

8280 Wisconsin Avenue / Woodmont Central: Sketch Plan No. 32018015A, Preliminary Plan 120180280
8280 Wisconsin Avenue: Site Plan 820180230
Woodmont Central: Site Plan Amendment 82011002D

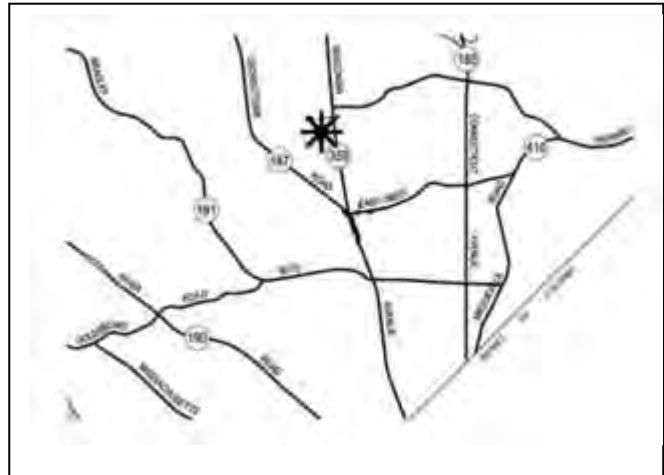
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Description

Completed: 10.15.18

- Request for a mixed-use development on two lots with a combined total density of 581,704 square feet for: up to 175,000 square feet of new research & development uses, including 81,633 square feet of density from the Bethesda Overlay Zone (BOZ) with an associated Park Impact Payment, on Lot 63; and the remaining density as existing residential and retail uses on Lot 663.
- Current uses: 8280 Wisconsin (Lot 63) – gas station; Woodmont Central (Lot 663) – existing multi-family apartment buildings;
- Located in the southwest quadrant of the intersection of Wisconsin Avenue and Battery Lane and at 4850 Rugby Avenue and 4800 Auburn Avenue;
- Total combined acreage: 2.59 acres
 - 8280 Wisconsin (Lot 63) – 0.75 gross acres Zoned CR-3.0, C-3.0, R-2.75, H-145;
 - Woodmont Central (Lot 663) – 1.85 gross acres Zoned CR-5.0, C-5.0, R-5.0, H-175;
 - In the Bethesda Overlay Zone (BOZ), 2017 *Bethesda Downtown Sector Plan* area;
- Applicant: Stonebridge Carras / Donohoe Development Company
- Accepted on 7.2.2018



Summary

- Staff recommends **Approval** of the Applications with conditions.
- By Executive Order 125-18, the County Executive has declared this project a Strategic Economic Development, directing all Executive Branch Agencies to treat the Project as a priority and to give it immediate attention as it moves through the required planning, development review and permitting processes.
- Please see the Executive Summary on page 3.

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SECTION 1: EXECUTIVE SUMMARY

In 2009-2011, the Planning Board approved an atypical application, called Woodmont Central, for development on two sites in the Woodmont Triangle area of Downtown Bethesda. The Applicant wanted to develop an office building on Wisconsin Avenue and two multi-family buildings on a block deeper in the Triangle. However, at the time, the *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* limited commercial density in the Triangle to 1.0 FAR, making a new stand-alone office building infeasible. In a creative solution not replicated since, the application combined the maximum densities from the two sites and apportioned all of the office uses to the Wisconsin Avenue site and all of the multi-family uses to the other site, with each site taking as well a certain amount of retail uses. Thus both sites taken together were able to achieve densities not achievable taken alone.

Given market conditions, the Applicant commenced construction of the apartment buildings, but not the office building. During this time, two important changes happened. First, in 2014 an updated Zoning Code replaced the Central Business District (CBD) zones with the CR family of zones, replacing Project Plans with Sketch Plans and introducing formalized Public Benefits and other requirements. There were “grandfathering” provisions to allow projects approved under the “old” code to be amended under that code, but new developments or developments that wanted to add new land area must be reviewed under the “new” code. Second, in 2017 the County Council and the Planning Commission approved and adopted the *Bethesda Downtown Sector Plan*, which increased allowable building heights and made available for purchase additional density under the Bethesda Overlay Zone.

Making best advantage of these changes, the Applicant proposed a new state-of-the-art research and development facility on the Wisconsin Avenue site, at 8280 Wisconsin Avenue, which the Planning Board approved as a Sketch Plan in July 2018. This new facility is taller and larger than the original, benefitting from the additional allowed building height and purchasing additional density from the Bethesda Overlay Zone. That approval began, and this report completes, the larger project’s transition between old code and new, replacing the original Project Plan and Preliminary Plan with a new amended Sketch Plan and a new Preliminary Plan to document the unique relationship of the two sites. It includes a standalone Site Plan for the Wisconsin Avenue site and amends the Site Plan for the constructed and existing Woodmont Central multi-family buildings to remove references to the Wisconsin Avenue site.

The primary issues raised by Staff and the community for the 8280 Wisconsin Avenue site were building design, in particular a façade cantilever over the Wisconsin Avenue right-of-way, and the potential for loading activities from Battery Lane to disrupt use of the public right-of-way. The Applicant has agreed, consistent with the recommendation of the Design Advisory Panel, to halve the Wisconsin Avenue cantilever, and as conditioned by Staff will prepare a Loading Management Plan as part of the Certified Site Plan to minimize disruptions from on-site loading on the Battery Lane right-of-way.

Staff recommends APPROVAL WITH CONDITIONS of each of the applications included in this report.

SECTION 2: RECOMMENDATION AND CONDITIONS

8280 Wisconsin Avenue / Woodmont Central: Sketch Plan No. 32018015A

Staff recommends approval of Sketch Plan No. 32018015A, 8280 Wisconsin Avenue/Woodmont Central, for a mixed-use development on two lots, Lot 63 and Lot 663, with a combined total density of 581,704 square feet. Lot 63 includes up to 175,000 square feet of new research and development uses, including 81,633 square feet of density from the Bethesda Overlay Zone (BOZ) with an associated Park Impact Payment. Lot 663 includes two existing multi-family buildings with up to 455 multi-family dwelling units including 69 MPDUs (15 percent), and 17,532 square feet of ground-floor non-residential uses. The development on Lot 663 was first approved by Project Plan 920090010, and includes 85,618 square feet of bonus residential density for providing 15 percent MPDUs. This Sketch Plan Amendment brings this development under the 2014 Zoning Code and supersedes the previous Project Plan in its entirety. On Lot 663, the MPDU bonus density is built and is permitted under Section 59.4.5.2.C.2.a. of the 2014 Zoning Ordinance and therefore not included in the combined total density listed above.

Although Sketch Plan Amendment No. 32018015A supersedes Project Plan No. 920090010, Lot 663 is still subject to Site Plan 820110020, as amended. The following condition supersedes the previous Condition 1 of Sketch Plan No. 320180150, while all other conditions remain in full force and effect:

Density and Height

1. Density
 - a. The combined total density on Lot 63 and Lot 663 is limited to 581,704 square feet.
 - b. Lot 63 is limited to up to 175,000 square feet of new research and development uses, including 81,633 square feet of density from the Bethesda Overlay Zone (BOZ) with an associated Park Impact Payment.
 - c. Lot 663 includes two existing multi-family buildings with 455 multi-family dwelling units including 69 MPDUs (15 percent), and 17,532 square feet of ground-floor non-residential uses. This existing development includes 85,618 square feet of bonus residential density for providing 15 percent MPDUs. This MPDU bonus density is permitted under Section 59.4.5.2.C.2.a. of the 2014 Zoning Ordinance and therefore not included in the combined total density listed above.
 - d. Before certification of the Site Plan for 8280 Wisconsin Avenue (Lot 63), the Applicant must record an instrument in the County Land records reflecting the density transfer for this project as required under Section 59.4.5.2.B/59.4.6.2.B of the Zoning Ordinance.

8280 Wisconsin Avenue / Woodmont Central: Preliminary Plan No. 120180280

Staff recommends approval of Preliminary Plan 120180280 subject to the following conditions:

1. This Preliminary Plan of Subdivision supersedes the previously approved Preliminary Plan 120090140, as amended.
2. This Preliminary Plan is limited to two lots, Lots 63 and Lot 663, for a combined total density of 581,704 square feet, including 455 multi-family dwelling units.
 - a. Lot 63 is limited to up to 175,000 square feet of new research and development uses.
 - b. Lot 663 is limited to the two existing on-site multi-family buildings, with 455 multi-family dwelling units including 69 MPDUs (15 percent), and 17,532 square feet of ground-floor non-residential uses. This existing development includes 85,618 square feet of bonus residential density for providing 15 percent MPDUs. This MPDU bonus density is permitted under Section 59.4.5.2.C.2.a. of the 2014 Zoning Ordinance and therefore not included in the combined total density listed above.
3. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 26, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval for the development included on Lot 63. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT for Lot 63.
6. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“MDSHA”) in its email dated October 15, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval for the development included on Lot 63. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. Prior to issuance of access permits for Lot 63, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
8. The Applicant must dedicate and show on the record plat(s) for Lot 63 the following dedications:
 - a. On Wisconsin Avenue, sixty-one (61) feet from the existing pavement centerline along the Subject Property frontage;
 - b. On Battery Lane, thirty-five (35) feet from the existing pavement centerline along the Subject Property frontage;
9. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, “To Be Constructed By _____” are excluded from this condition.
10. The record plat must show necessary easements.
11. The Adequate Public Facility (“APF”) review for Lot 63 of the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
12. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, 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.

8280 Wisconsin Avenue: Site Plan No. 820180230

Staff recommends approval of Site Plan 820180230 for Lot 63 for up to 175,000 square feet of non-residential development on 0.75 acres of land, zoned CR-3.0, C-3.0, R-2.75, H-145. The Project includes an allocation of up to 81,633 square feet of Bethesda Overlay Zone density. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320180050, as amended. The development must comply with the conditions of approval for Preliminary Plan 120180280. 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.

Density & Height

1. Density

The Site Plan is limited to a maximum of 175,000 square feet of total non-residential development on the Subject Property. This includes a maximum allocation of Bethesda Overlay Zone Density of 81,633 square feet.

2. 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 new 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 \$816,330 prior to release of the first above-grade building permit for the allocation of 81,633 square feet of Bethesda Overlay Zone Density not attributable to on-site MPDUs.

3. Height

The development is limited to a maximum height of 145 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Open Space, Facilities and Amenities

4. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide public open space on-site consistent with Condition 6.d.ii.
- b. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Battery Lane and Wisconsin Avenue, consistent with the Bethesda Streetscape Standards.
- c. Before the issuance of final Use and Occupancy certificate for the development, all public open space areas on the Subject Property and required streetscape improvements must be completed.
- d. The Applicant must maintain all open spaces and amenity areas located on the Subject Property required by this approval.

5. Green Cover

- a) The Applicant must provide a minimum of 7,000 square feet of Green Cover (39% of Site area) on-site, with intensive green roof, as illustrated on the Certified Site Plan.
- b) Any intensive green roof installed pursuant to this condition must have a minimum soil depth of eight inches.

6. Public Benefits

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

- a) Major Public Facilities – The Applicant must provide payment for an off-site 19-dock bikeshare station, including capital costs and a minimum of five years of operating expenses, as approved or as may be amended by MCDOT.
- b) Connectivity between Uses, Activities, and Mobility Options
 - i. Minimum Parking – The Applicant must not provide/construct more than 99 total parking spaces.

- ii. Trip Mitigation – The Applicant will enter into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips to the site in excess of any other regulatory requirement and the agreement must result in a reduction exceeding the 55% NADMS goal set forth in the Bethesda Downtown Sector Plan.
- c) Diversity of Uses and Activities
 - i. Adaptive Buildings – The Applicant must provide, at a minimum, floor-to-floor heights of at least 12 feet on any floor above grade.
- d) 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. Public Open Space –The Applicant must provide on-site a minimum of 650 square feet of public open space (4 percentage of site area).
 - iii. Structured Parking – The Applicant must provide all parking spaces within the below-grade structure on the Subject Property.
- 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 of 0.3780 BLTs to the MCDPS.
 - ii. Cool Roof –The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
 - iii. Energy Conservation and Generation – The Applicant must construct the building to exceed the energy-efficiency standards for the building type by 17.5% and/or the County’s approved International Green Construction Code energy efficiency standard by 2 percent. Prior to issuance of final commercial Use and Occupancy certificate, the Applicant must submit to Staff a Final Energy Performance Report.

Site Plan

- 7. 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 Planning Board accepts the recommendations of the Design Advisory Panel as described in their letter, dated September 26, 2018.
 - c) Consistent with the recommendations of the Design Advisory Panel, the Applicant must revise the building elevation along Wisconsin Avenue to reduce the overhang from eight feet to four feet.
 - 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) Provide notes on the Site Plan describing the Bird-Safe design principles that were incorporated into the building architecture.
- 8. Landscaping
 - a) Prior to issuance of final Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lighting, hardscape, and bicycle facilities must be installed.
 - b) The Applicant must install landscaping no later than the next growing season after completion of site work.
- 9. Lighting
 - a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in

accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b) All onsite down-lights must have full cut-off fixtures or BUG equivalent.
- c) Deflectors will be installed on all exterior on-site 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.

10. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 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.

11. Development Program

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

12. 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 all applicable agency letters, development program, and resolutions for associated Sketch Plan, Preliminary Plan, and Site Plan (and amendments) 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.

Environment

13. Forest Conservation

The Applicant must obtain approval of a revised Final Forest Conservation Plan (FFCP) from the Planning Department Staff prior to Certified Site Plan approval. The Final Forest Conservation Plan must address the following to the satisfaction of Staff:

- a) Provide confirmation of previous payment of fee-in-lieu.
- b) Provide a complete version of the existing approved FCP (including sheet 3) for reference.
- c) Prior to certification of the plans, coordinate with M-NCPPC Staff on minor corrections and clarifications as required.

14. No clearing or grading of Lot 63 or recording of plats prior to certified site plan approval.

15. 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 September 4, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval for development on Lot 63. 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.

Transportation & Circulation

16. Transportation

Before the release of any building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD).

13. Loading Management Plan

The Certified Site Plan must include a Loading Management Plan that addresses on-site loading operations from Battery Lane, including delivery times and measures to minimize associated disruption of the public right-of-way.

17. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 30 long-term and 5 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room adjacent to the covered parking area, and the short-term spaces must be inverted-U racks (or approved equal) installed near the main entrance and within the building (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

18. 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 (MCDPS-ROW) in its memo dated September 24, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which MCDPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

19. 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 August 23, 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.

Woodmont Central: Site Plan Amendment No. 82011002D

Staff recommends approval of Site Plan 82011002D, limited to the removal of any development approved for Lot 63 (referred to as “CBD-1 zoned land”). All other elements of the approved Site Plan 820110020, as amended, remain binding and in full effect. The following conditions replace their corresponding counterparts in Resolution MCPB No. 11-32, dated September 16, 2011. All other conditions remain in effect as approved.

Conformance with Previous Approvals

1. Sketch Plan Conformance
The development must comply with the conditions of approval for Sketch Plan 32018015A, as amended.

2. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan 120180280, as amended.

SECTION 3: SITE DESCRIPTION & VICINITY

The Sketch Plan Amendment and Preliminary Plan include two lots: Lot 63, and Lot 663.

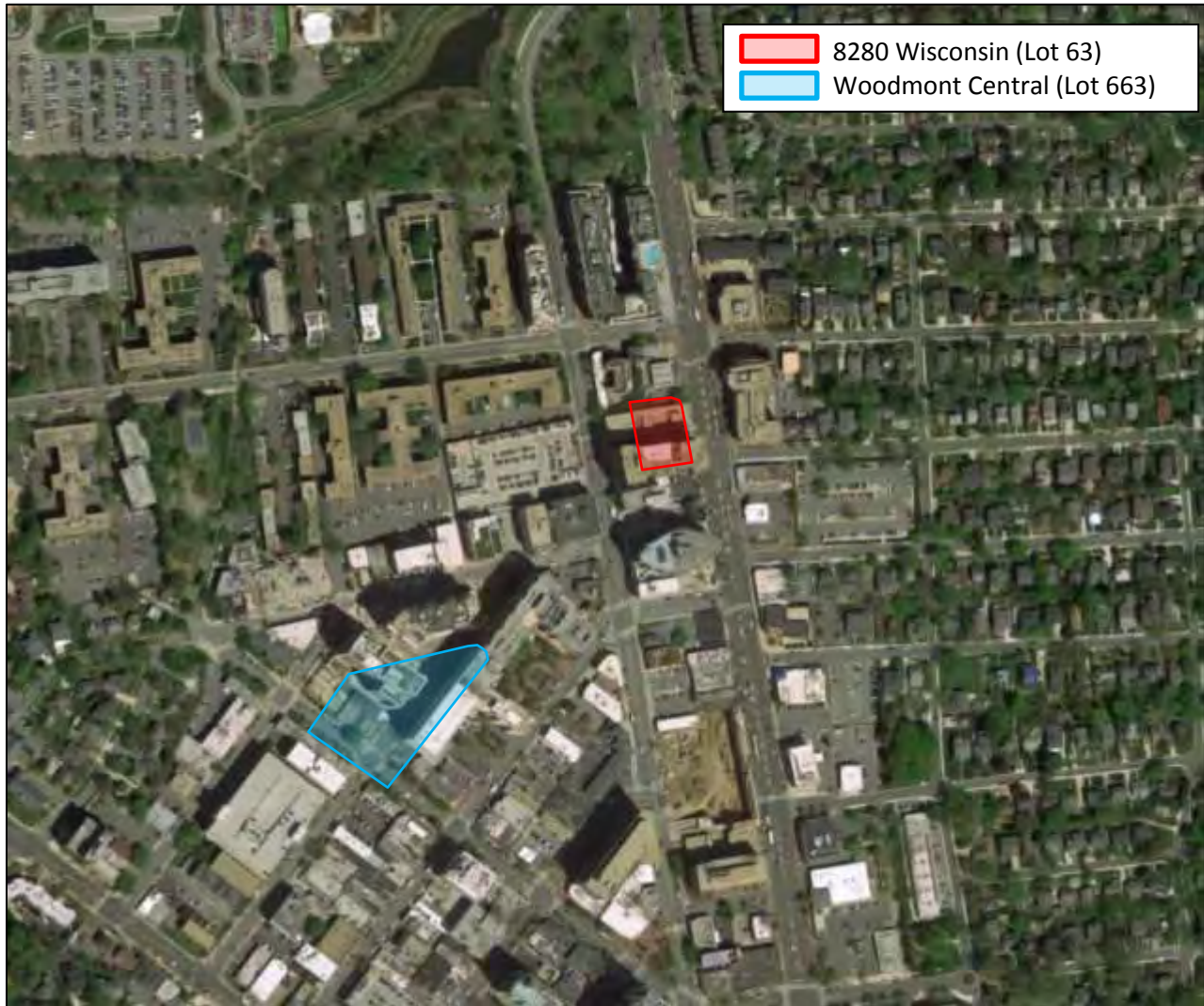


Figure 1-Aerial Map

Lot 63 is approximately 0.75 gross acres and is located in the southwest corner of the intersection of Wisconsin Avenue and Battery Lane, and is zoned CR-3.0, C-3.0, R-2.75, H-145. With an address of 8280 Wisconsin Avenue, this Lot is at the northern end of the Bethesda Wisconsin Avenue corridor. The surrounding buildings include multi-family, medical office, and other commercial uses. A Harris Teeter supermarket is located immediately across Battery Lane. Beyond to the west are numerous multi-family apartment buildings, NIH to the north, and across Wisconsin Avenue to the east is the single-family East Bethesda community.

Lot 663 is approximately 1.85 gross acres and is zoned CR-5.0, C-5.0, R-5.75, H-175. Occupying the majority of the block bound by Norfolk Avenue, Auburn Avenue, Rugby Avenue, and Del Ray Avenue, this Lot is aptly called "Woodmont Central". The surrounding northern portion of the Woodmont Triangle area features a mix of high-density multi-family development mixed with lower-density office, retail, and restaurant uses.

SECTION 4: PROJECT DESCRIPTION

Previous Approvals

On June 25, 2009, the Planning Board approved Project Plan 920090010 and Preliminary Plan 120090140 for Lots 63 and 663, with a maximum total density of 553,772 square feet of development, including up to 453,109 square feet of multi-family residential uses (with up to 457 dwelling units), and up to 81,107 square feet of office uses and up to 19,556 square feet of retail uses. Under this and subsequent approvals, the multi-family development and a portion of the retail was directed to Lot 663, while the office and balance of the retail uses were intended for Lot 63.

On April 21, 2011, the Planning Board approved Project Plan Amendment 92009001A, Preliminary Plan Amendment 12009014A, and Site Plan 820110020, increasing the total maximum density from 553,772 to 585,577 square feet of development, including up to a maximum of 474,174 square feet of multi-family residential use (with up to 455 dwelling units), up to 81,107 square feet of office uses, and up to 30,295 square feet of retail uses.

Since the original Site Plan approval, as construction progressed on the Lot 663 multi-family buildings, the Planning Director administratively approved a number of minor Site Plan Amendments:

- On August 10, 2012, Site Plan Amendment 82011002A for, among other minor changes, modest adjustments to the amount of retail uses;
- On May 5, 2014, Site Plan Amendment 82011002B for minor modifications that did not affect the amount or distribution of density; and
- On July 30, 2018, Site Plan Amendment 82011002C for minor changes to plans and updated dwelling unit counts and retail square footage to reflect the “as-built” condition.

Finally, on July 25, 2018, the Planning Board approved Sketch Plan 320180150 for up to 185,000 square feet of new research & development uses on Lot 63, including an allocation of up to 93,388 square feet of density from the Bethesda Overlay Zone (BOZ).

Woodmont Central (Lot 663)

The mixed-use multi-family residential and ground-floor retail development approved under the original Project, Preliminary, and Site Plan approvals for Lot 663 is constructed and existing. No new development is proposed for that Lot.

8280 Wisconsin Avenue (Lot 63)

On Lot 63, the Applicant proposes up to 175,000 square feet of non-residential research and development uses, which includes up to 81,633 square feet of density from the Bethesda Overlay Zone (BOZ), and a corresponding Park Impact Payment (PIP) of \$816,330 at time of building permit. With a tract area of less than one acre and two frontages, there is no Public Open Space requirement.



Figure 2 – Illustrative Site Plan

Building

The proposed design balances a massing driven by the spatial demands of the use with façade articulation that evokes variation, hierarchy, and innovation. The focal point of the design is the corner treatment at Wisconsin Avenue and Battery Lane, providing a signature treatment prominent on both Wisconsin Avenue and the Rosedale Avenue neighborhood street.

As was highlighted during the Sketch Plan review, the upper floors of the building project into the Wisconsin Avenue right-of-way, which is approved by the State Highway Administration. Per the recommendation of the Design Advisory Panel, and with the support of Staff, the Applicant has limited this projection to four feet.



Figure 3 – Perspective View of Wisconsin Avenue corner, looking south



Figure 4 – Southwest perspective of Wisconsin Avenue frontage

Transportation

Access and Circulation

Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Site frontages, consistent with the Bethesda Streetscape Standards.

Vehicular access to the Property is proposed directly from Battery Lane through a consolidated garage access point and loading bay (two separate, but adjacent entrances) at the northwest corner of the site. This configuration eliminates vehicular access from Wisconsin Avenue (MD 355) and minimizes interruptions to the pedestrian realm.

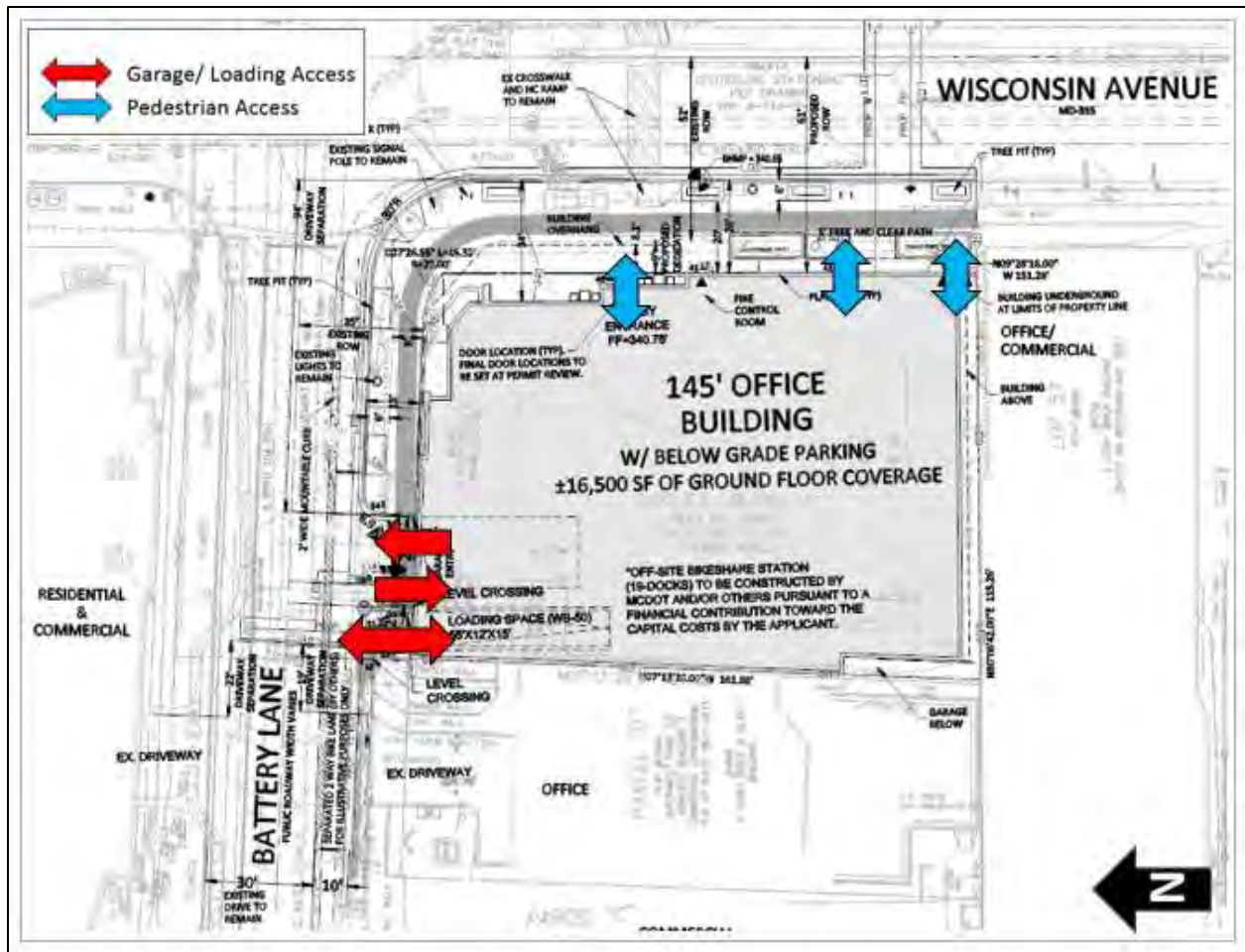


Figure 5 - Vehicular & Pedestrian Circulation

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 Battery Lane and Wisconsin Avenue, though bicycle access will be prioritized along the Battery Lane frontage through the future provision of master planned separated bicycle lanes.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station, located approximately ½ mile to either the north or south of the site at the Bethesda Naval Metrorail station or Bethesda Metrorail station; Metrobus, RideOn, the Bethesda Circulator, future Purple Line, and future Bus Rapid Transit.

SECTION 5: SKETCH PLAN AMENDMENT 32018015A: ANALYSIS AND FINDINGS

PROJECT ANALYSIS

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

PROJECT FINDINGS

Sketch Plan No. 32018015A expands the original Sketch Plan approval to include the existing Lot 663 Woodmont Central development, and supersedes Project Plan 920090010 as a result. Given the unique nature of the Planning Board's original Woodmont Central Project Plan approvals, this amendment is necessary to make the combined developments conform to the requirements of the 2014 Zoning Code. As shown in the Data Table in the Site Plan section of this report (see Table 4), the Lot 63 and Lot 663 meet the development standards of Chapter 59. As no new development is proposed on Lot 663, the existing buildings do not need to meet the findings of the 2014 Zoning Code. For the new development on Lot 63, this Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect.

SECTION 6: PRELIMINARY PLAN 120180280: ANALYSIS AND FINDINGS

This Preliminary Plan includes two recorded lots, Lot 63 and Lot 663, with a combined total density of 581,704 square feet, including 455 multi-family 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 lots 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.

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

The proposed lots' 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, and compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations including the technical review standards in Section 50.4.3. The Application meets all applicable sections. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. Transportation access is adequate to serve the development proposed by this Preliminary Plan. Water and sewer and other utilities are available to and currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

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 to ensure adequate sight distance is available and creates space for 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 non-standard truncation at the intersection of Battery Lane and Wisconsin Avenue is appropriate because adequate sight distance exists at this location. Furthermore, the intersection is already signalized, providing safe operations and removes the concern that there is not sufficient room within the right-of-way to place signal equipment in the future. Providing truncation at this location would negatively impact the design of the proposed project.

The lots were reviewed for compliance with the dimensional requirements for the CR zones as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage,

width, and setbacks in that zone. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

2. *The Preliminary Plan substantially conforms to the Master Plan*

The Project substantially conforms to the recommendations in the 2017 *Bethesda Downtown Sector Plan*. Specifically, this Plan builds on the past successes of Downtown Bethesda to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement. The recommendations increase:

a. Land Use

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

The Lots are in the “Wisconsin Avenue Corridor District,” the main artery through the center of Downtown Bethesda. With the existing Bethesda Metrorail Station, future Purple Line and bus rapid transit (BRT) options, Wisconsin Avenue is a critical focus area for improved access, mobility and pedestrian safety. The corridor is envisioned as a symbolic downtown center that reflects the character of adjacent neighborhoods and overall identity of Bethesda through innovative building designs and active public spaces. The area’s retail potential is compromised by its location on either side of Wisconsin Avenue. As a major commuter arterial, this street has heavy traffic volumes that eliminate the potential for “cross shopping” and a lack of visibility for retail establishments. However, Wisconsin North anticipates increased development activity with five planned projects, including the Harris Teeter site at 8300 Wisconsin Avenue. These projects will increase the employee, visitor and residential customer base within the district. Specifically, the Project addresses the following goals as outlined in the Wisconsin Avenue Corridor section of the Plan:

- *Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.*

The Project provides an opportunity for infill development of an underutilized commercial site along the Wisconsin avenue corridor as recommended by the Sector Plan, by converting a single-story gas station to a non-residential project of up to 175,000 square feet.

- *Economic competitiveness based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.*

The addition of up to 175,000 square feet of commercial uses will substantially contribute to the County’s commercial tax base along the prominent thoroughfare of Wisconsin Avenue and

the Sector Plan goal of continued economic competitiveness through the development of a critical mass of nonresidential uses with proximity to public amenities and transit to revitalize the northern portion of the Wisconsin Avenue Corridor by creating additional opportunities for nearby multi-family residential projects and retail uses.

- *Expand the existing Non-Auto Driver Mode Share (NADMS) to include residents and increase the averaged combined NADMS goal to 55 percent.*

The Project is designed to meet the Sector Plan's goal of a constrained parking policy and will provide facilities that encourage alternatives to the single-occupancy vehicle. The minimum parking ratio under the BOZ is approximately 1.6 parking spaces per 1,000 square feet of office uses; however, the Plan proposes a parking ratio of approximately 0.6 parking spaces per 1,000 square feet. In addition to providing less parking than the minimum required under the BOZ, the Applicant will enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) that establishes a blended NADMS goal of 55% to substantially conform to the Sector Plan.

- *Environmental innovation, including more energy efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other eco-friendly measures to enhance community health and quality of life.*

The Project is located within the High Performance Area and proposes to utilize energy efficient building and mechanical systems in order to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the BOZ. In addition, intensive green roof systems are proposed to cover a minimum of 35% of the site area to expand the urban green goals within the corridor. The Project also proposes construction of a cool roof, wide sidewalks and streetscape improvements to promote a pedestrian friendly experience along Wisconsin Avenue and Battery Lane.

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

The Project is designed to accommodate a minimum build-to-line of 25 feet on Wisconsin Avenue and 15 feet on Battery Lane. The redevelopment of the Property will enhance the pedestrian experience at the ground-level at the intersection of Wisconsin Avenue and Battery Lane by incorporating approximately 750 square feet of public open space along Wisconsin Avenue. The Project will accommodate a high-quality pedestrian network through improved streetscapes along Wisconsin Avenue and Battery Lane.

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

The building design substantially conforms to the design recommendation of the *Bethesda Downtown Plan Design Guidelines*, as determined by the Director's Design Advisor Panel at their meeting of September 26, 2018.

b. Environment

As conditioned, the application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. The Forest Conservation Plan with the conditions cited in this staff report. The Subject Property contains no streams, wetlands, floodplain, forest or other environmentally

sensitive areas and the current amendment has no significant effects on the forest conservation plan. However, the project is subject to the requirements of the Forest Conservation Law. As established in previous amendments, the project must fulfill a 0.43-acre afforestation requirement, which has been addressed offsite by fee-in-lieu payment as part of previous Forest Conservation Plan for this Site.

The MCDPS Stormwater Management Section approved the Stormwater Management Concept on September 4, 2018. According to the approval letter, the Stormwater Management Concept proposes to meet stormwater management requirements via environmental site design to the maximum extent practicable through the use of a green roof and a full Quality and Quantity waiver.

The Sector Plan includes a number of recommendations to achieve the urban green goals, including the recommendation for minimum onsite 35% green coverage, which may include singularly or in combination intensive green roof (6 inches or deeper) or tree canopy. The Applicant is providing approximately 7,000 square feet of Green Area, equivalent to 39% of the 8280 Wisconsin Avenue site.

The Downtown Plan Design Guidelines Section 2.4.11 Bird-Safe Design (pages 80 and 81) recommends a number of architectural treatments to protect local and migratory birds from deadly strikes. The Applicant proposes to meet these recommendations by selecting glass types that mitigate danger to birds. As conditioned, Staff is recommending that the Applicant include bird friendly architectural features into the building and incorporate those general measures as part of Certified Site Plan.

c. Transportation

The Application is consistent with the above recommendations and will provide the necessary right-of-way dedications and streetscape improvements. The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. Wisconsin Avenue, along the eastern site frontage, as a major highway (M-6) with a minimum right-of-way width of 122 feet.
2. Battery Lane, along the northern site frontage, as a business district street with a minimum right-of-way width of 70 feet and two-way separated bicycle lanes on the south side of the street.

d. 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 non-residential project with more than 25 employees 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.

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

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

i. *Existing Facilities*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station, located approximately ½ mile to either the north or south of the site at the Bethesda Naval Metrorail station or Bethesda Metrorail station; Metrobus, RideOn, the Bethesda Circulator, future Purple Line, and future Bus Rapid Transit.

ii. *Proposed public transportation infrastructure*

Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Site frontages, consistent with the Bethesda Streetscape Standards.

Vehicular access to the Property is proposed directly from Battery Lane through a consolidated garage access point and loading bay (two separate, but adjacent entrances) at the northwest corner of the site (Figure 5). This configuration eliminates vehicular access from Wisconsin Avenue (MD 355) and minimizes interruptions to the pedestrian realm.

b. Local Area Transportation Review (LATR)

A transportation study, dated June 21, 2018, was submitted to analyze the Project. The development is estimated to generate 123 net new morning peak-hour person trips (58 vehicle trips) and 108 net new evening peak-hour person trips (51 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

Existing	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
12 Pump Gas Station	150	168	--	--	--	--
85% Non-Primary Trip Reduction	(128)	(143)	--	--	--	--
Existing Trip Credit	22	25	14	16	29	33
Proposed						
	AM	PM	AM	PM	AM	PM
31,000 SF General Office	56	37	35	23	73	48
144,000 SF Research & Development	60	71	37	44	79	93
Proposed Trips	116	108	72	67	152	141
Net New Trips						
	94	83	58	51	123	108

Source: The Traffic Group Transportation Study, dated June 21, 2018.

Table 2: Peak Hour Net New Trip Generation by Mode

	Person Trips	Auto Driver	Pedestrian*	Transit	Bike
AM	123	58	48	29	19
PM	108	51	42	25	17

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

Source: The Traffic Group Transportation Study, dated June 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 three intersections, including the site access point. In accordance with the 2016-2020 Subdivision Staging Policy, The study locations are presented in Figure 6, below, and results of the HCM methodology are presented in Table 3.

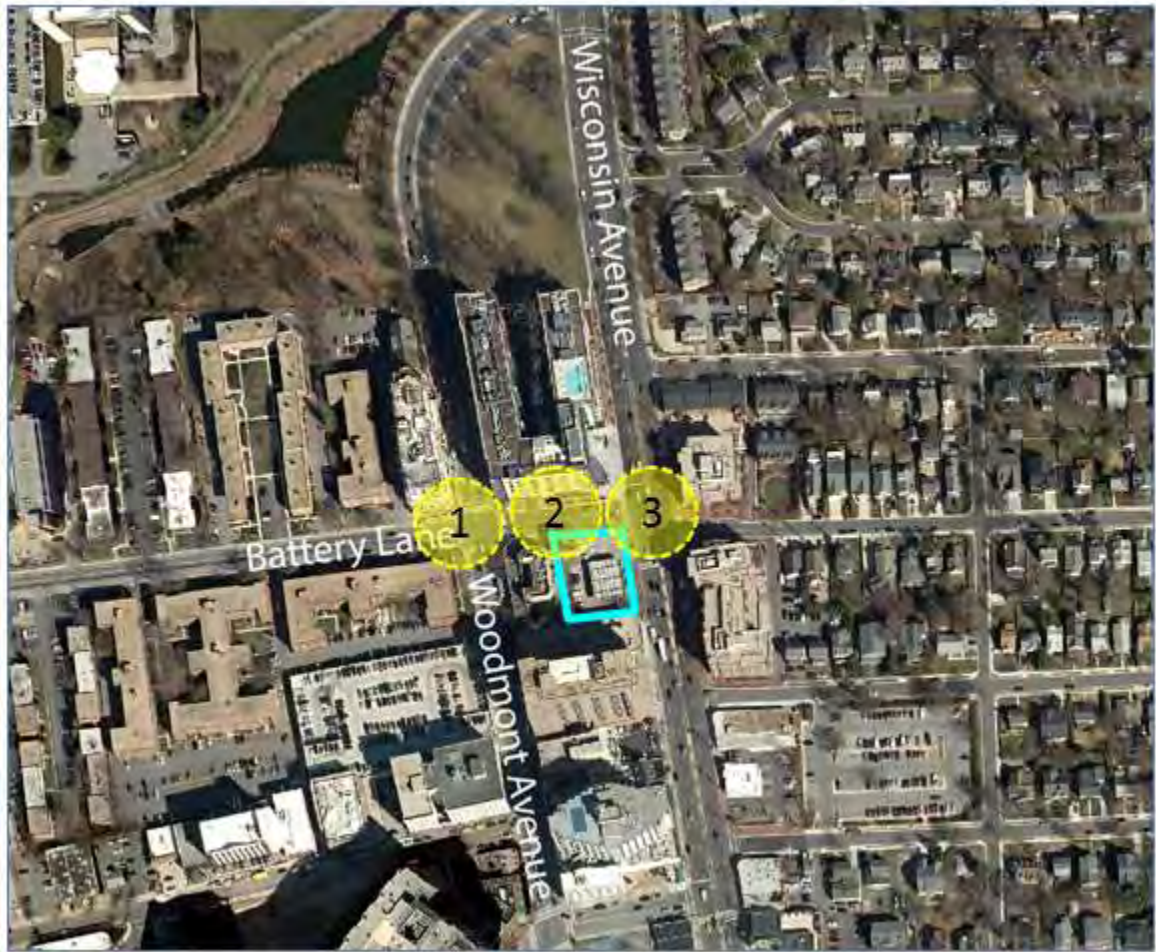


Figure 6 – Intersection Analysis Map

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

Intersection/Corridor	Delay Standard	Existing Conditions		Background Conditions		Future Conditions	
		AM	PM	AM	PM	AM	PM
Woodmont Avenue/ Battery Lane	120	21.9	19.8	21.6	19.6	21.8	19.7
Site Access Point/ Battery Lane	120	--	--	--	--	1.2	1.1
Wisconsin Avenue/ Battery Lane/ Rosedale	120	36.6	30.5	37.2	29.3	38.2	30.5

Source: The Traffic Group Transportation Study, dated June 21, 2018.

c. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. Electrical and telecommunications services are also available to serve the subject property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy. As

the residential component of the subdivision is existing and new development is limited to non-residential uses, no school impacts are associated with the project.

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

The Subject Property contains no streams, wetlands, floodplain, forest or other environmentally sensitive areas and the current amendment has no significant effects on the forest conservation plan. However, the project is subject to the requirements of the Forest Conservation Law. As established in previous amendments, the project must fulfill a 0.43-acre afforestation requirement, which has been addressed offsite by fee-in-lieu payment as part of previous Forest Conservation Plan for this Site.

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

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS water resources division on September 4, 2018. The Application will meet stormwater management goals through a variety of techniques including green roof and a full quality and quantity waiver.

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

There are no other applicable provisions specific to this Property necessary for approval of the subdivision.

SECTION 7: SITE PLAN 820180230: ANALYSIS AND 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 binding elements and conditions of Sketch Plan No. 320180150 and Preliminary Plan 120180280, as amended.

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 32,507 square feet, zoned CR 3.0, C 3.0, R 2.75, H 145 for Lot 63 and is within the Bethesda Overlay Zone. The following Data Table shows the Application’s conformance to the development standards of the zone.

Table 4- Data Table			
Section 59 - 4	Development Standard	Permitted/ Required	Proposed
	Lot 63 (8280 Wisconsin) Tract Area (sf)		32,507
	Previous Dedications	n/a	13,385
	Proposed Dedications		1,308
	Site Area (sf)		17,814
	Lot 663 (Woodmont Central) Tract Area (sf)		80,510
	Previous Dedications	n/a	21,171
	Proposed Dedications		-
	Site Area (sf)		59,339
	TOTAL TRACT AREA (sf)		113,017
	TOTAL SITE AREA (sf)		77,153
4.5.4.B.2.b	Density		
	CR 3.0, C 3.0, R 2.75, H 145 (Lot 63)		
	Commercial FAR/GFA	3.0/97,521	175,000
	Residential FAR/GFA	2.75/89,394	-
	CR TOTAL	97,521	175,000
	CR 5.0, C 5.0, R 5.0, H 175 (Lot 663)		
	Commercial FAR/GFA	5.0/402,550	17,532
	Residential FAR/GFA	5.0/402,550	389,172 ²
	CR TOTAL	402,550	406,704 ³
	CR TOTAL (Lot 63 and Lot 633)	500,071¹	581,704
	BOZ Density (Lot 63)		
	GFA Requested	-	81,633
4.5.4.B.2.b	Building Height (feet) – Lot 63	145	145
4.5.4.B.3	Minimum Setback (feet) – Lot 63		
	From R.O.W.	0	0
4.5.4.B.1	Open Space (minimum) – Lot 63		
	Public Open Space (% of Site Area/sq. ft.)	0	4/650

¹ Total available density is 500,071 square feet, of which 406,704 square feet is existing constructed density for Lot 663. This leaves 93,367 square feet of remaining density for Lot 63 (8280 Wisconsin Avenue). To achieve the requested 175,000 square feet of commercial density, the Applicant has requested a density allocation of 81,633 square feet from the Bethesda Overlay Zone.

² Lot 663 includes an existing MPDU Bonus density of 85,617 square feet, which is excluded from the total GFA.

³ Existing constructed density for Lot 663.

6.2	Parking (spaces) – Lot 63		
	Office (min/max)	370/555	
	BOZ Adjustment (80% min.)	296/555	99
	Bicycle Parking (spaces) – Lot 63		
	Min. 1 space/5,000 GFA (Max 100 spaces)	35	35
	Loading Spaces	1	1

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 81,633 square feet from the BOZ initiating a Park Impact Payment of \$816,330 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: Major Public Facility, Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Table 5- Public Benefits		
Public Benefit	Incentive Density Points	
	Max. Allowed	Recommended
59-4.7.3.A: Major Public Facility		
Bike Share	70	7.01
59-4.7.3.C: Connectivity and Mobility		
Minimum Parking (59-4.9.2.C.4.g)*	20	11.83
Trip Mitigation	20	10
59-4.7.3.D: Diversity of Uses and Activities		
Adaptive Buildings	15	6.75
59-4.7.3.E: Quality of Building and Site Design		
Structured Parking	20	20
Public Open Space	30	3.65
Exceptional Design (59-4.9.2.C.4.g)*	30	25
59-4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	3.4
Cool Roof	15	15
Energy Conservation and Generation (59-4.9.2.C.4.g)*	25	15
TOTAL		117.64

*Denotes Sector Plan priority

Major Public Facility

Section 59-4.7.3.A.1 of the Zoning Ordinance permits up to 70 public benefit points for provision of Major Public Facilities. The Site Plan provides the capital costs for one off-site bikeshare station that contains 19 docks, for which the Applicant is requesting 7.01 public benefit points. Staff supports the requested points.

Connectivity and Mobility

Minimum Parking: Section 59-4.7.3.C.2 of the Zoning Ordinance permits up to 10 public benefit points for less than the maximum number of allowed parking spaces, if a maximum is applicable under Section 59-C-15.631. The Bethesda Overlay Zone increased the number of points one could achieve under this category to 20 points as this was a priority in the Sector Plan. This Project provides fewer than the minimum number of parking spaces required by the Zoning Ordinance in one on-site below-grade structured parking garage. The minimum number of parking spaces required for the uses proposed is approximately 280 parking spaces, however the BOZ permits the minimum number of parking spaces required at 80% of the minimum number of spaces required under Section 59-6.2.4. The Project proposed no more than 99 parking spaces.

The incentive density is calculated on a sliding scale $[(A/P)/(A/R)]*10$. The BOZ allows up to 20 points, however the multiplier for minimum parking remained at 10. The Applicant is requesting 11.83 points. Staff supports the requested points.

Trip Mitigation: In accordance with Section 59-4.7.3.C.8, the Applicant requests 10 points for entering into a binding Traffic Mitigation Agreement (TMAg) to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site. Because the Sector Plan recommends a 55% trip reduction for projects in Downtown Bethesda, to achieve public benefit points in this category the Applicant must enter into a TMAg for a trip reduction greater than 55%. The Applicant is requesting 10 points. Staff supports the requested points.

Diversity of Uses and Activities

Adaptive Buildings: Section 59-4.7.3.D.1 of the Zoning Ordinance permits up to 15 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications. The *CR Implementation Guidelines* clarify that meeting just these criteria will grant only 7.5 points, and that additional points may be appropriate if additional criteria are met such as, for this project, an internal layout that allows changes between residential, retail, and offices uses by minor modifications. The Project includes a commercial building with a minimum floor-to-floor height of 14.5 feet on all floors in the Project. The design of the Project is consistent with sustainable building concepts embraced by the Sector Plan. As illustrated on the floor plans submitted with the Site Plan, the internal layout of the Project allows for changes between residential, retail, and office uses with only minor changes. While the first floor provides a floor-to-floor height of less than 15 feet, all other floors exceed the 12-foot floor-to-floor height identified in the CR Zone Incentive Density Implementation Guidelines. Since nine of the ten floors are consistent with the CR Zone Incentive Density Implementation Guidelines, the Application requests 6.75 public benefit points. Staff supports the requested points.

Quality of Building and Site Design

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

design whose visual and functional impacts enhance the character of a setting. Based on the following, the Applicant requests 25 points for this category. Staff supports the request.

The design of the Project is very innovative in its response to the context, in three specific ways: 1) it responds to the low-rise buildings in the area, by having a recessed area that is 3 stories high at the entrance and 2 stories high to the south of the entrance, and by having a step-back and material change at 72' in height, along Wisconsin Avenue, 2) it has a prominent façade on Wisconsin Avenue, which is in scale with this regional artery, 3) in the context of a small site, the design demonstrates that the functional requirements of a commercial building can be used to create a northern gateway to the Bethesda CBD as well as the Woodmont Triangle. The Site Plan design contributes to a sense of place by helping to define the intersection of Battery Lane and Wisconsin Avenue, through its relationship to the buildings on the other three corners. In doing so, it realizes the opportunity, through its height and commercial uses, to create an architectural beacon from the main entrances to the National Institutes of Health and Walter Reed National Medical Center. The Project will meet the ground in a way that is new for Bethesda and will create architectural interest and a welcome ground-level experience for all modes of transportation, including pedestrians, bikes and vehicles. The Project uses shapes and form at the base, the middle, and the top that are original, with a "tech" orientation in its design elements to connect with its two leading technology leaders to the north, the National Institutes of Health and Walter Reed. Materials will include tech-style metal panels which are new to the Bethesda palette. The Site Plan addresses the challenges of a very small site for commercial development, by implementing a side core to create as efficient as possible (and necessary) floor sizes, steps back at the ground floor and eliminates the two existing Wisconsin Avenue curb cuts to greatly enhance the pedestrian experience. Last, the Project includes low impact development approaches, such as a compact, efficient footprint, which will have less surface area than the average commercial building and will use less energy.

A major initiative of the Bethesda Downtown Plan was the creation of the Design Advisory Panel (DAP) and their role to bring design awareness to the County and specifically to downtown Bethesda. The Panel met with the Applicant on September 26, 2018, to review their design proposal endorsed the overall architecture and design and recommended approval of 25 points with the recommendation to reduce the cantilever along Wisconsin Avenue from 8 feet to 4 feet to make the cantilever less imposing. Following the DAP meeting, the Applicant modified the Wisconsin Avenue façade, pulling the cantilever back the 4 feet recommended by the Panel. Staff concurs with the Panel and recommends 25 points for this category based on the Applicant's refinement of the cantilever along Wisconsin Avenue.

Public Open Space: Section 59-4.7.3.E.4. of the Zoning Ordinance provides up to 20 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone. Given the size of the site, there is no public open space requirement for the Site. In order to provide the wide sidewalks on Wisconsin Avenue recommended by the Design Guidelines, the Site Plan includes approximately 650 square of sidewalk area on site, for which the Applicant is requesting 3.65 public benefit points. Staff supports the requested points.

Structured Parking: Section 59-4.7.3.E.6. of the Zoning Ordinance provides up to 20 points for placing parking in an above or below grade parking structure. The Applicant requests 20 points for providing all of the required parking in below-grade structured parking. The BOZ requires 10 points as the minimum for this benefit. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade. By providing all parking below grade, the project will be able to earn 20 points in this category. Staff supports the requested points.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Project will implement up to 158,746.5 square feet of incentive density, which is gross floor area above 0.5 FAR. Section 59-4.7.3.F.1.a permits up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund. The Applicant will purchase easements in an amount equal to 7.5 percent of the incentive density floor area through the following parameters: 9 points for every 31,500 square feet of gfa, comprising 7.5 percent incentive density floor area (Optional method density of 175,000 sf – standard method density of 16,253.5 sf = incentive density of 168,756.5 sf; 7.5% of incentive density / 31,500 = 0.3780 BLTs x 9 points/BLT) = 3.4 points. Staff supports this request.

Cool Roof: Section 59-4.7.3.F.2 permits up to 10 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12. The Bethesda Overlay Zone increases the maximum number of points to 15 (Section 59.4.9.2.C.4.g) This is achieved from the roof areas which are not already covered by green roof/plantings with a mixture of roofing aggregate to be finalized at the time of Certified Site Plan. The Applicant requests the maximum number of points. Staff supports the request.

Energy Conservation and Generation: The Sector Plan requires that all projects in the High-Performance area must exceed the current ASHRAE 90.1 requirement by at least 15 percent. The CR Zone Incentive Density Implementation Guidelines states that up to 15 points are available for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5 percent, however the BOZ permits up to 25 points for this benefit. Exceeding the energy efficiency standards by 17.5 percent in the BOZ proportionally allows the Project to receive 15 public benefit points. The Applicant will coordinate with MCDPS through a design consultation process to ensure that this standard is being met, prior to submission of building permit applications for the Project. Staff supports the Applicant's request.

iii. Division 6.1. Site Access

The Project provides safe, adequate, and efficient access to the site. Pedestrian access will be via existing sidewalks improved to the Bethesda Streetscape standard. The Project will be served by an on-site garage internal to the Project. Vehicular access for garage, service, and loading are proposed as full-movement driveways directly from Battery Lane. This access configuration eliminates driveways on Wisconsin Avenue and minimizes potential conflicts with pedestrians, cyclists and local vehicular traffic.

iv. Division 6.2. Parking, Queuing, and Loading

The Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area. The Project will be served by an on-site garage internal to the Project, containing up to 99 parking spaces. Vehicular access for garage, service, and loading are proposed as full-movement driveways directly from Battery Lane. This access configuration eliminates driveways on Wisconsin Avenue and minimizes potential conflicts with pedestrians, cyclists and local vehicular traffic.

As discussed, loading will occur on the northwest corner of the property to eliminate existing site curb cuts on Wisconsin Avenue and maximize the distance from the Wisconsin Avenue/ Battery Lane intersection. To further improve loading operations, the Applicant will include with the Certified Site Plan a Loading Management Plan that addresses on-site loading operations from Battery Lane, including delivery times and measures to minimize associated disruption of the public right-of-way. The Loading Management Plan must include: a prohibition of loading operations during the adjacent

street peak traffic periods (i.e. Monday – Friday 6:30 AM – 9:30 AM and 4:00 PM – 7:00 PM), and designation of an on-site loading manager responsible for scheduling deliveries and addressing issues related to loading operations, among other applicable practices intended to limit adverse impacts to adjacent roadways.

v. *Division 6.3. Open Space and Recreation*

The size of the site and the number of frontages do not require public open space. Also, as a non-residential development, there is no recreation requirement.

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. The Project will transform existing streetscape along the Battery Lane and Wisconsin Avenue 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 September 4, 2018. The Application will meet stormwater management goals through a variety of techniques including green roof and a full quality and quantity waiver.

ii. *Chapter 22A, Forest Conservation.*

The Subject Property contains no streams, wetlands, floodplain, forest or other environmentally sensitive areas and the current amendment has no significant effects on the forest conservation plan. However, the project is subject to the requirements of the Forest Conservation Law. As established in previous amendments, the project must fulfill a 0.43-acre afforestation requirement, which has been addressed offsite by fee-in-lieu payment as part of previous Forest Conservation Plan for this Site.

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

The development will integrate research and development, a unique use within Central Business Districts, and office uses on the site. The general land uses, development intensity, and overall massing of the site as a whole are compatible with the existing and pending nearby developments. The mix of uses, density, and building height in the development design are compatible with the adjacent and nearby existing and planned commercial and residential development, while taking advantage of the Wisconsin Avenue frontage to provide an attractive building.

While the development is not required to provide public open space, the Applicant will be providing sidewalks improved along the frontage per the Bethesda Streetscape standard and the Sector Plan Design Guidelines. The development will provide parking within and below the building. The site provides satisfactory circulation options. Vehicular access for parking, service, and loading is provided from Battery Lane in a manner that is efficient enough to allow planting of much-desired street trees along that frontage, while maximizing pedestrian safety. The development will participate in the realization of the Sector-Planned bike facility along the Battery Lane frontage. Pedestrian access on both frontages will be enhanced with generally wider sidewalks and streetscape improvements.

- 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 under the Findings for the Preliminary Plan Amendment above, the application substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan*.

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

Per Preliminary Plan No. 120180280, 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, as discussed in the findings above.

- 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 Wisconsin Avenue 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 was not zoned C-1 or C-2 on October 29, 2014.

SECTION 8: SITE PLAN AMENDMENT 82011002D: ANALYSIS AND FINDINGS

This Site Plan Amendment is limited to the removal of any development approved for Lot 63 (referred to as “CBD-1 zoned land”). All other elements of the approved Site Plan 820110020, as amended, remain binding and in full effect.

SECTION 9: COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications.

Staff received correspondence from the owner of the adjoining medical office building, who had concerns about how the design of the new building at 8280 Wisconsin Avenue would impact the use and function of their building. The adjoining property owner and the Applicant have met to address the issues.

Staff received concerns from the community regarding potential adverse impacts to the adjacent public streets as a result of the proposed Site loading. In response to these concerns, staff recommends that loading operations occur outside the adjacent street peak hours and the on-site loading manager be proactive in addressing issues as they arise. A condition requiring a loading management plan is included in the Site Plan.

Additionally, community members were involved in the presentations to the DAP for the building design.

SECTION 10: CONCLUSION

As conditioned, the Project complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance and the Bethesda Overlay Zone. The Project satisfies the findings of Chapter 50, the Subdivision Regulations, the Zoning Ordinance and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan* and the *Bethesda Downtown Design Guidelines*.

Therefore, Staff recommends approval of Sketch Plan Amendment No. 32018015A, Preliminary Plan 120180280, Site Plan 820180230 and Site Plan Amendment 82011002D with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Sketch Plan 320180150
- B. Agency letters
- C. DAP Comments
- D. Strategic Economic Development Project Designation
- E. Community correspondence