



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

MCPB No. 18-107
Site Plan No. 820180230
8280 Wisconsin Avenue
Date of Hearing: October 25, 2018

NOV 20 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on July 2, 2018, Stonebridge Carras/Donohoe Development Company ("Applicant") filed an application for approval of a site plan for a mixed-use development on Lot 63, Northwest Park, for up to 175,000 square feet of new research and development and office uses, with 81,633 square feet of density from the Bethesda Overlay Zone (BOZ) with an associated Park Impact Payment, on 0.75 acres of CR 3.0: C 3.0 R 2.75 H 145, and Bethesda Overlay zoned-land, located at the southwest corner of the intersection of Wisconsin Avenue and Battery Lane ("Subject Property"), in the Bethesda Policy Area and the Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820180230, 8280 Wisconsin Avenue ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 15, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 25, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on October 25, 2018, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Cichy, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

Approved as to
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180230 for a mixed-use development with up to 175,000 square feet of new research and development and office uses, including 81,633 square feet of density from the Bethesda Overlay Zone (BOZ) with an associated Park Impact Payment, on the Subject Property, subject to the following conditions:¹

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. In the event that the final allocation of density from the BOZ is less than the approved amount, the Applicant may apply to reduce the allocation of BOZ density through a Minor Site Plan Amendment (Consent Agenda).

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, shown below.

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

- 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, 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 a total of 99 parking spaces.
 - ii. Trip Mitigation – The Applicant must enter into a binding Traffic Mitigation Agreement and participate in the Bethesda Transportation Management District to 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 a minimum of 650 square feet of public open space on-site (4 percentage overall of site area).
 - iii. Structured Parking – The Applicant must provide all parking spaces within the below-grade parking 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 a Final Energy Performance Report to Staff.

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 its 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 the final Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lighting, hardscape, and bicycle facilities must be installed, except as provided in Condition 8.d.
- 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, sidewalks, and storm drainage facilities. 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, 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 a complete version of the existing approved FCP (including sheet 3) for reference.
- b) 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).

17. 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. At a minimum, the Loading Management Plan must minimize on-site loading operations from Battery Lane during the weekday peak traffic periods (6:30-9:30 AM and 4:00-7:00 PM) and designate an on-site loading manager responsible for scheduling deliveries and addressing issues related to loading operations.

18. 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 equivalent) 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.

19. 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.

20. 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 8280 Wisconsin Avenue, 820180230, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development 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.

2. *The development satisfies 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.

3. *The development satisfies 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.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 0.75 acres zoned CR 3.0: C 3.0 R 2.75 H 145, and Bethesda Overlay. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Section 59 - 4	Development Standard	Approved and Binding on the Applicant
	Lot 63 (8280 Wisconsin) Tract Area (sf) Previous Dedications Proposed Dedications Site Area (sf)	32,507 13,385 1,308 17,814
	Lot 663 (Woodmont Central) Tract Area (sf) Previous Dedications Proposed Dedications Site Area (sf)	80,510 21,171 - 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 Residential FAR/GFA CR TOTAL	175,000 - 175,000
	CR 5.0, C 5.0, R 5.0, H 175 (Lot 663) Commercial FAR/GFA Residential FAR/GFA CR TOTAL	17,532 389,172² 406,704³
	CR TOTAL (Lot 63 and Lot 633)	581,704
	BOZ Density (Lot 63) GFA Requested	81,633
4.5.4.B.2.b	Building Height (feet) – Lot 63	145
4.5.4.B.3	Minimum Setback (feet) – Lot 63 From R.O.W.	0
4.5.4.B.1	Open Space (minimum) – Lot 63 Public Open Space (% of Site Area/sq. ft.)	4/650
6.2	Parking (spaces) – Lot 63 Office (min/max) BOZ Adjustment (80% min.) Bicycle Parking (spaces) – Lot 63 Min. 1 space/5,000 GFA (Max 100 spaces) Loading Spaces	99 35 1

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.

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 this Application is deducted from the 32.4 overall million cap.

i. 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.

Public Benefits		
Public Benefit	Incentive Density Points	
	Max. Allowed	Approved
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 and stepping back at the ground floor and eliminating the two existing Wisconsin Avenue curb cuts to greatly enhance the pedestrian experience. Finally, 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 the design proposal and 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 (gfa) amount 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 15 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.

b. General Requirements

i. *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.

ii. *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: minimization 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.

iii. *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.

iv. *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.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on September 4, 2018. The plan will meet stormwater management requirements through a variety of techniques including green roof and a full quality and quantity waiver.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

6. *The development 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.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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 Subject Property contains no streams, wetlands, floodplain, forest or other environmentally sensitive areas and the current amendment has no significant effect 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 a previous Forest Conservation Plan for this Site.

The MCDPS Stormwater Management Section approved the Stormwater Management Concept plan 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 the 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.

8. *The development 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.*

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.

9. *The development is compatible with existing and 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.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

NOV 20 2018 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Dreyfuss, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, November 15, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board