1)

“[make] public park or public open space improvements in an area at least as large as the required public open space located within or near the applicable master plan area.”

Under this option, the Applicant would make improvements to the area on the southern end of the Connie Morella Bethesda Library site. These improvements must be accepted by the Montgomery County Department of General Services (MCDGS) and be documented on the Certified Site Plan. Such improvements would complement the adjacent Caroline Freeland Park while allowing the improvements to be implemented within the timeframe of the Subject Development.

Additionally, M-NCPPC staff is recommending a condition of approval to allow some flexibility in the amount of public open space provided because the library site area is fixed and may not yield the full 5,565 square feet required. Section 59.4.9.2.C.2.b.ii.B of the Zoning Ordinance gives the Planning Board authority to reduce the required amount of public open space in the Bethesda Overlay Zone. Public open space is a priority for Downtown Bethesda and staff would not ordinarily recommend a reduction in the requirement, however, in light of this unique opportunity to improve public open space so close to the Project and next to an existing park, staff recommends a condition of approval that would allow staff to accept a reduction of up to 10% of the public open space requirement, at the time of Certified Site Plan. Any shortfall greater than 10% would trigger a financial contribution for the balance based on a value of \$35 per square foot.

Financial Contribution (59.6.3.6.C.2)

“[pay] all or part of the cost to design, construct, renovate, restore, install or operate a public open space located within or near the applicable master plan area if the payment:

- a. Equals the cost of constructing the same amount of public open space and any associated amenity on-site per square foot plus the fair market value of the land per square foot...”

Under the financial contribution, the Applicant would pay for future open space improvements within Downtown Bethesda. Staff recommends that the monetary amount of the contribution be \$805,881, based on 10% of the Site land value (\$611,120 as determined by the latest State Department of Assessments and Taxation amount) and the cost of improvements, estimated to

be \$35 per square foot of open space area (\$194,761). \$35 per square foot is appropriate and consistent with past practice because it represents the value of implementing the Bethesda standard streetscape elements.

The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 7409). The Applicant is providing bicycle amenities; indoor community spaces, including lounges and an internet café; interior courtyards and sculpture gardens; and rooftop amenities, including an outdoor pool. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

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 residents and visitors. The Project will transform existing streetscape along the Moorland Lane, Arlington Road, and Edgemoor Lane frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all 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*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on May 30, 2018. The plan proposes to meet stormwater management requirements through the use of an extensive (8-inch depth) green roof over 14,437 square feet of the site and a waiver of quantity and quality control for remaining requirements based on site limitations.

ii. *Chapter 22A, Forest Conservation.*

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was approved for the project on April 9, 2018. The plan, designated 420181450, identifies the existing man-made and natural features associated with the Property, such as the buildings, associated parking, the street trees and landscape elements. The on-site setting includes two significant trees and one specimen tree¹ ranging in size from 25 to 28-inch diameter. The site topography is gently sloping from north to south. There are no rare, threatened, or endangered species, no trees measuring 30-inch DBH or greater, no stream/buffers, steep slopes or known historical or cultural resources on site. The site is located within the Little Falls Watershed, a use I-P watershed².

¹ Tree #3 is a 28-inch Holly and measures 75% or more (85%) than of the size of the current County champion and is therefore a specimen tree. It is not subject to the forest conservation variance because it does not meet any of the qualifying attributes for a variance tree, such as measuring 30-inch diameter or 75% or more of the size of the current State champion.

² Use I-P:

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

There is no forest on-site or adjacent to the property, however there is an afforestation requirement of 0.24 acres. The Applicant is proposing to meet all of the forest conservation requirements through the planting of street trees within the adjacent public rights-of-way, however, the proposed means of credit is not acceptable for forest conservation purposes, and the afforestation requirements must be addressed off-site, either by a fee-in-lieu payment or certificate of compliance for an off-site bank. As conditioned, all afforestation requirements will be met off-site. The Application is not subject to a forest conservation variance as it does not impact any trees that measure 30-inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current state champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the garage and loading entrances on Moorland Lane to limit impacts to the pedestrian environment and improves public streetscape along its three frontages. The Building provides entrances and stoops to activate the Project along the façade. This accommodation responds to a very unique set of circumstances and will have a positive impact of the pedestrian circulation along the street.

The Project provides a safe and well-integrated building, open spaces and site amenities. The Project presents as a mid-rise building along each of its frontages and steps-back above the sixth floor along Arlington Road to achieve the sector plan recommendation for height along that street. The Project provides amenities for the residents of the Project internal to the building, along the eastern façade, and on the rooftop.

- 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 the Preliminary Plan Findings of this staff report, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a residential development with up to 230 multi-family residential dwelling units with 15% on-site MPDUs, as well as underground parking, on-site amenities for the residents, and off-site public open space.

- 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;*

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; industrial water supply; and public water supply.

As discussed in the Preliminary Plan No. 120180140 findings, the development will be served by adequate public facilities, including schools, 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 Subject Property is not located in a Rural Residential or Residential zone.

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

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Project's design and scale is compatible with adjacent buildings in the Arlington Road District.

- 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.

Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. On January 24, 2018, the Applicant held a pre-submittal public meeting at the Bethesda Elementary School. Letters of support received as of the date of this staff report are included in Attachment F.

CONCLUSION

The proposed development 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. The proposed development satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan No. 120180140 and Site Plan No. 820180120 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Sketch Plan Resolution (MCPB No. 17-108)
- B. Design Advisory Panel Memorandum
- C. Open Space
- D. Art Review Panel Memorandum
- E. Agency Letters
- F. Correspondence