

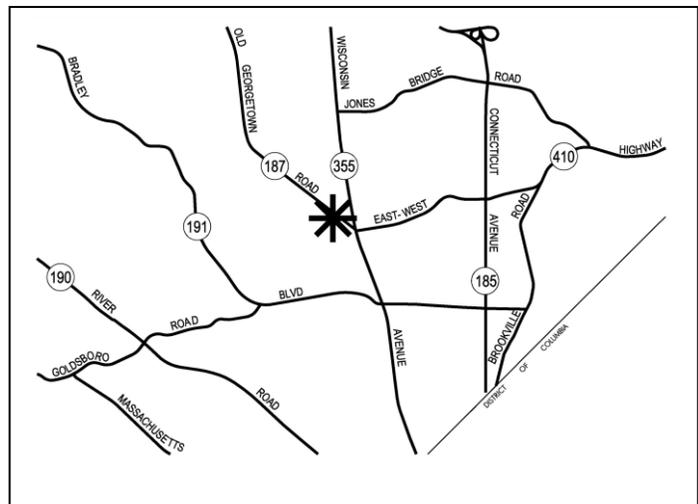
## 7607 Old Georgetown Road, Preliminary Plan No. 120190050 and Site Plan No. 820190030

-  Stephanie Dickel, Planner Coordinator, Area 1, [Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org), 301.495.4527
-  Elza Hisel-McCoy, Supervisor, Area 1, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115
-  Mark Pfefferle, Interim Chief, Area 1, [Mark.Pfefferle@montgomeryplanning.org](mailto:Mark.Pfefferle@montgomeryplanning.org), 301.495.4730

### Description

- Creation of one lot for construction of a mixed-use project of up to 228,000 total square feet, including up to 225,000 square feet of residential development, and up to 3,000 square feet of non-residential uses; The maximum density includes up to 133,615 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP);
- Current use: restaurant and surface parking lot;
- Located on the north corner of the intersection of Old Georgetown Road and Commerce Lane in Downtown Bethesda;
- 0.44 acres zoned CR 5.0 C 5.0 R 4.75 H-225 and the Bethesda Overlay Zone, in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: Washington Property Company;
- Acceptance date: October 1, 2018.

Completed: 1.11.19



### Summary

- Staff recommends approval of the 7607 Old Georgetown Road Preliminary Plan and Site Plan with conditions.
- The Planning Board approved Sketch Plan 320180160 on September 13, 2018.
- The Project includes an allocation of Bethesda Overlay Zone density of up to 133,615 square feet. Ordinarily, this would result in a Park Impact Payment (PIP) of \$1,336,150. However, because the Applicant is providing 15% MPDUs, the total MPDU square footage is excluded from the PIP calculation, resulting in a reduction equal to \$220,000. The resulting PIP is \$1,116,150 to fund park acquisition in downtown Bethesda.
- The proposal will redevelop the site with an energy-efficient mixed-use building including 15% moderately priced dwelling units, minimum parking, small business opportunities, and structured parking, among other public benefits.

**TABLE OF CONTENTS**

**SECTION 1: RECOMMENDATION & CONDITIONS** ..... **3**  
Preliminary Plan  
Site Plan

**SECTION 2: SITE DESCRIPTION** ..... **9**  
Site Vicinity and Analysis  
Community Outreach

**SECTION 3: PROJECT DESCRIPTION** ..... **11**  
Previous Approvals  
Proposal

**SECTION 4: PRELIMINARY PLAN** ..... **15**  
Analysis and Findings  
    Master Plan  
    Adequate Public Facilities Review  
    Environment  
    Compliance with the Zoning Ordinance and Subdivision Regulations

**SECTION 5: SITE PLAN** ..... **22**  
Analysis and Findings

## SECTION 1: RECOMMENDATION AND CONDITIONS

### Preliminary Plan No. 120190050

Staff recommends approval of Preliminary Plan No. 120190050 subject to the following conditions:

1. This Preliminary Plan is limited to one (1) lot for up to 200 multi-family dwelling units and an allocation of 133,615 square feet of density from the Bethesda Overlay Zone.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 10, 2018, except for Plan Review Comment 2D, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“MSHA”) in its letter dated November 9, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following:
  - a. A dedication of the Old Georgetown Road frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan.
  - b. A dedication of the Commerce Lane frontage necessary to provide the Sector Plan-recommended 25-foot-wide right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan.
  - c. The record plat must show necessary easements.
6. Prior to recordation of any plat, Site Plan No. 820190030 must be certified by M-NCPPC Staff.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated November 16, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, per the Fire Department Access Plan dated October 12, 2018. The Applicant must comply with the Fire Department Access Plan, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
9. The Certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
10. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

### **Site Plan No. 820190030**

Staff recommends approval of Site Plan 820190030. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320180160 and with the conditions of approval for Preliminary Plan No. 120190050. 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 & Housing**

#### 1. Density

The Site Plan is limited to a maximum of 228,000 square feet of total development on the Subject Property, including up to 225,000 square feet of residential uses, for up to 200 units, and up to 3,000 square feet of non-residential uses.

#### 2. Height

The development is limited to a maximum height of 225 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

#### 3. Bethesda Overlay Zone Density

a. Per Section 59.4.9.2.D.4 of the Zoning Ordinance, the Applicant must have a building permit application accepted by MCDPS that includes the core and shell of the principal building within two years of the date of this Resolution. Within two years of MCDPS accepting the building permit application, the Applicant must obtain the building permit. The deadlines may not be extended. If the Applicant fails to comply with any of the deadlines in this condition, the entire Site Plan approval is revoked.

b. The Applicant must pay to the M-NCPPC a Park Impact Payment of \$1,116,150 prior to release of the first above-grade building permit for the allocation of 133,615 square feet of Bethesda Overlay Zone Density. The total MPDU square footage of 22,000 square feet is excluded from the PIP calculation, resulting in 111,615 square feet of BOZ density attributed toward the PIP calculation and payment. In the event the final allocation of density from the BOZ is less than the approved amount, the Applicant may apply to reduce the allocation of density from the BOZ and PIP through a minor amendment (Consent agenda).

#### 4. Affordable Housing

a. The development must provide a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.

b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.

c. The Planning Board accepts the recommendations of DHCA in its letter, dated December 10, 2018, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

### **Open Space, Facilities and Amenities**

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

a. Prior to issuance of the final Use and Occupancy Certificate for the Subject Property, the Applicant must construct streetscape improvements, along the Subject Property's frontage on Commerce Lane and Old Georgetown Road, consistent with the Bethesda Streetscape Standards, and as illustrated in the Certified Site Plan.

- b. The Applicant must maintain all open spaces and amenity areas located on the Subject Property required by this approval.
- c. Prior to issuance of final Use and Occupancy Certificate for the residential units, all on-site amenities, including, but not limited to: lights, sidewalks/ pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- d. The Applicant must install landscaping no later than the next growing season after completion of site work.

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 as approved by MCDOT.

b. Connectivity and Mobility

- i. Minimum Parking – The Applicant must not provide more than 140 parking spaces, all of which must be unbundled from the sale or lease of the proposed dwelling units.
- ii. Trip Mitigation - Before issuance of any above-grade building permit, the Applicant must execute a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD).

c. Diversity of Uses and Activities

Small Business Opportunities - Before issuance of any building permit, the Applicant must record a covenant among the County Land Records that reflects all commercial square feet specifically reserved for small, neighborhood-oriented businesses. These restrictions must remain in effect for a minimum of six years after the issuance of the initial Use and Occupancy Certificates. The six-year time period is binding upon future owners and successors in title. Before issuance of any Use and Occupancy Certificate, the Applicant must provide as-built floor plans to M-NCPPC and a copy of the approved layout to DPS Z&SPE.

d. Quality Building and Site Design

- i. Architectural Elevations – The exterior architectural elevations must be substantially similar to those shown on the Certified Site Plan, as determined by M-NCPPC Staff.
- ii. 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.
- iii. Structured Parking – The Applicant must provide all parking spaces within the below-grade structure on the Subject Property.
- iv. Tower step-back - The Applicant must step back the building's upper floors by a minimum of six feet behind the first-floor façade, the setback must be retained across at least 70 percent of the frontage on any right-of-way or open space, and at height no greater than 72 feet. The Certified Site Plan (CSP) must show this step-back.

e. Protection and Enhancement of the Natural Environment

- i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.2061 BLTs to MCDPS.
- ii. Energy Conservation and Generation – The Applicant must construct the building to exceed energy efficiency standards for the building type by 17.5%, as determined by MCDPS.

7. Recreation Facilities

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

## Environment

### 8. Green Cover

- a. The Applicant must provide an on-site minimum of 35% of site area with intensive green roof/planter boxes.
- b. Any intensive green roof installed pursuant to this condition must have a minimum soil depth of eight inches.

### 9. Noise Attenuation

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed, legally-binding commitment in a form acceptable to M-NCPPC Staff and the Commission's Office of General Counsel, to construct the units in accord with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- d. Before issuance of any use and occupancy certificate for the residential units, the Applicant must obtain certification that the noise-impacted units have been constructed in accordance with the recommendations of an engineer that specializes in acoustical treatments. The certification must be based on the testing of at least five representative residential units.

## Transportation & Circulation

### 10. Transportation

Before the release of any above-grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD). The TMAg must outline strategies to exceed the Sector Plan goal of 55% Non-Auto Driver Mode Share in accordance with Commercial/Residential Public Benefits Connectivity and Mobility category.

### 11. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of 101 bicycle parking spaces to include 95 long-term and six (6) short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room in the garage, and the short-term spaces must be inverted-U racks (or approved alternative) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must participate with the Montgomery County Department of Transportation to implement the master planned separated bicycle lanes along the Project's Old Georgetown Road frontage, details of which will be evaluated at Preliminary Plan.

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

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated December 7, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in

the memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

## Site Plan

### 13. Building & Site Design

- a. The Planning Board accepts the recommendations of the Design Advisory Panel as described in its letter, dated September 26, 2018, and incorporates them as conditions of approval.
- b. Any significant changes to the design, as determined by Staff, 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.

### 14. Lighting

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

### 15. Site Plan Surety and Maintenance Agreement

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

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable at-grade Site Plan elements, including, but not limited to streetscape, plant material, on-site lighting, site furniture, trash enclosures, private utilities, sidewalks, storm drainage facilities, street trees, and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. A separate cost estimate and bond must be completed for any off-site improvements associated with the off-site public open space requirements.
- d. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- e. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement, including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

16. Development Program

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

17. 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. Coordinate with staff for modifications regarding planting, tree save, and soil detail requirements.
- b. Include the stormwater management concept approval letter and other applicable agency letters, Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- c. 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.”
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

#### *Vicinity*

The surrounding properties are generally mixed-use with Bethesda Place apartments and a former Safeway on the ground level to the northeast, the Metropolitan apartments with first-floor retail to the southwest across Old Georgetown Road, Element 28 apartments to the southeast opposite Commerce Lane, and the Bethesda Place Development to the north and northwest that consists of two commercial buildings and a common open space interior to the block furnished with artistic amenities and shops. Pedestrians can access this space from Wisconsin Avenue, Commerce Lane, Woodmont Avenue, and a pedestrian bridge that connects to 7600 Old Georgetown Road.

In the larger vicinity there are several projects currently under review or recently approved, such as the 4 Bethesda Metro Center that proposes the redevelopment of a three-story building and Metro Plaza area, as well as a mixed-use building with ground floor retail and either residential or office above. To the southwest, the Edgemont II Site Plan was recently-approved for an addition to the existing residential building to allow up to 276 units (122 existing units) and the ZOM Site Plan was approved for up to 230 residential units. To the north of the Property is the Marriott Headquarters site which is currently under construction for a mixed-use commercial development including office space and a new 246 room hotel.



Figure 1 – Vicinity Map

### *Subject Property*

The subject site (Subject Property or Property) is located at the corner of Old Georgetown Road and Commerce Lane in the Wisconsin Avenue District of the 2017 *Bethesda Downtown Sector Plan* (Sector Plan). The Property has a tract area of 0.44 acres, is located within 500 feet of the Bethesda Metro Station and falls within the Bethesda Parking Lot District (PLD).

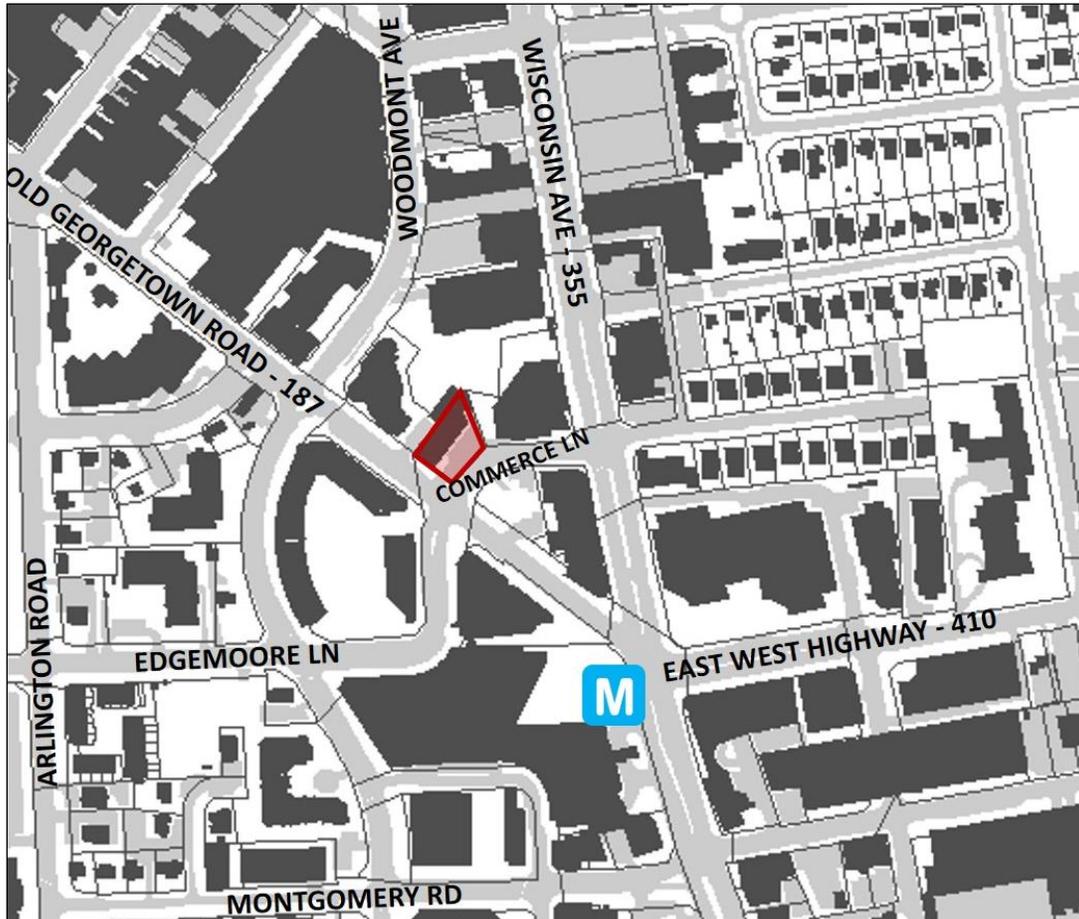


Figure 2: Boundary Map

### *Site Analysis*

The Property is zoned CR 5.0, C 5.0, R 4.75, H 225 and currently developed as a single-story restaurant and parking lot. The Property fronts on Old Georgetown Road and Commerce Lane. This section of Old Georgetown Road contains three lanes of one-way northbound traffic and one lane of on-street parking on the south side of the street. Commerce Lane is a two-way street with no on-street parking and connects to Wisconsin Ave. The Property does not contain any forest, streams, or environmental buffers. There are no known rare, threatened, or endangered species on-site; there are no 100-year floodplains, stream buffers, or wetlands on-site. There are no historic properties on-site.

### **Community Outreach**

The Applicant has met all signage, noticing, and submission meeting requirements. On August 30, 2018, the Applicant held a pre-submittal public meeting at the Bethesda Chevy-Chase Regional Services Center. Staff has not received any correspondence as of the date of this staff report.

## SECTION 3: PROJECT DESCRIPTION

### Previous Approvals

The Planning Board approved Sketch Plan No. 320180160 by Resolution dated September 13, 2018 (Attachment A) for a maximum of 228,000 square feet of mixed-use development, including up to 225,000 square feet of residential development and 3,000 square feet of non-residential development, including an allocation of Bethesda Overlay Zone density of up to 133,615 square feet, subject to binding elements and conditions.

### Proposal

#### Uses and Density

The Applicant proposes to create one (1) lot for a maximum density of 228,000 square feet of total development, including up to 225,000 square feet of residential development with up to 200 multi-family dwelling units, and up to 3,000 square feet of non-residential development on 0.44 acres in the CR 5.0 C 5.0 R 4.75 H225, and Bethesda Overlay Zones.

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

- a. Mapped Density: The Site has an overall mapped residential density of approximately 91,385 square feet of gross floor area (a FAR of 4.75). The Application proposes utilizing full mapped residential density;
- b. Mapped Density: The Site has an overall mapped commercial density of approximately 96,195 square feet of gross floor area (a FAR of 5.0). The Application proposes utilizing up to 3,000 square feet of commercial density;
- c. MPDU Density: 22,000 square feet of MPDUs (excluded from the BOZ density calculation for Park Impact Payment in accordance with Zoning Ordinance Section 59.4.9.2.C.3.c.i); and
- d. Bethesda Overlay Zone Density: 133,615 square feet of BOZ density (a FAR of 6.94). The total MPDU square footage of 22,000 square feet is excluded from the PIP calculation, resulting in 111,615 square feet of BOZ density (an FAR of 5.8) attributed toward the PIP calculation and payment.

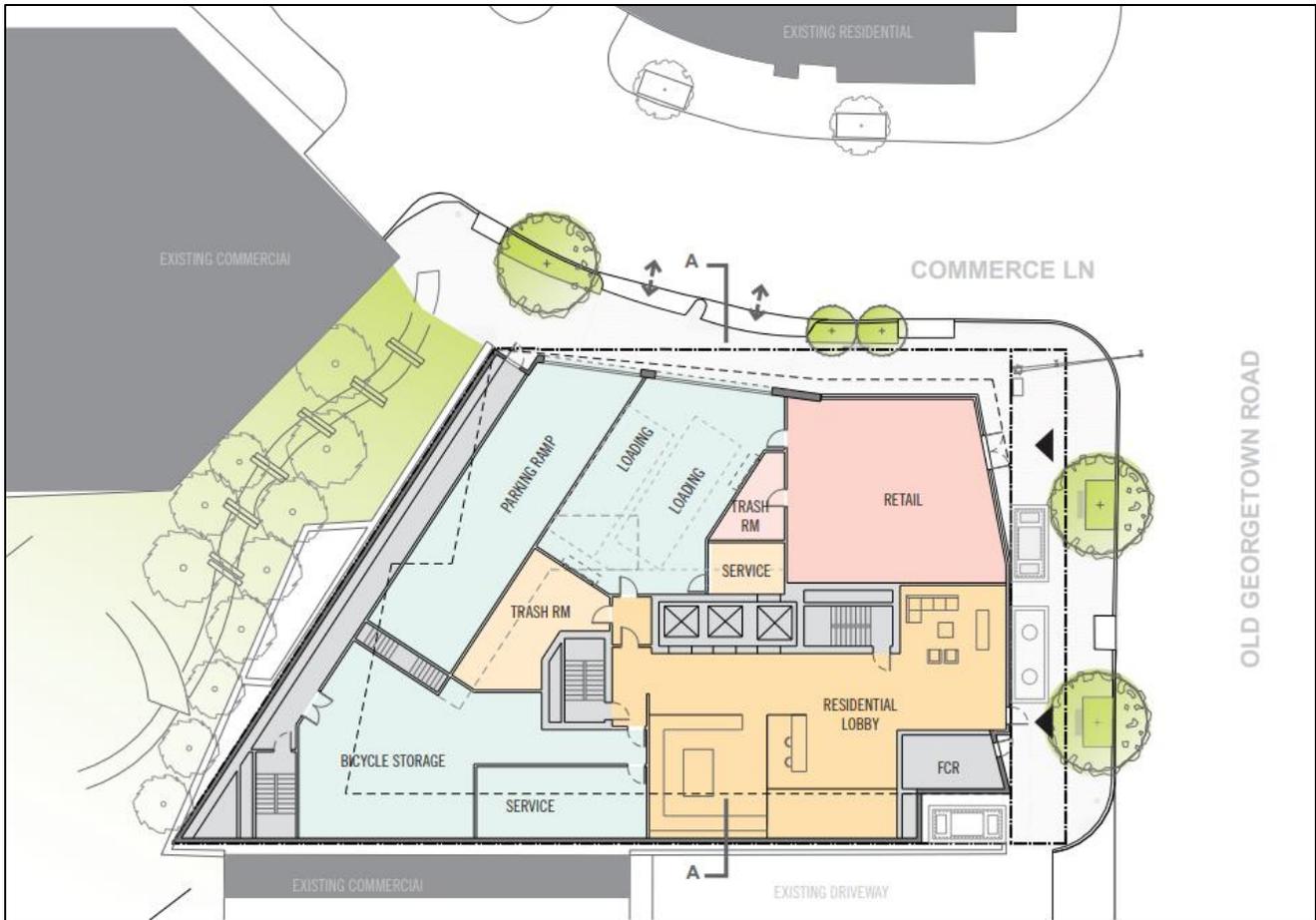


Figure 2 – Illustrative Site Plan

**Building**

The building design works to maximize the buildable area of the site while addressing the Sector Plan Design Guidelines. The lobby and retail space will engage the corner of Old Georgetown Road and Commerce Lane, which is recommended as a retail node in the Guidelines. As proposed, the building will back up to Bethesda Place Plaza at the rear and the building massing locates amenities and open space oriented to Bethesda Place, adding activity and interest to this public inner courtyard. The design proposes a three-volume composition to include a street-scale base with two volume towers of varying heights resulting in a distinct profile in the Bethesda cityscape. Above the ground floor, the base cantilevers over the pedestrian realm along Commerce Lane. The upper base of the building along Commerce Lane is set back a minimum of 12 feet from the curb line, creating a more comfortable condition for trees to grow and thrive. The ground floor façade, in accordance with the Design Guidelines, follows a build-to line located a minimum of 15 feet away from the curb line, greatly improving the existing conditions at such an important corner in Downtown Bethesda. After the base, the building proposes to step back into two towers and the rooftop will contain a green roof, residential amenities, and a mechanical penthouse.



Figure 3 –South and East Elevations



Figure 4 –North and West Elevations

As presented to the Design Advisory Panel (DAP) on September 26, 2018, the design of the Project provides a unique response for the site while encompassing the goals and recommendations of the Sector Plan and associated Design Guidelines. The Project will enhance the Wisconsin Avenue Corridor neighborhood through sustainable and thoughtful development of an infill site and the design proposes a carefully sculpted composition of three simple volumes: a street scale base with two towers of varying heights, resulting in a volume of distinct profile and elegant proportions in the Bethesda cityscape.

The Design Advisory Panel (DAP) suggested the following in recommendations (Attachment B):

1. Of the three façade options either the middle or right are preferable.
2. Consider providing accessible access directly from the building to the plaza.
3. Public Benefit Points: All of the panel members support the requested 30 exceptional design points noting that this building is an example and shows real care to meeting the spirit of the design guidelines.
4. Vote: **5** in support

#### *Bird Friendly Architecture*

The Downtown Plan Design Guidelines Section 2.4.11 Bird-Safe Design (pages 80 and 81) recommends several architectural treatments to protect local and migratory birds from deadly strikes. The Applicant proposes to meet these recommendations by incorporating a façade composed by 50% solid material and 50% glass. The proposed pattern avoids large stretches of uninterrupted glass that could be dangerous for birds. The building also utilizes neutral glass and façade features like balconies and trims around windows, adding shadows, color and dimension to the façade to lower the chances of bird collisions.

#### Open Space

Under the Optional Method of Development in the CR Zone (given that the lot area for each property is under one acre and no lot has frontage on more than two existing and planned right-of-way frontages), the Applicant is not required to provide on-site public open space.

The Applicant is in communication with the adjacent property owner to identify opportunities for pedestrian access from the Project into the Bethesda Place Plaza. The adjacent property owner has shared their initial conceptual plaza designs with the Applicant's concepts adapted to seamlessly interconnect into the plaza space. Further refinement will be coordinated as final plaza designs are developed. However, the Applicant must obtain approval from the adjacent landowner to allow for any connection to the plaza. The Applicant will continue to coordinate with the proposed re-design of Bethesda Place to explore possible connections.

#### Transportation

##### *Access and Circulation*

Pedestrian access to the site will be from the established sidewalk network and 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 Commerce Lane through a consolidated garage access point and loading bay (two separate but adjacent entrances) at the northeast corner of the site. Resident vehicle parking, accessed at this location, will be within a structured below-grade garage. This configuration eliminates vehicular access from Old Georgetown Road (MD 187) and minimizes interruptions to the pedestrian realm.

Pedestrian and bicycle access to the Property will be provided along both Commerce Lane and Old Georgetown Road, though pedestrian and bicycle access will be prioritized along the Old Georgetown Road frontage through the residential lobby, bicycle parking and room (Figure 5). Master planned separated bicycle lanes are anticipated along Old Georgetown Road, though the exact location and design of that bikeway has not yet been determined

and to be constructed by MCDOT in the future. In accordance with the MCDOT letter, dated December 10, 2018, the Applicant will participate in implementation through pro rata cost sharing prior to the first Use & Occupancy Certificate.

As discussed in the Sketch Plan staff report, dated July 6, 2018, site constraints, such as the existing signal pole and utility cabinet for the Old Georgetown Road and Commerce Lane traffic signal and the existing curb radius, diminish the effective sidewalk width and result in a less than desirable condition for pedestrians. In response to these issues, the Applicant coordinated with the Maryland State Highway Administration to explore potential changes to the signal cabinet, however, no suitable changes were identified. As a result, the Project was redesigned to chamfer the building corner at the intersection, resulting in an adequate pedestrian circulation area.

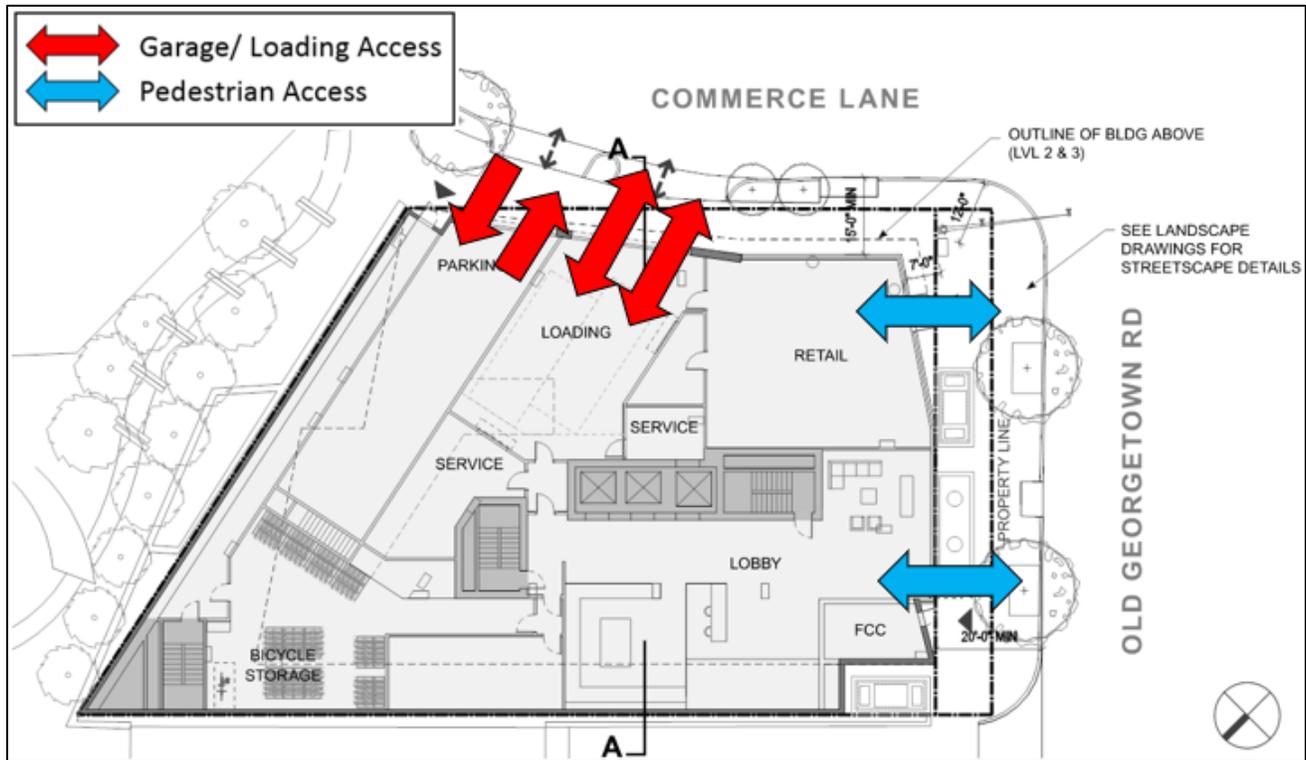


Figure 5 - Pedestrian and Vehicular Circulation

**SECTION 4: PRELIMINARY PLAN 120190050**

**ANALYSIS AND FINDINGS**

The Preliminary Plan will create one lot (13,777 square feet or a site area of 0.32 acres) to allow for a maximum density of 225,000 total square feet for up to 200 multi-family residential dwelling units and up to 3,000 square feet of non-residential uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable Master Plan, and for the type of development or use contemplated. The Application has been reviewed by other applicable County agencies, all of which have recommended approval of the Preliminary Plan.

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

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

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

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

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

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

The Property is designated as site 70 on page 100 of the Sector Plan. The Property is in the “Wisconsin Avenue Corridor District.” The Wisconsin Avenue Corridor is 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. Specifically, the Project addresses the following goals as outlined in the Overarching Goals and Wisconsin Avenue Corridor sections of the Sector Plan:

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

The Project provides an opportunity for infill development of an underdeveloped commercial site within a block of the Metro station, as recommended by the Sector Plan, by converting a single-story commercial building and surface parking lot to a mixed-use Project with up to 200 multi-family dwelling units and up to 3,000 square feet of retail.

- *Encourage mixed-income/affordable housing near transit stations.*

The Project will provide residential dwelling units within a block of the Metro station in an area dominated by commercial and office uses. The project would provide much needed affordable housing in the form of additional MPDUs. The 15 percent MPDUs will result in up to 30 additional MPDUs in Downtown Bethesda. This proposed influx of MPDUs will help to further one of the primary goals of the Sector Plan and Bethesda Overlay Zone thereby ensuring that affordable housing opportunities exist in transit-oriented locations.

- *Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.*

The Project will place high density residential uses and street-activating retail uses in the core of Downtown Bethesda, incorporating urban design elements that provide visual interest further defining the skyline in the Wisconsin Avenue Corridor District.

- *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 Project will provide infill redevelopment within the highest intensity center in Downtown Bethesda which is dominated by office buildings and retail that serves the office customer base. The Project will provide an influx of residents to the Metro Core area providing much needed around-the-clock activity contributing to a more vibrant mixed-use identity. The combination of multifamily dwelling units, ground floor retail uses, and amenities proposed will increase the customer base of nearby shops, restaurants and services in the Metro Core during nighttime and on weekends that does not exist today.

- *Encourage high-performance buildings and sites nearest the established centers.*

The Project proposes to incorporate energy efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the Bethesda Overlay Zone. In addition, intensive green roof systems are proposed to maximize the Property's overall green cover.

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

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

Vehicular access to the Property is proposed directly from Commerce Lane through a consolidated garage access point and loading bay (two separate but adjacent entrances) at the northeast corner of the site. Resident vehicle parking, accessed at this location, will be within a structured below-grade garage. This configuration eliminates vehicular access from Old Georgetown Road (MD 187) and minimizes interruptions to the pedestrian realm.

Pedestrian and bicycle 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. Master planned separated bicycle lanes are anticipated along Old Georgetown Road, though the exact location and design of that bikeway has not yet been determined. The Applicant will participate in implementation through pro rata cost sharing prior to the first Use and Occupancy permit.

The Project includes a bicycle parking room to provide long-term bicycle storage for the residents. Bicyclists will access the room via the lobby on Old Georgetown Road. The bicycle parking room will provide secure, private parking for 96 bikes and the proposed layout meets the design and capacity standards set by the Zoning Ordinance. The final number of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the final number of residential dwelling units.

*Transit Connectivity*

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

*Master Plan Roadways and Pedestrian/Bikeway Facilities*

The 2017 *Bethesda Downtown Sector Plan* recommends the following along property frontages:

1. Old Georgetown Road, along the southwestern site frontage, as a major highway (M-4) with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-8). Although a specific design for the Old Georgetown Road separated bike lanes has not yet been determined, the current concept envisions this bicycle facility on the north side of Old Georgetown Road. Staff believes the north side of the roadway will better coordinate with plans for the East-West Highway (MD 410) separated bikeway which are also envisioned on the north side.
2. Commerce Lane, along the eastern site frontage, as a business district street with a minimum right-of-way width of 50 feet and bicycle shared roadway (SR-8).

*Sector-Planned Transportation Demand Management*

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

*Adequate Public Facilities*

The Project is estimated to generate 108 morning peak-hour person trips and 120 evening peak-hour trips. When compared to the existing use to be removed from the Site, the Project generates a net new four

morning peak-hour person trips and 18 evening peak-hour trips. Since the Project will generate fewer than 50 net new person trips, the Local Area Transportation Review is satisfied without further analysis.

Table 1: Project Peak Hour Trip Generation

Existing	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
7,500 SF High Turnover Sit-Down Restaurant	75	73	46	45	104	102
<b>Existing Trips</b>	<b>75</b>	<b>73</b>	<b>46</b>	<b>45</b>	<b>104</b>	<b>102</b>
Proposed	AM	PM	AM	PM	AM	PM
200 High-Rise Apartments	69	77	55	61	108	120
3,000 SF Retail (Ancillary <sup>1</sup> )	--	--	--	--	--	--
<b>Proposed Trips</b>	<b>69</b>	<b>77</b>	<b>55</b>	<b>61</b>	<b>108</b>	<b>120</b>
<b>Net New Trips</b>	<b>(6)</b>	<b>4</b>	<b>(9)</b>	<b>16</b>	<b>4</b>	<b>18</b>

<sup>1</sup>Retail that constitutes less than 15,000 square feet, has no parking associated with it, and is less than 10% of the building is ancillary under the Local Area Transportation Review Guidelines and therefore generates no traffic impact.

### School Adequacy Analysis

#### Overview and Applicable School Test

Preliminary plan application #120190050 for 7607 Old Georgetown Road is scheduled for Planning Board review on January 24, 2019, therefore the applicable annual school test is the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018. The application proposes development of up to 200 new multifamily high-rise dwelling units.

#### Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

Table 2 – Per Unit Student Generation Rates – Southwest Region

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

With a net of 200 new dwelling units, the proposed project is estimated to generate the following number of students shown in the following table.

Table 3

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
MF High-rise	200	0.055	11.000	0.022	4.400	0.031	6.200
<b>TOTAL</b>	<b>200</b>		<b>11</b>		<b>4</b>		<b>6</b>

This project is estimated to generate 11 new elementary school students, 4 new middle school students, and 6 new high school students.

*Cluster Adequacy Test*

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

Table 4

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,690	4,043 <sup>1</sup>	91.3%	4,852	<b>3,701</b>
Middle	1,803	2,024	89.1%	2,429	<b>1,807</b>
High	2,463	2,407	102.3%	2,889	<b>2,469</b>

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. Current projections for the cluster fall within the threshold at each level, therefore the cluster service area remains open to new residential development. Since this project is not estimated to generate any students, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate this project.

*Individual School Adequacy Test*

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table.

Table 5

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Surplus/ Deficit	
Bethesda ES	699	698 <sup>2</sup>	100.1%	-1	838	808	<b>710</b>
Westland MS	832	1,089	76.4%	+257	1,307	1,269	<b>836</b>

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

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

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

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

### **School Analysis Conclusion**

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

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

### **Other Public Facilities**

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

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

##### *Forest Conservation*

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and afforestation requirements would not exceed 10,000 square feet.

##### *Green Cover requirements*

The Applicant must provide a minimum of 4,827 square feet of Green Cover to meet the 35% Green Cover requirement set forth in Section 2.4.1 of the Sector Plan and Section 2.3.2 of the associated Design Guidelines. The green cover may include singularly or a combination of intensive green roof (8 inches or deeper) or tree canopy cover. The proposed layout of the building precludes the opportunity for onsite canopy tree plantings. Therefore, the onsite 35% green area cover will need to be achieved entirely with intensive green roof. The Application is proposing approximately 3,217 square feet of green roof, and 1,610 square feet of planter boxes, which is equivalent to 35% of the site area. Conditions of approval are recommended for the Applicant to provide 35% of site area with intensive green roof and planter boxes, rather than tree canopy.

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

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on November 16, 2018 (Attachment C). The Preliminary Plan proposes to meet stormwater management requirements through the use of an extensive (8-inch depth) green roof over 3,750 square feet of the site, micro-bioretenion and a waiver of quantity and quality control for remaining requirements based on site limitations.

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

No other provisions apply to the Subdivision.

## **SECTION 5: SITE PLAN 820190030**

### **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 of Sketch Plan No. 320180160.

- 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 area is approximately 0.44 acres, zoned CR 5.0 C 5.0 R 4.75 H 225, and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 1: Data Table

Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	<b>Tract Area per Zone</b>		
	CR 5.0 C-5.0 R-4.75 H-225	n/a	19,239 sf (0.44 ac)
	Prior Dedication	n/a	4,362 sf (0.10 ac)
	Proposed Dedication	n/a	1,100 sf (0.02 ac)
	<b>Site Area</b>	n/a	<b>13,777 sf (0.32 ac)</b>
	<b>Density</b>		
	Residential Density (GFA/ FAR)	91,385 sf (4.75)	91,385 sf (4.75)
	Commercial Density (GFA/FAR)	96,195 sf (5.0)	3,000 sf (0.16)
	<b>Bethesda Overlay Zone Density</b>	n/a	133,615 sf (6.94)
	<b>Total GFA/ FAR</b>	96,195 sf (5.0)	<b>228,000 sf (11.85)</b>
	<b>MPDU Density GFA/ FAR (minimum)</b>	15%	22,000 sf (1.14)
	<b>Building Height</b>	225 feet	225 feet
	<b>Public Open Space (minimum)</b>	0	0
	<b>Minimum Setbacks</b>	0	0

Section 59.6	Parking	Spaces Required	Spaces Provided
	<b>Vehicle Parking Residential<sup>1</sup></b>		
	1 Bedroom-110 market rate units; 19 MPDUs	65 min/162 max <sup>2</sup>	
	2 Bedroom-60 market rate units; 11 MPDUs	51 min/107 max <sup>2</sup>	
	<b>170 market rate units; 30 MPDUs</b>	<b>116 min/269 max</b>	
	Retail/Service establishment (3,000 sq. ft.)	11 min/18 max	
	<b>TOTAL</b>	<b>127 min/287 max</b>	<b>140 (unbundled)</b>
	<b>Bicycle Parking (Long Term/ Short Term)</b>	95/5	95/1
	Residential (200 units)	0/1	0/1
	Retail/Service establishment	<b>95/6</b>	<b>95/6</b>
	<b>TOTAL</b>		
	<b>Loading Spaces</b>	<b>1</b>	<b>1</b>

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

<sup>2</sup>Minimum parking adjusted per Section 59.6.2.3.I, 2b and 5.

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 133,615 square feet from the BOZ initiating a Park Impact Payment of \$1,116,150 (22,000 square feet of MPDU Density, valued at \$220,000, excluded from payment) to be paid at the time of building permit. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million square foot 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 Facilities; Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Table 2: Public Benefits

<b>Public Benefits</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Max Allowed</b>	<b>Requested</b>
<b>59.4.7.3A. Major Public Facilities</b>	<b>70</b>	<b>9</b>
<b>59.4.7.3C: Connectivity and Mobility</b>		
<b>Minimum Parking*</b>	<b>20</b>	<b>9.18</b>
<b>Trip Mitigation</b>	<b>20</b>	<b>10</b>
<b>59.4.7.3D: Diversity of Uses and Activities</b>		
<b>Small Business Opportunities</b>	<b>30</b>	<b>10</b>
<b>59.4.7.3E: Quality of Building and Site Design</b>		
<b>Architectural Elevations</b>	<b>30</b>	<b>30</b>
<b>Exceptional Design*</b>	<b>30</b>	<b>30</b>
<b>Structured Parking</b>	<b>20</b>	<b>20</b>
<b>Tower Setback</b>	<b>20</b>	<b>5</b>
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
<b>Building Lot Termination (BLT)</b>	<b>30</b>	<b>1.8</b>
<b>Energy Conservation and Generation*</b>	<b>25</b>	<b>15</b>
<b>TOTAL</b>		<b>139.98</b>

\*Denotes Sector Plan priority

Major Public Facilities

*Bikeshare station:* The Applicant requests 9 points for providing an off-site 19-dock bikeshare station. Points for this incentive are granted based on the amount of land conveyed to, actual construction of, or financial contributions made to major public facilities. The Applicant proposes to provide this facility in the form of capital costs for an off-site 19-dock bikeshare station. Per the calculations provided on the Site Plan, Staff supports the Applicant’s request.

Connectivity and Mobility

*Minimum Parking:* The Applicant requests 9.18 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points, for providing the maximum allowable number of on-site spaces, to 20 points for providing no more than the minimum number of spaces on site. Staff supports 9.18 points for this category.

$$[(\text{Maximum Allowed} - \text{Proposed}) / (\text{Maximum Allowed} - \text{Minimum Required})] * 10$$

$$[(287 - 140) / (287 - 127)] * 10 = 9.18 \text{ points}$$

*Trip Mitigation:* The Applicant requests 10 points for executing a binding traffic mitigation agreement (TMAg) with MNCPPC and MCDOT prior to certification of a Site Plan Application for the Project. Points for this incentive are granted for entering into binding agreements to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement. The Public Benefits Section of the ordinance requires a minimum of 50% reduction, however the *Bethesda Downtown Sector Plan* recommends a reduction of trips by 55%. Points are given when the Project exceeds regulatory requirements and Staff supports the request.

#### Diversity of Uses and Activities

*Small Business Opportunities:* The Applicant requests 10 points for providing retail space for small businesses. Points for this incentive are granted when the project will be designed for small, neighborhood-oriented businesses and the Applicant records covenants that reflect certain restrictions. One ground floor retail bay of 3,000 square feet is currently proposed. Staff supports the request.

#### Quality of Building and Site Design

*Architectural Elevations:* The Applicant requests 30 points for providing architectural elevations as part of the certified site plan showing particular elements in the façade including minimum amounts of transparency on the first floor, minimal spacing between operable doors, and design priorities of the applicable sector plan or implementing design guidelines. As conditioned, the exterior architectural elements must be substantially similar to architectural elevations shown on the submitted architectural drawings. Staff supports the Applicant's request.

*Exceptional Design:* The Applicant requests 30 points for a building or site design that enhances the character of a setting. In accordance with the Bethesda Overlay Zone density, the Project was reviewed by the Design Advisory Panel, which supported the Applicant's request based on the quality of the design. The Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.



*Figure X: View from....*

Based on the materials submitted with the Application, Staff supports the Applicant's request for 30 exceptional design points, as discussed below and in the Applicant's Statement of Justification:

*Providing innovative solutions in response to the immediate context:*

The design of 7607 Old Georgetown Road is responsive to its site on two different scales: the scale of the street, and the larger scale of the Bethesda skyline. In both cases, the design responds to its unique neighboring context of streets and public spaces and its specific location in the Wisconsin Corridor neighborhood in close proximity to Metro Center. Given its corner location along the primary rights of way of Old Georgetown Road and Commerce Lane, the building will be visible from a distance in addition to its street experience. The design embraces this duality with a unique composition of a street and sky approach by breaking down the massing. First, an approximately 5-story street-scaled volume that contains retail, loft residences and two parking levels defines the street and scales the building to the pedestrian. Second, a two-tower composition articulates the building and provides a compelling sky profile. Together, the design accomplishes a welcome scale and profile for the neighborhood.

*Creating a sense of place and serves as a landmark:*

The proposed design is located on a corner site along Old Georgetown Road, one of the primary arteries in the center of Bethesda. The site shape is distinctively trapezoidal and provides geometric inspiration for the building's form. This geometric inspiration is realized on the unique inflections that the two tower elements employ in their compositions as they address issues of neighboring adjacencies, corner articulation, and the splay of Commerce Lane. At the street scale the 5-story volume that comprises the building's base is 'splayed' along Commerce Lane to follow its arc toward Wisconsin Avenue. Two tower forms, scaled to the residential units they comprise, are stepped back from the base as they embrace the skyline. These volumes are independently oriented with chamfers at their ends and along their flanks to address view corridors, provide outdoor spaces, and appropriately address the site's urban location. At the main roof plane, the two volumes are stepped to create terraces and animate the skyline with a slender profile of overlapping vertical volumes.

*Enhancing the public realm in a distinct and original manner:*

The building sits along three distinct and interesting public streets and spaces. In each case the design seeks to support the inherent character of that frontage. The primary frontage on Old Georgetown Road is a busy commercial street with numerous retail venues. The design proposes active, contiguous corner retail frontage along old Georgetown road without interruption. Engagement of the public realm with 'operable facades' and storefront seating will create a memorable and unique experience for pedestrians. The retail plates will be tall, flexible infrastructure that will be desirable quality space. Service for the building has been located on the secondary street and combined with parking access to consolidate these services for an improved public realm. Loading vehicles will not need to back in from, or onto, Commerce Lane. Vehicles will enter and leave the site safely and frontally.

The main residential entry and lobby will be located on Old Georgetown Road, which is noted as a 'tree canopy' corridor in the guidelines. A notably quieter, more intimate and distinct character occurs on Commerce Lane and is appropriate as the main residential entry street. As many trees as possible will be placed on our limited frontage along Commerce Lane. With only one driveway instead of two on Commerce Lane, there can be significantly more street frontage available for trees or other streetscape.

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

The design for 7607 Old Georgetown Road envisions materials that will complement its form, uses, and neighborhood. As required in high-rise construction the materials will be robust and durable. Sustainable practices for buildings of this height include rain screen technologies for glass and skin, with architectural concrete as an additional option. Materials being considered at the sketch plan stage of design include large format metal or ceramic panels, and masonry or concrete panels rendered in a unique, simple pattern that compliments the overall building form. Beyond the three-volume composition that is finished with stepped articulation of the roof planes, outdoor space will form a secondary level of articulation for the building's architecture. In addition to the outdoor connections envisioned at the street level for retail activation, outdoor 'rooms' will be provided for residents and carefully integrated into the buildings forms.

*Designing compact, infill development so living, working, and shopping environments are more pleasurable and desirable on a site:*

By providing a quality urban living alternative in the vibrant heart of this Bethesda neighborhood the uses will help to support the emerging improvement of the public realm in Bethesda. As a complement to the primarily commercial neighborhood, residents on this site will provide the critical support that successful retail street environments need to thrive. By providing a building of quality that reinforces the adjacent sidewalks and public realm with flexible retail and residential living the building will provide and anchor in the existing street corridors in which it is located. The design proposes interesting and unique retail frontage, quality residential living and architecture, and a building that is scaled to the street life in which it is located. Street architecture will embrace the materials envisioned in the design guidelines with a focus on the pedestrian experience with minimal interruptions and trees and landscape design that complete the street experience.

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

The site's stormwater management system embraces the concept of onsite hydrology management for minimal impact on the public resources and systems. The design will manage storm water through a combination of filtering, storage, evaporation, and minimization of runoff on the site holistically. These strategies will consist of a combination of green roof filtering and storage, bio retention areas integrated into the building's architecture, and carefully selected planting species that are native and drought-tolerant. Other sustainable design elements to be incorporated into the building include: exceeding energy-efficiency standards by at least 17.5%; and providing on-site energy co-generation.

The Design Advisory Panel recommended the following during their September 26, 2018 meeting:

1. Of the three façade options either the middle or right are preferable.
2. Consider providing accessible access directly from the building to the plaza.
3. Public Benefit Points: All of the panel members support the requested 30 exceptional design points noting that this building is an example and shows real care to meeting the spirit of the design guidelines.
4. Vote: 5 in support

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

*Tower Step-Back:* The Applicant requests points for providing a tower step-back on the building's upper floors by a minimum of six feet behind the building's upper floors. The setback must begin at a height no greater than 72 feet and must be retained across at least 70 percent of the frontage on any right-of-way or open space. Staff supports 5 points for this category.

#### Protection and Enhancement of the Natural Environment

*BLTs:* The Applicant requests 1.8 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area (0.2061 BLTs). Points are granted by the calculation of BLTs as provided Section 59.4.7.3.F.1 of the Zoning Ordinance. Staff supports the Applicant's request.

*Energy Conservation and Generation:* The Applicant requests 15 points for incorporating high efficiency building materials and mechanical systems that exceed energy efficient standards for the building type by 17.5%. For Projects located within the High-Performance Area of Downtown Bethesda, this is a required public benefit category for which the Applicant must achieve 15 points. Staff supports this request.

iii. *Division 6.1. Site Access*

Vehicular access to the Property is proposed directly from Commerce Lane through a consolidated garage access point and loading bay. Pedestrian and bicycle access to the Property will be provided along both Commerce Lane and Old Georgetown Road, though pedestrian and bicycle access will be prioritized along the Old Georgetown Road frontage through the residential lobby. The bicycle parking room is located in the garage and short-term bicycle parking will be provided along the public sidewalks. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

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

Vehicular access to the Property is proposed directly from Commerce Lane through a consolidated garage access point and loading bay (two separate but adjacent entrances) at the northeast corner of the site. Resident vehicle parking, accessed at this location, will be within a structured below-grade garage. This configuration eliminates vehicular access from Old Georgetown Road and minimizes interruptions to the pedestrian realm. One loading space is provided, as required in the Zoning Ordinance.

v. *Division 6.3. Open Space and Recreation*

Under the Optional Method of Development in the CR Zone (given that the lot area for the property is under one acre and it does not have frontage on more than two existing and planned right-of-way frontages), the Application is not required to provide on-site public open space. The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided on the Site Plan. The Application is providing bicycle amenities (including an indoor repair room); indoor fitness room; resident lounge; multi-purpose lobby area; and picnic and seating areas. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

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

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along Commerce Lane and Old Georgetown Road 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*

The Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on November 16, 2018 (Attachment X). The Site Plan proposes to meet stormwater management requirements through the use of an extensive (8-inch depth) green roof over 3,750 square feet of the site, micro-bioretenment and a waiver of quantity and quality control for remaining requirements based on site limitations.

ii. *Chapter 22A, Forest Conservation.*

A Forest Conservation Exemption for this project was approved on January 19, 2018, through Section 22A-5(s)(1) of the Forest Conservation Law under application #42018113E. The project qualifies for the small property exemption because the net tract area is less than 1.5 acres with no existing forest or existing specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

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

The Project provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities. Vehicular access and loading will be located along Commerce Lane. Resident vehicle parking, accessed at this location, will be within a structured below-grade garage. This configuration eliminates vehicular access from Old Georgetown Road and minimizes interruptions to the pedestrian realm. The Project has been conditioned to coordinate with MCDOT to participate in the future construction of separated bicycle lanes along the north side of Old Georgetown Road. Additionally, the Project will provide an offsite bikeshare station as part of its Public Benefit package, onsite bicycle storage for tenants, and underground parking for residents and retail tenants. The Project is located within the Parking Lot District and as such, is providing less parking than the maximum required by zoning. Pedestrian access to the site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages and right-of-way dedication along Old Georgetown Road as recommended by the Bethesda Design Guidelines. Although, under the Optional Method of Development in the CR Zone (given that the lot area for each property is under one acre and no lot has frontage on more than two existing and planned right-of-way frontages), the Applicant is not required to provide on-site public open space, the project does provide recreational amenities including an indoor fitness room, resident lounge, multi-purpose lobby area and picnic and seating areas, as shown on the Certified Site Plan.

The Project's massing is internally and externally compatible with existing and pending development in the vicinity. Per the Applicant's Statement of Justification:

The design of the Project is responsive to the scale of the street and the larger scale of the Bethesda skyline. In both cases, the urban design of the Project responds to its unique neighboring context of streets and public spaces and its specific location in the Wisconsin Corridor neighborhood in close proximity to Metro Center. Given its corner location along the primary rights of way of Old Georgetown Road and Commerce Lane, the building will be visible from a distance in addition to its street experience. The design embraces this duality with a unique composition of a street and sky approach by breaking down the massing. First, an approximately

4-story street-scaled volume that contains retail and residential uses defines the street and scales the building to the pedestrian. Second, a two-tower composition articulates the building and provides a compelling sky profile. Together, the design accomplishes a welcome scale and profile for the neighborhood. The Project will enhance the public realm through the placement of well-designed and flexible retail uses and residential building entries while providing trees and landscaping as appropriate. In addition to the distinct frontages of Old Georgetown Road and Commerce Lane, the Property also faces onto Bethesda Place, a unique neighborhood amenity that provides outdoor public space. As a building located along one of the primary arteries in Bethesda, the design proposes a three-volume composition to include a street-scale base with two volume towers of varying heights resulting in a distinct profile in the Bethesda cityscape.

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

As discussed in the Preliminary Plan Findings of this staff report, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a mixed-use development with up to 200 multi-family residential dwelling units with 15% on-site MPDUs and up to 3,000 square feet of ground-floor street activating retail uses, as well as underground parking, minimum parking, exceptional design, energy conservation and generation and on-site amenities for the residents.

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

As discussed in the Preliminary Plan No. 120190050 findings, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

The Subject Property is not located in a Rural Residential or Residential zone.

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

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Sector Plan identifies the Wisconsin Avenue Corridor District as an area that should emphasize mixed land uses that focus on employment, high density residential, and distinctive infill buildings. The Project will provide residential uses on-site as well as a height and density that is compatible with the desired character of infill development within the Wisconsin Avenue Corridor District. The Project's design and scale is compatible with adjacent buildings in the Wisconsin Avenue Corridor District.

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

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

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

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

### **CONCLUSION**

The proposed development complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The proposed development satisfies the findings of the Subdivision Code and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan No. 120190050 and Site Plan No. 820190030 with the conditions specified at the beginning of this report.

### **ATTACHMENTS**

- A. Sketch Plan Resolution (MCPB No. 18-060)
- B. Design Advisory Panel Memorandum
- C. Agency Letters