



**Metro Tower/One Bethesda Center Preliminary Plan No. 120190190**

**Metro Tower Site Plan No. 820190110**

**One Bethesda Center Project Plan Amendment 91983005B and Site Plan Amendment No. 81984006B**

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**Description**

**Completed: 7.8.19**

- Creation of two lots for 180,396 square feet of existing uses to remain on one lot and construction of a mixed-use project of up to 400,000 total square feet, including up to 389,000 square feet of residential development, and up to 11,000 square feet of commercial retail on the second lot. The maximum density includes up to 188,506 square feet of density from the Bethesda Overlay Zone with a Park Impact Payment;
- Current use: Mixed commercial and residential development in two buildings.
- Located in the northwest quadrant of the intersection of Wisconsin Avenue and Elm Street in Bethesda;
- 1.46 total acres zoned CR-5.0 C-4.0 R-4.75 H-175, CR-5.0 C-5.0 R-4.75 H-250, and Bethesda Overlay Zone, in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: 7316 Wisconsin LLC.
- Acceptance date: April 2, 2019



**Summary**

- Staff recommends approval of the Preliminary Plan, Site Plan, and associated amendments, with conditions.
- The Project includes an allocation of Bethesda Overlay Zone density of up to 188,506 square feet. After discounting the total MPDU square footage excluded from the PIP calculation, the resulting PIP is \$1,301,560 to fund park acquisition in downtown Bethesda.
- The proposal includes 15% moderately priced dwelling units, minimum parking, structured parking, a through block connection and exceptional design, among other public benefits.
- The applications resubdivide two existing lots to transfer a portion of the One Bethesda Center property to the Metro Tower site. All existing development on the One Bethesda Center property will remain and all new development will be located on the Metro Tower site.
- The Planning Director administratively approved an extension of Planning Board Hearing for the One Bethesda Center Project Plan Amendment 91983005B from 7/4/19 to 7/25/19.
- In a 6/24/19 letter, the Applicant requested that the Planning Board accept the open space plaza in lieu of a PIP payment. Staff does not support the request as the plaza will not be dedicated to Montgomery County Parks Department and therefore does not qualify for a reduction under Section 4.9.2.C.2.ii.

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## **SECTION 1 – RECOMMENDATION AND CONDITIONS**

### **One Bethesda Center Project Plan No: 91983005B**

Staff recommends approval of Project Plan Amendment No. 91983005B, One Bethesda Center, to reduce the gross lot size from 67,873 to 61,058 square feet and reduce the net lot area from 45,552 square feet to 41,062 square feet due to 4,490 square feet being incorporated into the adjacent Metro Tower site. All development existing on the new lot is to remain. All references to and requirements for development located on the portion of the site being modified by Site Plan No. 81984006B are no longer required. All other conditions and findings remain valid and in full effect.

### **Metro Tower/One Bethesda Center Preliminary Plan No. 120190190**

Staff recommends approval of Preliminary Plan No. 120190190 for the Metro Tower/One Bethesda Center subject to the following conditions:

1. This Preliminary Plan is limited to two lots, for up to 180,396 square feet of existing development to remain on one lot, and up to 366 multi-family dwelling units and up to 11,000 square feet of ancillary retail development on the second lot.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 17, 2019, as amended by email dated July 5, 2019 and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements associated with each plat, as required by MCDOT.
4. The Applicant must dedicate and show on the record plat(s) the following right-of-way dedication:
  - a. Hampden Lane: dedication necessary to achieve 30 feet of right-of-way between the Subject Property line and right-of-way centerline in support of a master planned 60-foot wide right-of-way;
  - b. Elm Street: dedication necessary to achieve 30 feet of right-of-way between the Subject Property line and right-of-way centerline in support of a master planned 60-foot wide right-of-way; and
  - c. Wisconsin Avenue: dedication necessary to achieve 61 feet of right-of-way between the Subject Property line and right-of-way centerline in support of a master planned 122-foot wide right-of-way.
5. The record plat must show necessary easements.
6. Prior to the release of any above grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.
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 June 13, 2019, 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 June 13, 2019. 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. Prior to submission of a record plat, the Applicant must receive Staff certification of Site Plan No. 820190110. However, demolition may begin prior to certification of Site Plan. The Applicant may apply for and obtain demolition and associated rough grading permits at any time.
10. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan amendment.
11. 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.
12. 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.

#### **One Bethesda Center Site Plan Amendment No. 81984006B**

Staff recommends approval of Site Plan Amendment No. 81984006B, One Bethesda Center, to reduce the gross lot size from 67,873 to 61,058 square feet and reduce the net lot area from 45,552 square feet to 41,062 square feet due to 4,490 square feet being incorporated into the adjacent Metro Tower site. All development existing on the new lot, 180,396 square feet, is to remain. All references to and requirements for development located on the portion of the site being modified by this Site Plan Amendment are no longer required. All other conditions and findings remain valid and in full effect.

#### **Metro Tower Site Plan No. 820190110**

Staff recommends approval of Site Plan 820190110. 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.<sup>1</sup>

#### **Conformance with Previous Approvals & Agreements**

1. Sketch Plan Conformance  
The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320190050 as listed in the MCPB Resolution No. 19-027 dated May 6, 2019 and any subsequent amendments.
2. Preliminary Plan Conformance  
The development must comply with the conditions of approval for Preliminary Plan No. 120190190 and any subsequent amendments.

#### **Density, Height & Housing**

3. Density  
The Site Plan is limited to a maximum of 400,000 square feet of total development on the Subject Property, including up to 389,000 square feet of residential uses, for up to 366 multi-family dwelling units,

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<sup>1</sup> For the purposes 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.



and up to 11,000 square feet of non-residential uses. The total development includes up to 188,506 square feet of Bethesda Overlay Zone density.

4. Height

The development is limited to a maximum height of 250 feet, as measured from the building height measuring point illustrated on the Certified Site Plan.

5. 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 \$1,301,560 prior to release of the first above-grade building permit for the allocation of 188,506 square feet of Bethesda Overlay Zone Density. The total MPDU square footage of 58,350 square feet is excluded from the PIP calculation, resulting in 130,156 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.

6. Affordable Housing

- a. The development must provide a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) consistent with the requirements of Chapter 25A and the applicable Sector Plan.
- b. Prior to the 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 June 14, 2019, 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**

7. 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, including the undergrounding of utilities, along the Subject Property's frontage on Hampden Lane, Elm Street, and Wisconsin Avenue, consistent with the Bethesda Streetscape Standards, and as illustrated in the Certified Site Plan.
- b. Prior to issuance of final Use and Occupancy Certificate for the residential units, all on-site amenities and amenities for the offsite open space plaza, including, but not limited to: lights, sidewalks/ pedestrian pathways, hardscape, artwork, water feature, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- c. Subject to further coordination with DPS Site Plan Enforcement Staff, the water feature in the plaza space shall operate at a minimum from April 15<sup>th</sup> through October 15<sup>th</sup> each year. However, the fountain may be turned off after-hours. The Applicant shall provide a routine preventative maintenance schedule for the water feature, as shown on the Certified Site Plan. The maintenance schedule shall include provisions for hours of operation, basic cleaning and debris removal, water

treatment and general maintenance. The associated notes should include provisions for Staff to approve changes in the schedule, without the need for a Site Plan amendment.

- d. The Applicant must install landscaping no later than the next growing season after completion of site work.

## 8. Public Benefits

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

### a. Connectivity and Mobility

- i. Minimum Parking – The Applicant must not provide more than 160 parking spaces, all of which must be unbundled from the sale or lease of the proposed dwelling units.
- ii. Through-Block Connection – The Applicant must provide the enhanced pedestrian connection between Hampden Lane and Elm street within the open space plaza containing a water feature, raised planter(s) with seat wall, lighting and artwork(s). The pedestrian connection/plaza amenities must be shown on the Certified Site Plan.

### b. Diversity of Uses and Activities

Small Business Opportunities – Prior to the 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. The six-year time period is binding upon future owners and successors in title. Prior to issuance of any Use and Occupancy Certificate for the commercial portion of the project, the Applicant must provide as-built floor plans to M-NCPPC and a copy of the approved layout to Department of Permitting Services Zoning & Site Plan Enforcement. These restrictions must remain in effect for a minimum of six years after the issuance of the initial Use and Occupancy Certificates.

### c. Quality Building and Site Design

- i. Exceptional Design – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan, as determined by Staff.
- ii. Structured Parking – The Applicant must provide all parking spaces within the below-grade structure on the Subject Property.
- iii. Tower step-back – With the exception of the Wisconsin Avenue façade and the Elm Street and Hampden Lane building corners, the Applicant must step back the building's upper floors, at a height no greater than 72 feet, to achieve the approximate average step back of 10 feet for the building as shown on the architectural plans submitted with this application, and as presented to MNCPPC Staff, the Design Advisory Panel, and the Planning Board. The Certified Site Plan must also show this approximate average step-back.

### d. Protection and Enhancement of the Natural Environment

- i. Building Lot Terminations (BLTs) – Prior to the issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.8964 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. Prior to issuance of the Final Use and Occupancy Permit a model demonstrating compliance with the Energy Conservation and Generation must be provided to MNCPPC.

## 9. Recreation Facilities

- a. Prior to Certified Site Plan approval, the Applicant must demonstrate substantial conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

10. Maintenance of Public Amenities

The Applicant must maintain all publicly accessible amenities including, but not limited to public open space and amenity areas located on the Subject Property and in the offsite portions of the open space plaza, such as lighting, paving, public art, plantings and water feature.

11. Public Art

- a. The Applicant must decommission the existing artworks on the site consistent with the Montgomery County Public Art Guidelines.
- b. The Applicant must install new public art onsite consistent with the recommendations of the Art Review Panel.
- c. The Planning Board accepts the recommendations of the Art Review Panel as described in their letter dated July 1, 2019.
- d. The final design is subject to MNCPPC Staff approval and must be illustrated in the Certified Site Plan.
- e. Significant changes to the concept may require a Site Plan Amendment.

**Environment**

12. Green Cover

- a. The Applicant must provide on-site a minimum of 32.5% of site area with intensive green roof/planter boxes, as illustrated on the Certified Site Plan.
- b. Any intensive green roof installed pursuant to this condition must have a minimum soil depth of six inches.

13. Noise Attenuation

- a. Prior to the 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. 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.
- c. Prior to the issuance of Use and Occupancy certificate for the noise impacted 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.

14. Street Trees

- a. The Applicant must install all street trees illustrated on the Certified Site Plan.
- b. Subject to MNCPPC Staff review and approval, if the Applicant is unable to install a street tree due to conflicts with utility work, the Applicant must provide a payment to the Bethesda Urban Partnership fund for planting trees within the Bethesda Central Business District. Any payment, if applicable must be made prior to release of the final Use and Occupancy permit.

**Site Plan**

15. Building & Site Design

- a. The Planning Board accepts the recommendations of the Design Advisory Panel as described in its letters, dated November 28, 2018, and, April 24, 2019.

- b. Any significant changes to the design, as determined by MNCPPC Staff, must be presented to the Design Advisory Panel and approved by MNCPPC Staff prior to certification of the Site Plan, and certain changes to the design, as determined by MNCPPC Staff, may require a Site Plan Amendment.

16. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to MNCPPC 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 upright fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

17. Landscape/Street Trees

- a. The onsite landscaping and offsite plaza space shall utilize a planting list which maximizes native plant materials per the sector plan. However, the planting species associated with the stormwater management features (such as the green roof) are subject to DPS approval.
- b. The Certified Site Plan shall provide for a minimum soil volume of 600 cubic feet for each of two trees located at the south side of the open space plaza.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, excluding demolition of existing buildings, sheeting 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-NCPCC 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 MNCPPC Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to any plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, railings, private utilities, and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted prior to the issuance of the any building permit of development and will be tied to the development program.
- c. A separate cost estimate and bond must be completed for any off-site improvements associated with the off-site public open space requirements.
- d. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

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

19. Development Program

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

20. Transportation

- a. In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail, no parking may be provided for the commercial use.
- b. The Applicant must provide a minimum of 102 bicycle parking spaces to include 96 long-term and six (6) short-term bicycle parking spaces.
- a. 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.

21. 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 June 4, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

22. Certified Site Plan

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

- a. Include the Stormwater Management Concept approval letter and other applicable agency letters, Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site, Landscape and Architectural plans.

## SECTION 2 – SITE LOCATION

### Site Vicinity and Analysis

#### Site Location

The subject site (Subject Property or Property) occupies the majority of the block bound by Wisconsin Avenue, Elm Street, Hampden Lane, and Woodmont Avenue. The Property is in the Wisconsin Avenue District of the 2017 *Bethesda Downtown Sector Plan* (Sector Plan). The Property is within Bethesda Parking Lot District (PLD).

#### Site Vicinity

The surrounding development is a mix of mid- to high-rise primarily single-use commercial with some residential. Development south and east of the site is primarily commercial and includes the 7272 Wisconsin Avenue development currently under construction for a commercial and a residential tower above a shared platform with the Bethesda Purple Line Station and the new Metro southern entrance below, as well as the recently approved 7359 Wisconsin Avenue redevelopment of the police station site with hotel and office uses. North of the site the commercial development includes the Bethesda Metro development, including hotel and office uses, with an abandoned gas station currently approved for multi-family residential development (7340 Wisconsin Avenue) immediately opposite the site.

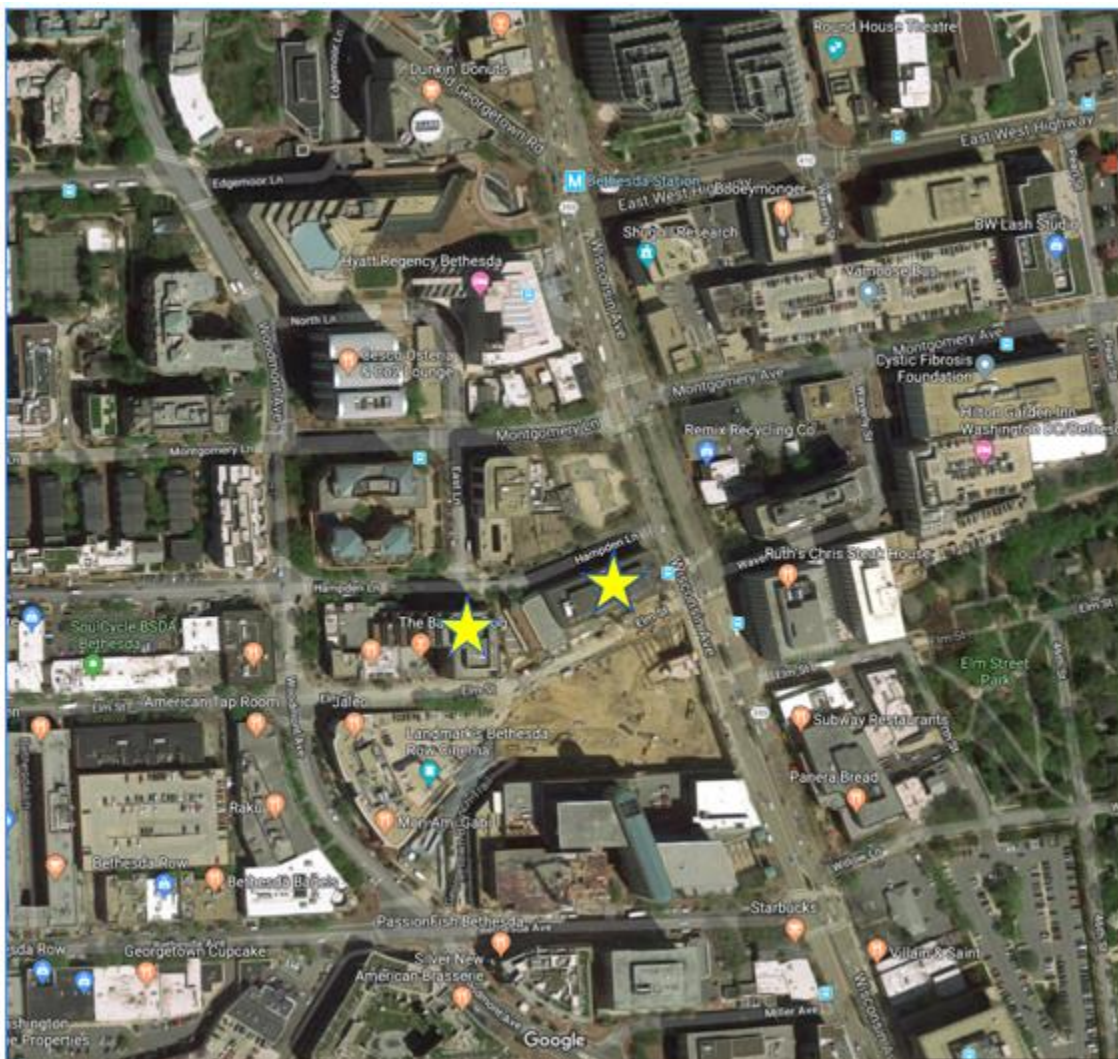


Figure 1 – Vicinity Map



### Site Description

The Subject Property for the Metro Tower has a tract area of 1.08 acres and is zoned CR-5.0 C-5.0 R-4.75 H-250 and is currently developed as a five-story commercial building with structured parking garage and also a two-story building that is part of the abutting One Bethesda Center development. The One Bethesda Development site has a gross tract area of 67,873 square feet and is zoned CR-5.0 C-4.0 R-4.75 H-175 and is currently developed with office and residential uses. The sites are located within the Wisconsin Avenue district of the 2017 *Bethesda Downtown Sector Plan* and fall within the Bethesda Parking Lot District (PLD).

The Subject Property is located within the Willett Branch watershed which is a tributary to Little Falls Branch Stream, a Use I-P<sup>1</sup> watershed. Aside from the watershed the site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, steep slopes or specimen trees. There are street trees generally measuring less than 18" diameter at breast height (DBH) associated with the Subject Property frontages.

### Previous Approvals

The built One Bethesda Center development on the western portion of the block overlaps the proposed Metro Tower development site. The Applicant is seeking to incorporate this portion of the One Bethesda Center site into the Metro Tower Project. All previous approvals are included in Attachment A.

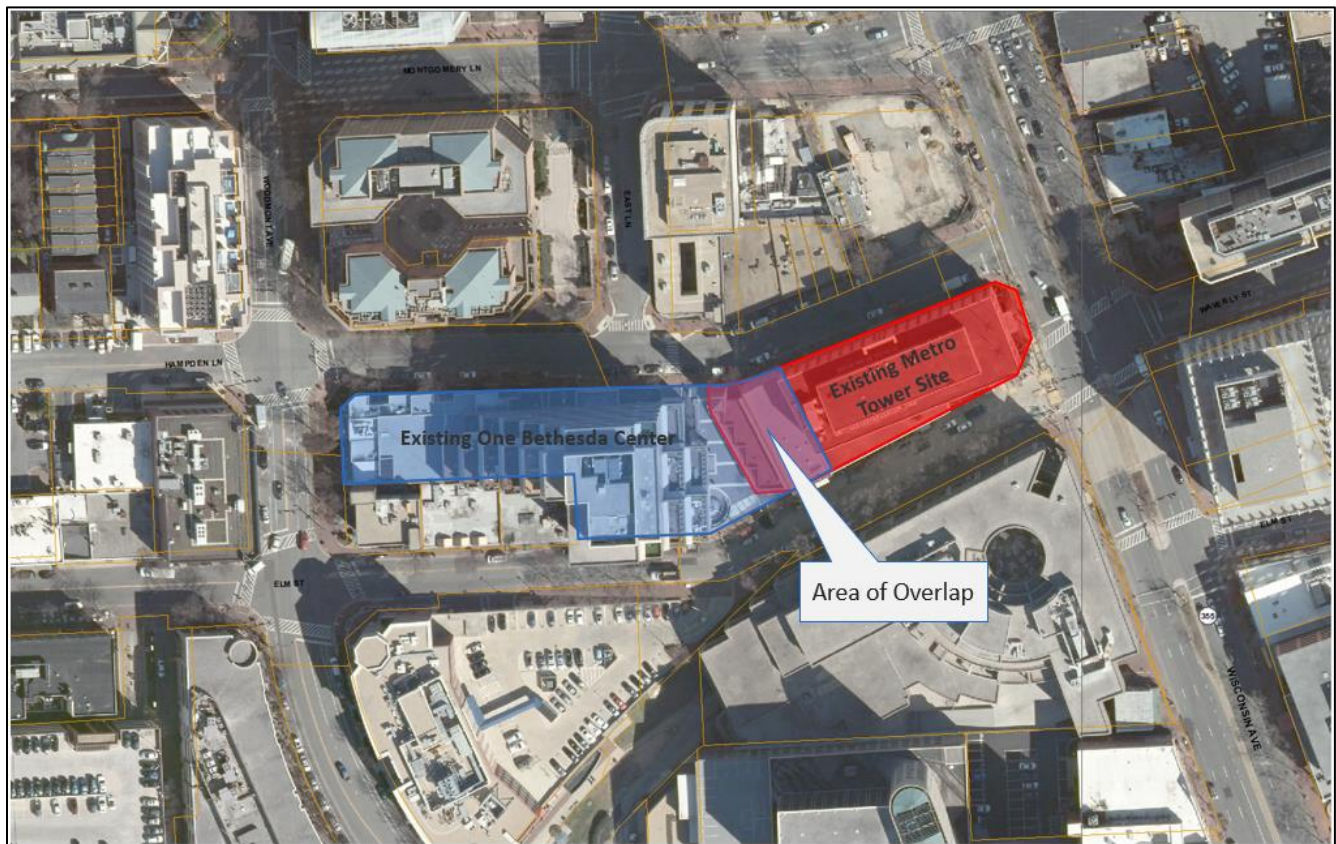


Figure 2 – Boundary of Metro Tower Site and One Bethesda Center

<sup>1</sup> Use I-P:

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

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

The One Bethesda Center property abuts the Subject Property at the western boundary. The One Bethesda Center site was developed in the 1980s under previous approvals (and associated amendments) for Project Plan, Preliminary Plan, and Site Plan which allowed up to 182,594 sf of commercial space and 10 townhouses. The approvals provided for an open space plaza which includes a water feature and other works of Public Art. The Applicant is seeking to incorporate a portion of the One Bethesda Center site into the Metro Tower Project in close coordination with the adjacent owner.

The One Bethesda Center project has Planning Board approvals per the following:

- Project Plan 919830050 (Opinion dated August 4, 1983) for up to 9,267 sf of Retail, 149,524 sf of Office and 8,272 sf of Residential (with an additional 4,770 sf of residential cellar space) and 4,461 sf of miscellaneous use totaling 171,524 sf (176,295 sf with cellar).
- Project Plan 91983005A (Opinion dated September 26, 2002) for 182,594 sf of commercial space and 10 townhouses.
- Preliminary Plan 119850930 (Opinion dated March 25, 1985) to create 1 lot on 46311.00 sf of land.
- Site Plan 819840060 (Opinion dated October 9, 1984) for the American Center Building.
- Site Plan No. 81984006A (Opinion dated September 26, 2002) for 182,594 sf of commercial space and 10 townhouses. The Amendment included condition of approval to “Retain the retail designation for the ground floor (plaza Level) portion of the subject 8,400 square feet.”

An existing two-story building located along the east side of the plaza that is currently associated with the One Bethesda Center property (but separate from the high-rise building to remain), will be demolished and a portion of the associated land will be incorporated into the Metro Tower property. The Metro Tower Preliminary Plan also covers the One Bethesda Center site in a single combined application No. 120190190. The remaining One Bethesda Center property will continue to meet its density requirements even with the reduced tract area. The existing 180,396 square feet of development to remain on the new lot is within the previously approved density maximums and results in a FAR of 2.95 (the current zoning allows for 4.75 FAR).

The Plaza space will approximately double in size (from approximately 4,672 square feet to approximately 9,183 square feet) and remain under the ownership of the One Bethesda Center property. The renovated Plaza will include a new water feature and Public Art.

For the Metro Tower development, the Planning Board approved Sketch Plan No. 320190050 by Resolution dated May 6, 2019 for a mixed-use project of up to 400,000 square feet, including up to 389,000 square feet of residential development and up to 11,000 square feet of commercial retail, including an allocation of Bethesda Overlay Zone density of up to 188,491 square feet, subject to binding elements and conditions.

### **SECTION 3 – PROPOSAL**

#### **Uses and Density**

The Applicant proposes to subdivide the site into two lots, one for the existing One Bethesda Center development to remain, and the second for the new Metro Tower development. On the Metro Tower site, the Applicant proposes a 250-foot-tall mixed-use building totaling up to 400,000 square feet, including up to 389,000 square feet of residential development with up to 366 dwelling units and 11,000 square feet of commercial retail. The Project includes 15% Moderately Priced Dwelling Units (MPDUs) and an allocation of density from the Bethesda Overlay Zone (BOZ) of up to 188,506 square feet. The final amount of density to be purchased from the BOZ, which will require a Park Impact Payment (PIP). Excluding the MPDU density exempt from the PIP calculation, the Applicant will pay \$1,301,560.



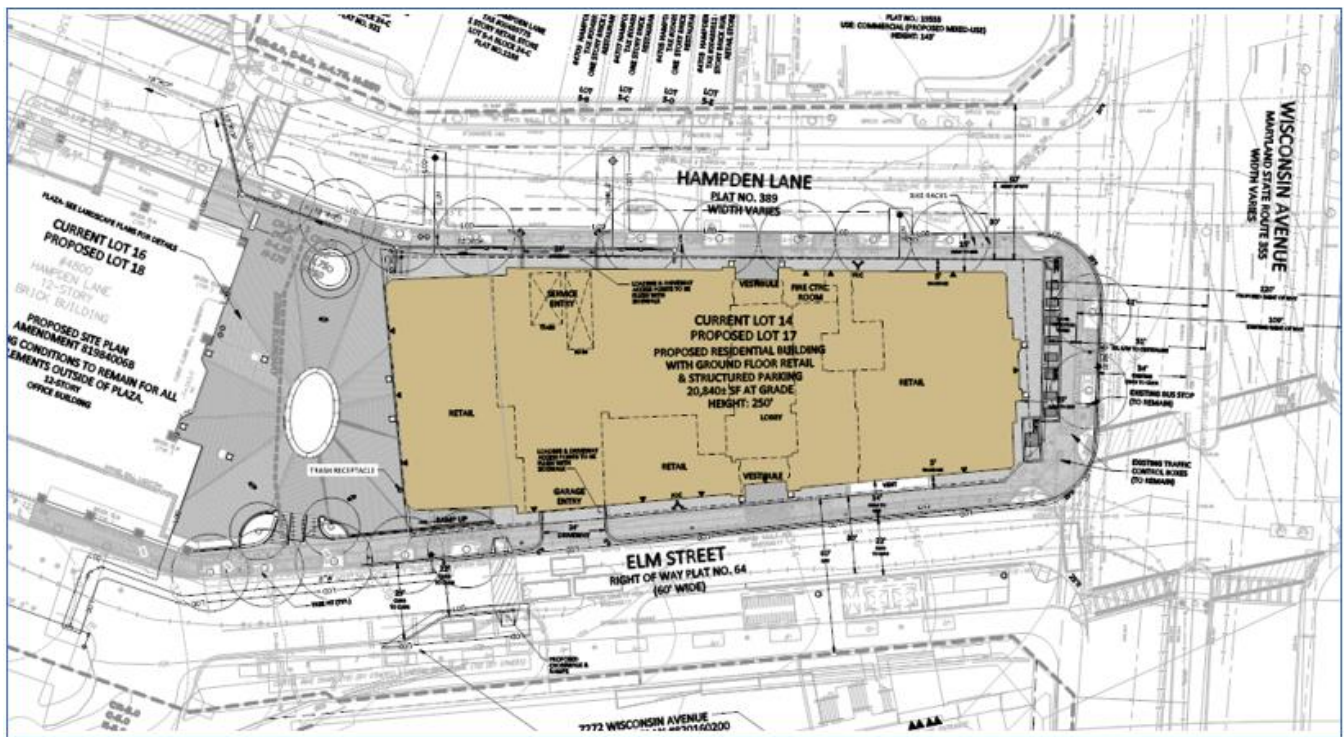


Figure 3 – Metro Tower Site Plan

### Building

The building design works to maximize the buildable area of the site while addressing the Sector Plan Design Guidelines. The design emphasizes strong vertical elements and steps back as it rises to create an elegant composition on this small site. The Applicant team presented the project to the Design Advisory Panel (DAP) on April 24, 2019 and was well received (Attachment B).

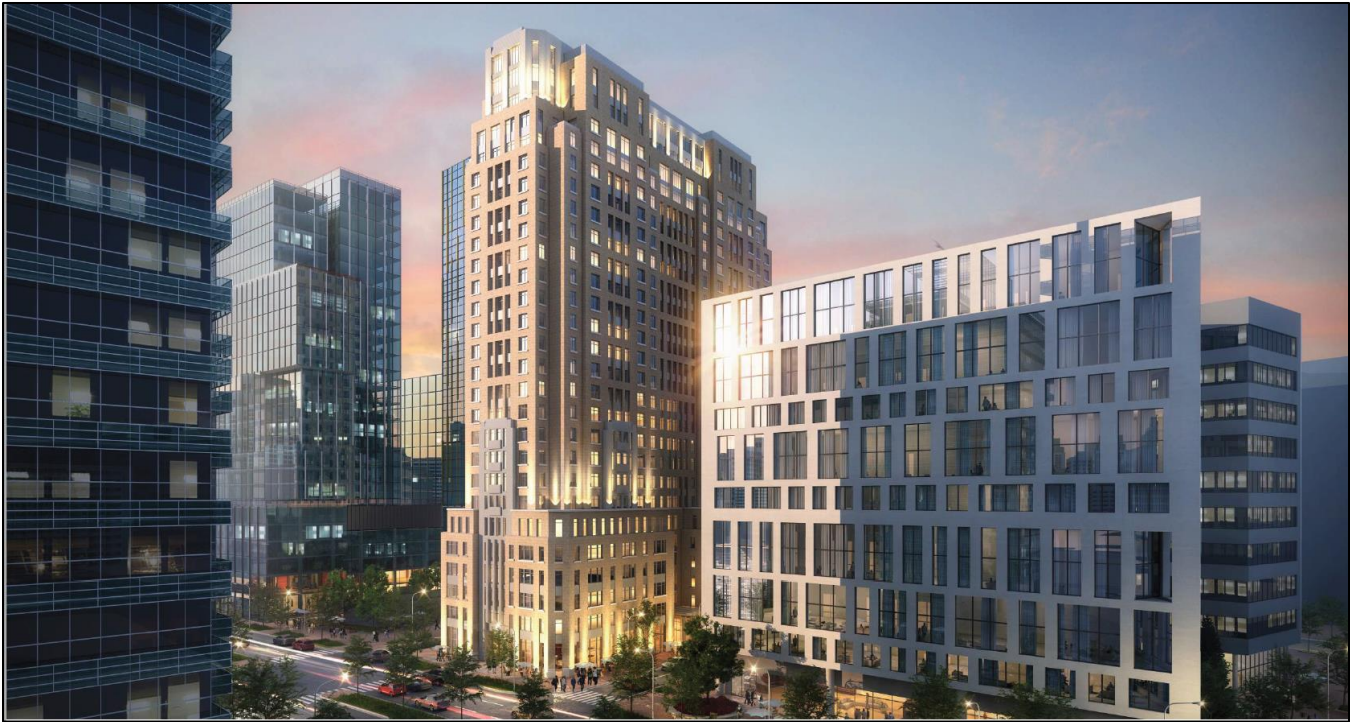


Figure 4 – Rendering of proposed building (center of image) from across Wisconsin Avenue

#### Open Space

The Applicant is providing 2,020 square feet (8.2%) of public open space on the Metro Tower portion of the site consisting primarily of streetscape along the frontages. Additionally, the Applicant will be making expansions and improvements to the immediately adjoining open space plaza (on the One Bethesda Center site) that connects Hampden Lane to Elm Street at the western edge of the Property.

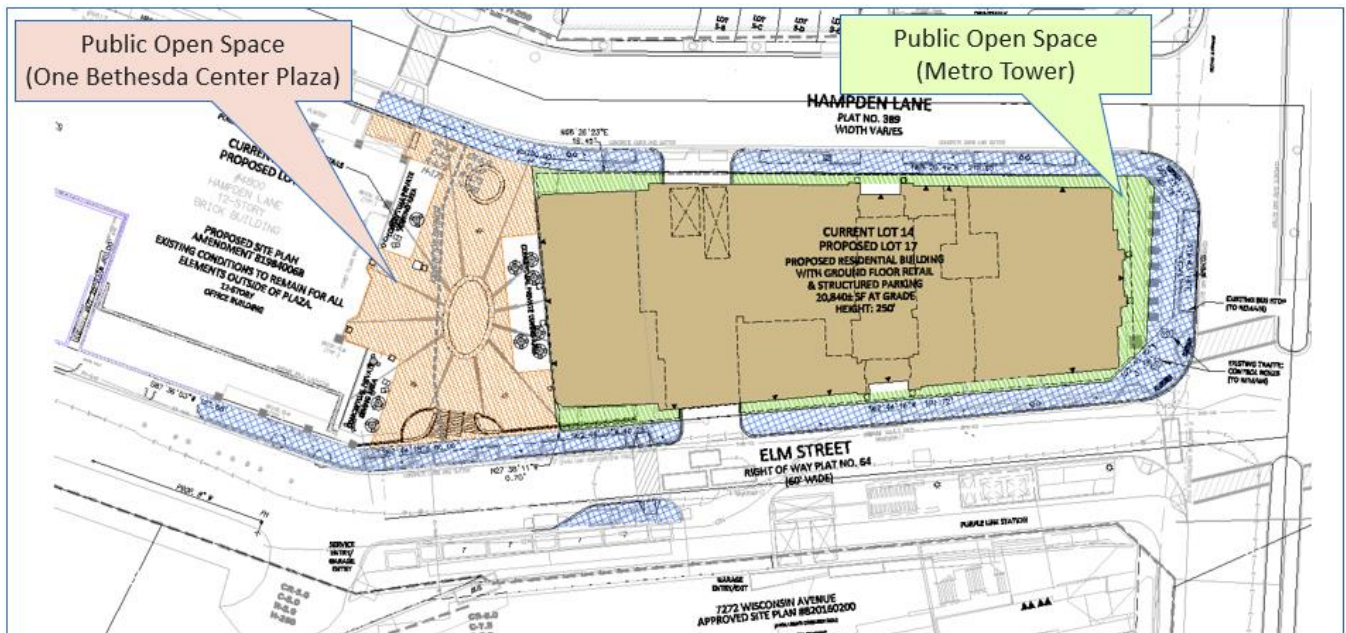


Figure 5 – Public Open Space.





*Figure 6 – Illustrative of the Public Plaza.*

The upgraded Plaza will increase the size of the existing privately-owned, yet publicly accessible, open space area from approximately 4,672 square feet to approximately 9,183 square feet overall, with portions of the Plaza's edges potentially to be used for private café seating. To facilitate this expansion, existing public art in the current Plaza – including the clock tower feature – will be decommissioned per County guidelines. The Applicant is currently working with an art consultant to provide replacement art for the plaza space. The project was discussed at the Art Review Panel meeting on June 13, 2019. The Applicant will develop a public art concept and present it to the Art Review Panel for review and the final concept will be approved by staff and included on the Certified Site Plan.

#### *Access and Circulation*

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

Vehicular access to the Property is proposed directly from both Hampden Lane and Elm Street in the following configuration: Loading and trash service will occur via a Hampden Lane at the northwest corner of the Site, and garage access will be provided on Elm Street opposite an existing garage entrance on the south side of the street. In accordance with the Zoning Ordinance, the Applicant has demonstrated that service vehicles can be accommodated completely within the building without blocking the sidewalk or adjacent roadway. This access configuration is designed to limit heavy vehicles from the more pedestrian-oriented Elm Street and limit vehicular conflict points. As a result, the Project minimizes interruptions to the pedestrian realm and supports the pedestrian and transit-oriented nature of Downtown Bethesda.

Resident vehicle parking is proposed to be contained within a structured below-grade garage, with the final quantity of parking spaces and ingress/ egress into the parking structure determined at Certified Site Plan based on the final number of residential dwelling units. In accordance with the Local Area Transportation Review Guidelines for ancillary retail, no parking will be provided for the non-residential uses on site. Pedestrian and

bicycle access to the Property will be provided along both both Hampden Lane and Elm Street. Short-term bicycle parking will be provided along the Project’s frontages, the final locatoin of which will be determined at Certified Site Plan; long-term bicycle parking will be provided in a secure bicycle parking room located within the garage.

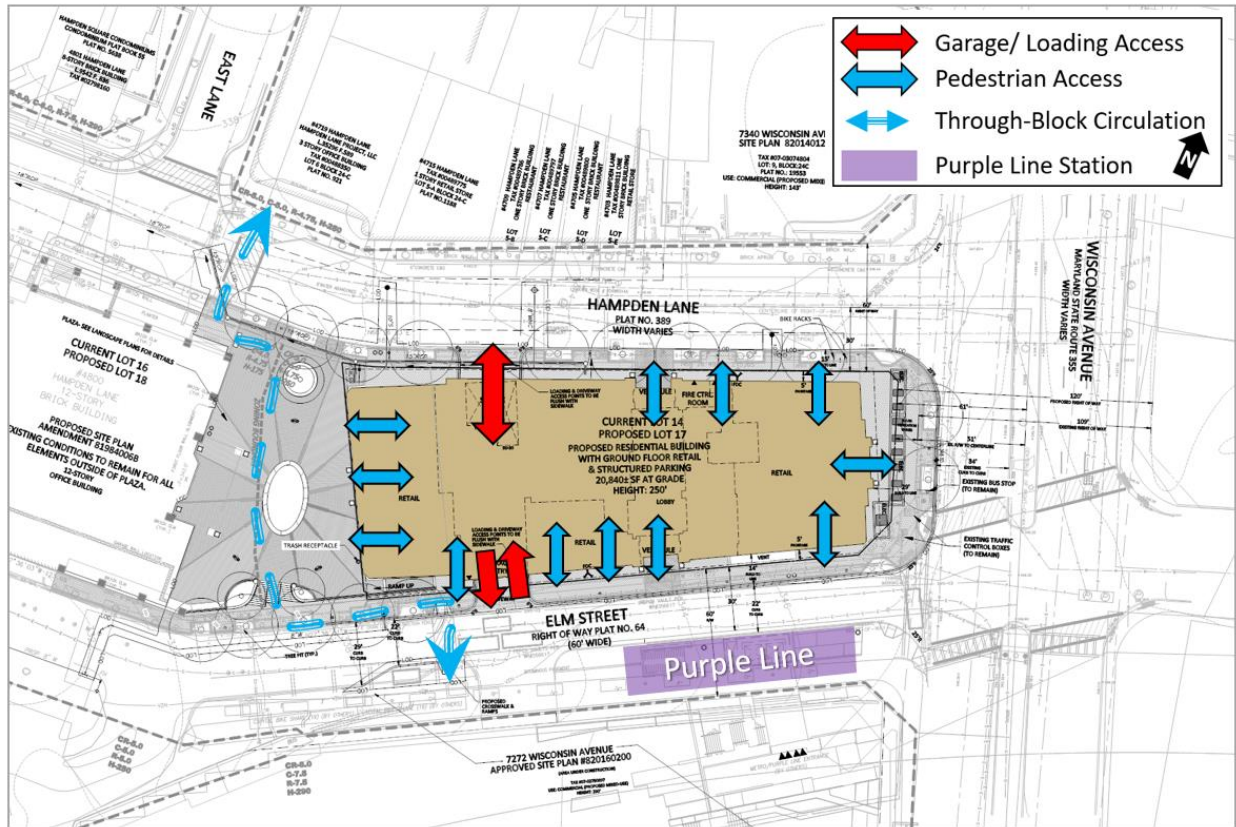


Figure 7 – Pedestrian and Vehicular Circulation

#### SECTION 4 – PROJECT PLAN AMENDMENT 91983005B

##### ANALYSIS AND FINDINGS

For the One Bethesda Center site, all development existing on the new lot is to remain. All references to and requirements for development located on the portion of the site being modified by Site Plan No. 81984006B are no longer required. All other conditions and findings remain valid and in full effect.

#### SECTION 5 – PRELIMINARY PLAN 120190190

##### ANALYSIS AND FINDINGS

The Preliminary Plan will create two lots, one for the existing One Bethesda Center development to remain and a second for the new Metro Tower development. The Metro Tower lot includes a mixed-use development with up to 366 multi-family residential dwelling units and up to 11,000 square feet of ancillary retail 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. Since the One

Bethesda Center development is existing to remain, the findings below address the new development included on the Metro Tower portion of the subdivision.

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 Hampden Lane and Wisconsin and is appropriate because adequate sight distance already exists at these locations. The intersections are signalized, which further enhances safe operations and removes the concern that there is not sufficient room within the right-of-way to place signal equipment. Providing 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.*

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 One Bethesda Center Site is designated as Site 151 on page 107 of the 2017 Sector Plan. The site is within the Bethesda Row district of the Sector Plan; page 105 acknowledges the existing privately-owned public use space associated with the property. The Metro Tower site is designated as Site 104 on page 101 of the 2017 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 five-story and two-story commercial building into a mixed-use Project with up to 389,000 square feet of multi-family residential uses and up to 11,000 square feet of retail.

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

The Project will provide residential dwelling units across the street from the new Purple Line station and the new southern entrance to the Bethesda Metro station. The project provides much needed affordable housing in the form of additional MPDUs. The 15 percent MPDUs will result in up to 55 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 commercial 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.

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

The Project will 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 Elm Street through a garage access near the west center of the site. Resident vehicle parking, accessed at this location, will be within a structured below-grade garage. This configuration precludes vehicular access from Wisconsin Avenue (MD 355) 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. 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.

The Project includes a bicycle parking room to provide long-term bicycle storage for the residents. Bicyclists will access the room via the lobby which is accessible from both Elm Street and Hampden Lane. 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, Metrobus, RideOn, the Bethesda Circulator and future Purple Line and BRT. The future Purple Line station and south entrance to the Bethesda Metrorail station are directly across Elm Street from the Subject Property.

*Master Plan Roadways and Pedestrian/Bikeway Facilities*

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

1. Hampden Lane, along the northern site frontage, as a business district street with a minimum right-of-way width of 60 feet<sup>1</sup>;
2. Wisconsin Avenue, along the eastern site frontage, as a major highway (M-6) with a minimum right-of-way width of 122 feet. Further coordination with the Maryland State Highway Administration and County Department of transportation will be necessary to ensure full accommodation of the MD 355 South Corridor Bus Rapid Transit.
3. Elm Street, along the southern site frontage, as a business district street with a minimum right-of-way width of 60 feet and bicycle lanes (BL-7).
4. Woodmont Avenue, along the western site frontage, as an arterial roadway with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-4).

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<sup>1</sup> The Sector Plan contemplated a potential future abandonment of Hampden Lane, between East Lane and Wisconsin Avenue, for a development application that involved properties on both sides of the right-of-way and for the provision of a significant public benefit. Since the Project is smaller in scope than the potential development envisioned in the sector plan, no such right-of-way abandonment is being pursued through the Subject Application.

### *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.

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### *Adequate Public Facilities*

A transportation statement, dated January 23, 2019, was submitted with the Project, indicating that the proposed development will generate 43 net new morning peak-hour person trips (26 vehicle trips) and 65 fewer net new evening peak-hour person trips (19 fewer vehicle trips). Because the estimated transportation impact of the Project is less than 50 net new person trips, the Project satisfies the Local Area Transportation Review requirement without further analysis.

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

Total Proposed		Vehicle Rates		Policy Area Vehicle Trips		Person Trips	
Use	Total Units/GFA	AM	PM	AM	PM	AM	PM
<b>Existing Use (Credit)</b>							
	73,817 SF Office	97	87	61	55	127	114
	6,366 SF Retail	0	0	0	0	0	0
	9,648 SF Bank	9	117	5	71	11	161
<b>Total Existing</b>		<b>106</b>	<b>204</b>	<b>66</b>	<b>126</b>	<b>138</b>	<b>275</b>
<b>Proposed Use<sup>1</sup></b>							
	373 High Rise Dwelling Units	117	135	92	107	181	210
	11,000 SF Retail	0	0	0	0	0	0
<b>Total Proposed</b>		<b>117</b>	<b>135</b>	<b>92</b>	<b>107</b>	<b>181</b>	<b>210</b>
<b>Total Net New Trips</b>		<b>11</b>	<b>(69)</b>	<b>26</b>	<b>(19)</b>	<b>43</b>	<b>(65)</b>

Source: Wells & Associates Transportation Statement, dated January 23, 2019.

<sup>1</sup> Proposed retail is less than 15,000 square feet, less than 10% of project, and no retail parking provided and is therefore considered ancillary for trip generation purposes.



## School Adequacy Analysis

### Overview and Applicable School Test

The Metro Tower application is scheduled for the Planning Board for review on July 18, 2019. Therefore, the applicable annual school test is the FY20 Annual School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019. The application proposes development of 366 multifamily high-rise 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>	0.186	0.109	0.151
<b>SF Attached</b>	0.167	0.085	0.111
<b>MF Low- to Mid-Rise</b>	0.150	0.068	0.085
<b>MF High-Rise</b>	0.041	0.018	0.025

With a net of 366 multifamily high-rise units, the proposed project is estimated to generate the following number of students:

**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
<b>MF High-Rise</b>	366	0.041	15.006	0.018	6.588	0.025	9.150
<b>TOTAL</b>	<b>366</b>		<b>15</b>		<b>6</b>		<b>9</b>

This project is estimated to generate 15 new elementary school students, 6 new middle school students, and 9 new high school students.

### Cluster Adequacy Test

The project is located in the Bethesda Chevy-Chase High School Cluster. The student enrollment and capacity projections from the FY20 Annual School Test for the cluster are noted in the following table:

**Table 4:**

School Level	Projected Cluster Totals, September 2024			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary <sup>1</sup>	3,714	4,020	92.4%	1,111	15
Middle	1,917	2,024	94.7%	511	6
High	2,410	2,457	98.1%	538	9

<sup>1</sup> The elementary school level capacity reflects the impacts of a six-classroom placeholder project (P651916) at Bethesda ES and a four-classroom placeholder project (P651914) at Somerset ES.

The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

#### *Individual School Adequacy Test*

The applicable elementary and middle schools for this project are Bethesda ES and Westland MS, respectively. Based on the FY20 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 2024				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Bethesda ES <sup>1</sup>	731	698	104.7%	-33	107	15
Westland MS	899	1,089	82.6%	+190	408	6

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a 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 numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of this application fall below the 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 Capacity Analysis Conclusion*

Based on the school cluster and individual school capacity analysis performed, using the FY2020 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.

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<sup>1</sup> The Bethesda ES capacity reflects the impact of a six-classroom placeholder project (P651916).

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

a. Environmental Guidelines

As stated in the *Site Description* section of the report, the site is within the Willett Branch watershed which is a tributary to Little Falls Branch Stream. There are no onsite environmentally sensitive features and Property has very little landscaping and only modestly sized street trees along the frontages.

b. Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. Staff approved a Forest Conservation Exemption for the Metro Tower site on June 20, 2018, through Section 22A-5(s)(1) of the Forest Conservation Law under application # 42018248E. The Project qualifies for the small property exemption because the net tract area is less than 1.5 acres (0.48) with no existing forest or existing specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

For the One Bethesda Center Condominium property, Staff approved exemption 42019169E under Chapter 22A-5(s)(1) on April 5, 2019.

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

The Montgomery County Department of Permitting Services (MCDPS) approved a Stormwater Concept Plan on June 13, 2019. The Project proposes to meet stormwater management requirements through the use of an extensive (8-inch depth) green roof, micro-bioretenention and a partial waiver of Quality quantity and full waiver of Quantity is granted requirements based on site constraints. The Stormwater Management Concept approval letter includes a condition for the Applicant to try to provide more green roof area at the time of plan submittal.

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

No other provisions apply to the Subdivision.

## **SECTION 6 – SITE PLAN AMENDMENT 81984006B**

### **ANALYSIS AND FINDINGS**

For the One Bethesda Center site, all development existing on the new lot is to remain. All references to and requirements for development located on the portion of the site being modified by this Site Plan Amendment are no longer required. All other conditions and findings remain valid and in full effect.

## SECTION 7 – SITE PLAN 820190110

### FINDINGS

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

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

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

The Site Plan conforms to all binding elements and conditions of Sketch Plan No. 320190050.

*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 Metro Tower tract area is approximately 1.08 acres, zoned CR 5.0 C 5.0 R 4.75 H 250, and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 6: Project Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	<b>Tract Area</b>		<b>47,009 sf (1.08 ac)</b>
	Prior Dedication	n/a	21,780 sf (0.50 ac)
	Proposed Dedication	n/a	609 sf (0.01 ac)
	<b>Site Area</b>	n/a	<b>24,620 sf (0.57 ac)</b>
	<b>Residential Density (GFA/FAR)</b>	223,292 sf (4.75)	
	<i>Previously Transferred Density<sup>1</sup></i>	21,847 sf (0.46)	
	<b>Residential Density Total</b>	<b>201,445 sf (4.29)</b>	<b>200,494 sf (4.27)</b>
	<b>Commercial Density, max. (GFA/FAR)</b>	235,045 (5.0)	
	<i>Previously Transferred Density<sup>1</sup></i>	23,551 (0.5)	
	<b>Commercial Density Total</b>	<b>211,494 sf (4.5)</b>	<b>11,000 sf (0.23)</b>
	<b>Total Maximum Mapped Density<sup>2</sup></b>	<b>211,494 sf (4.5)</b>	<b>211,494 sf (4.5)</b>
Section 59.6	<b>Bethesda Overlay Zone Density</b>	n/a	<b>188,506 sf (4.0)</b>
	<b>Total Maximum CR Density (GFA/FAR)</b>	n/a	<b>400,000 sf (8.51)</b>
	<b>MPDUs, min. (percent)</b>	15%	15%
	<b>MPDU Density exempt from PIP (GFA)</b>		58,350
	<b>Maximum Building Height</b>	250 feet	250 feet
	<b>Public Open Space, min.</b>	5%	8.2%
	<b>Parking</b>	<b>Spaces Required</b>	<b>Spaces Provided</b>
	<b>Vehicle Parking Residential<sup>3</sup></b>		
	Studio- 37 market rate units; 7 MPDUs	40.5 min/40.5 max	
	1 Bedroom-161 market rate units; 28 MPDUs	175 min/218.75 max	
	2 Bedroom-108 market rate units; 19 MPDUs	117.5 min/176.25 max	
	3 Bedroom-5 market rate units; 1 MPDUs	5.5 min/11 max	
	<b>311 market rate units; 55 MPDUs</b>	<b>338.5 min/446.5 max</b>	
	Retail/Service establishment (11,000 sf)	44 min/132 max	
	<i>Total Base Parking</i>	<i>383 min/578 max<sup>4</sup></i>	
	<b>Total Parking with BOZ Reduction</b>	<b>307 min/463 max</b>	<b>160 (unbundled)<sup>5</sup></b>
	<b>Bicycle Parking (Long Term/ Short Term)</b>		
	Residential (366 units)	95/5	95/5
	Retail/Service establishment	1/1	1/1
	<b>TOTAL</b>	<b>96/6</b>	<b>96/6</b>
	<b>Loading Spaces</b>	<b>1</b>	<b>1</b>

<sup>1</sup> Density previously transferred and can not be counted towards the current Project.

<sup>2</sup> Total Mapped Density is 211,494 square feet or 4.5 FAR due to the previous density transfers which do not allow for the full 5.0 FAR.

<sup>3</sup>Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units.

<sup>4</sup> Parking reduction at 80% per Section 59.4.9.2.C.6.

<sup>5</sup> Per Section 59.6.2.3.H.1.a of the Zoning Ordinance, in a Parking Lot District, an applicant may provide fewer parking spaces that required, after all adjustments are made. The Project is located within the Bethesda Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking, per compliance with Section 6.2.10 of the Zoning Ordinance.

The 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 up to 188,506 square feet from the BOZ resulting in a Park Impact Payment \$1,301,560 to be paid at the time of building permit. Up to 58,350 square feet of MPDU density is exempt from PIP calculation. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

ii. *Division 4.7. Optional Method Public Benefits*

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

Table 7: Public Benefits

<b>Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Max Allowed</b>	<b>Requested</b>	<b>Recommended</b>
<b>59.4.7.3C: Connectivity and Mobility</b>			
<b>Minimum Parking<sup>1</sup></b>	<b>20</b>	<b>19</b>	<b>17.7</b>
<b>Through Block Connections</b>	<b>20</b>	<b>15</b>	<b>15</b>
<b>59.4.7.3D: Diversity of Uses and Activities</b>			
<b>Small Business Opportunities</b>	<b>20</b>	<b>10</b>	<b>10</b>
<b>59.4.7.3E: Quality of Building and Site Design</b>			
<b>Exceptional Design<sup>1</sup></b>	<b>30</b>	<b>30</b>	<b>30</b>
<b>Structured Parking</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b>Tower Step-Back</b>	<b>20</b>	<b>5</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>8</b>	<b>8</b>
<b>Energy conservation and generation<sup>1</sup></b>	<b>25</b>	<b>15</b>	<b>15</b>
<b>TOTAL</b>		<b>122</b>	<b>120.7</b>

<sup>1</sup>Denotes Sector Plan priority

Connectivity and Mobility

*Minimum Parking:* The Applicant requests 19 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 maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. Staff only supports 17.7 points for this category based on the Bethesda Downtown Implementation Guidelines.

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

$$[(463 - 160) / (463 - 307)] * 10 = 17.7 \text{ points}$$

*Through Block Connection:*

The Applicant requests 15 points for providing a through block connection. Points for this incentive are based on design criteria such as open-air access, width, connections to transit, parks, or public buildings, retail access, and wall glazing adjacent to the connection. Although there is an existing through block connection, the proposed changes will significantly expand and enhance the pedestrian connection, function and experience. 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. The project includes 11,000 square feet of retail space which consists of three ground floor retail bays of approximately 4,900 square feet, 4,000 square feet and 2,100 square feet. Staff supports the request.

Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 30 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel (DAP) review, which awards points based on the quality of the design. During the April 24, 2019, DAP Meeting (Attachment B) the panel recommended 30 Exceptional Design Points. The Applicant asserts that the Project fulfills many recommendations of the *Bethesda Downtown Sector Plan* and Design Guidelines. Based on the materials submitted with the Application, and the DAPs recommendation, Staff supports the Applicant's request for 30 exceptional design points, as discussed below and in the Applicant's Statement of Justification:

Metro Tower's design has been directly formulated in response to two primary factors: location and geometry. With respect to location, the Applicant anticipates that Metro Tower will stand at what will become a future "main and main" pedestrian corner of the Bethesda CBD. The intersection of Wisconsin Avenue and Elm Street will be substantially active, with entrances to the Bethesda Metro Station and the Purple Line Station being constructed immediately to the south on the Apex Building redevelopment site, as well as a new civic plaza and new towers that will be among the tallest buildings in Bethesda. With respect to geometry, Metro Tower will be located on a long and narrow block that is bounded by three streets (i.e., Wisconsin, Elm, and Hampden) and the existing Plaza. As a result, Metro Tower will effectively have four fronts and no rear. These characteristics – location and geometry – provide an opportunity for significant visibility to residents, employees, and visitors from multiple vantage points in the CBD.

In response to these characteristics, the Applicant has designed an Art Deco-inspired building that will sit prominently on Wisconsin Avenue to provide a strong marker for this prominent pedestrian corner, completing the north side of the new transit plaza at the Apex Building redevelopment site and making major contributions to Downtown Bethesda place-making. Significantly, the Metro Tower development will refresh and enlarge the existing plaza to the west of the Properties to provide an important enhanced passage and experience for pedestrians headed to the transit stations and other local destinations. The expanded and revitalized plaza is envisioned as an area where a wide range of activities can occur for all to enjoy. With prominent retail space also provided at the street level, the Applicant anticipates that Metro Tower will become a center of pedestrian activity and an integral part of Downtown Bethesda's urban fabric.

Metro Tower will utilize traditional architecture that will be both enduring and consistent with the massing guidelines of the Sector Plan. As shown in the materials submitted with the applications, the Applicant's architects have preliminarily designed the building to include elements that recall both the recent and the more historic architecture in and around Bethesda, referencing such precedents as Bethesda Naval Hospital, the Watkins Johnson Auto Service, the Robert Llewellyn Wright House, the Bethesda Theatre, and Bethesda Row.

*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 5 points for providing a tower step back on the building's upper floors by a minimum of six feet behind the first-floor façade. Staff supports 5 points for this category.

Protection and Enhancement of the Natural Environment

*BLTs:* The Applicant requests 8 points for the purchase of 0.8964 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising 7.5% of the 376,496 sf of incentive density floor area. Points are granted by the calculation of BLTs as provided in 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*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access to the Property is proposed directly from Elm Street through a garage access near the west center of the site. Resident vehicle parking, accessed at this location, will be within a structured below-grade garage. This configuration precludes vehicular access from Wisconsin Avenue (MD 355) and minimizes interruptions to the pedestrian realm. Pedestrian and bicycle access to the Property will be provided along both Hampden Lane and Elm Street. The bicycle parking room is located in the garage and short-term bicycle parking will be provided along the public sidewalks.

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

Vehicular access to the Property is proposed directly from both Hampden Lane and Elm Street in the following configuration: Loading and trash service will occur via a Hampden Lane at the northwest corner of the Site, and garage access will be provided on Elm Street opposite an existing garage entrance on the south side of the street. In accordance with the Zoning Ordinance, the Applicant has demonstrated that service vehicles can be accommodated completely within the building without blocking the sidewalk or adjacent roadway. This access configuration is designed to limit heavy vehicles from the more pedestrian-oriented Elm Street and limit vehicular conflict points. As a result, the Project minimizes interruptions to the pedestrian realm and supports the pedestrian and transit-oriented nature of Downtown Bethesda.



v. *Division 6.3. Open Space and Recreation*

As conditioned, the Application is in conformance with the *Recreation Guidelines*. The Application is providing bicycle amenities, indoor fitness room and community space, a dog cleaning station, swimming pool, 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.

The project has a minimum open space requirement of 5%; the Applicant is providing 2,020 square feet (8.2%) of public open space on the Metro Tower portion of the site consisting primarily of streetscape along the frontages. Additionally, the Applicant will be making expansions and improvements to the immediately offsite-adjointing open space plaza (on the One Bethesda Center site) that connects Hampden Lane to Elm Street at the western edge of the Property.

As described in more detail in the Open Space section of the report (pages 14-15) the Applicant is providing an expansion and renovation of the Plaza area immediately west of the Metro Tower site which includes a water feature and other amenities. In the Applicant's Statement of Justification and in a follow-up email letter dated June 24, 2019 (Attachment E), the Applicant requested that the Park Impact Payment (PIP) be reduced by the amount of construction costs for implementation of the Plaza renovations. The construction cost estimate provided in the letter is \$1,500,000, which exceeds the currently required amount of the Park Impact Payment of \$1,301,560. (The application is exempt from the recent rate increase of the PIP which would have increased the PIP from \$1,301,560.00 to \$1,442,128.40).

However, as stated in Section 4.9.2.C.2.ii. - *If a property owner dedicates land designated in the master plan as a recommended open space to the M-NCPPC Parks Department, the Planning Board may reduce the amount of square footage for which a Park Impact Payment must be made.* Therefore, Staff does not support the reduction (elimination) of the PIP with regards to the Plaza construction, as the Applicant's request does not meet Section 4.9.2.C.2.ii of the Zoning Ordinance. The Plaza will not be dedicated to the Montgomery County Parks Department and does not qualify for the requested reduction. Such a reduction would apply to (for example) the Eastern Greenway areas which were identified by the Sector Plan for park dedication. Furthermore, in response to the Applicant's request, Planning Staff coordinated with Parks Department Staff to determine the level of interest in potentially receiving dedication of this Plaza which could qualify for the reduction if the dedication was accepted. Parks staff has determined that the Parks Department is not interested in this Plaza for park purposes due to its small size, requirements of significant agreements/easements with the two-adjacent property owners, and disconnection from other maintained parks.

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

As conditioned, 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 upgrade existing streetscape along the Hampden Lane, Wisconsin Avenue and Elm Street 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*

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on June 13, 2019 (Attachment D). The project proposes to meet stormwater management requirements through the use of an extensive (8-inch depth) green roof, micro-bioretenment and a partial waiver of Quality quantity and full waiver of Quantity is granted requirements based on site constraints. The Stormwater Management Concept approval letter includes a condition for that Applicant to try to provide more green roof area at the time of plan submittal.

*ii. Chapter 22A, Forest Conservation.*

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. Staff approved a Forest Conservation Exemption for the Metro Tower site on June 20, 2018, through Section 22A-5(s)(1) of the Forest Conservation Law under application # 42018248E. The project qualifies for the small property exemption because the net tract area is less than 1.5 acres (0.48) with no existing forest or existing specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

For the One Bethesda Center Condominium property, Staff approved exemption 42019169E under Chapter 22A-5(s)(1) on April 5, 2019.

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

Metro Tower has been designed to ensure that the locations of all buildings, structures, open spaces, landscaping and site amenities will be safe and well-integrated. ...The Properties are located in immediate proximity to the future Bethesda Metro Station entrance, the Purple Line Station entrance, and the upgraded CCT, as well as the existing Bethesda Metro Station and various WMATA and Ride-On bus stops. As such, the Applicant expects many residents and visitors to make use of multiple modes of transportation, including nearby rail, bus, and biking facilities.

The Applicants' consultants have carefully studied the site circulation, parking, and loading aspects of Metro Tower. All of the parking for Metro Tower is proposed to be located underground. In order to ensure compatibility between pedestrians and vehicles coming to the site and to maximize the continuity of the streetscape along Wisconsin Avenue, vehicular access to Metro Tower's underground parking garage will be provided from a single access point on Elm Street. The loading and service access will be accomplished via a single access point on Hampden Lane.

With respect to pedestrian and bicycle access and circulation, the Metro Tower project will provide streetscaping along the frontages of the Properties to improve the public realm, and will create the refreshed Plaza that will provide an upgraded through-block connection between Hampden Lane and Elm Street. Entrances for the residential lobby and for the ground floor commercial spaces will be placed so as to engage with the upgraded frontages, and the Applicant envisions that the Plaza will be activated with a potential program of uses that could include informal dining, informal and organized events, strolling, gathering, and shopping. Open spaces and bicycle parking will be provided in accordance with Zoning Ordinance requirements to facilitate pedestrian and cyclist activities.

- 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 366 multi-family residential dwelling units with 15% on-site MPDUs and up to 11,000 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.

Additionally, the Applicant has addressed the Downtown Plan Design Guidelines Bird-Safe Design recommendations by reducing glazed areas and minimizing up-lighting and will substantially conform to the Sector Plan requirement to provide 35% Green cover, with 32.5% of the net lot area achieved through intensive green roof and bioretention planters.

- 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. 120190190 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.

### **COMMUNITY OUTREACH**

The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant held the required pre-submission meeting for Metro Tower Sketch Plan at the Chevy Chase Trust Building located at 7501 Wisconsin Avenue on Wednesday, November 14, 2018. Subsequently, the pre-submission meetings for the subject Site Plan and Preliminary Plan applications were then held at the same location on Monday, March 11, 2019. The Applicant has complied with all submittal and noticing requirements.

Staff has received an emailed inquiry from a resident regarding the proximity/qualifications of the offsite recreation facilities. Staff provided clarifications and resources which describe the recreation requirements. Furthermore, as conditioned, the Applicant must demonstrate conformance with the Recreation Guidelines at the time of Certified Site Plan.

### **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*. Access to the lot is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans. Therefore, Staff recommends approval of the Metro Tower Preliminary Plan No. 120190190 & Site 820190110, and the One Bethesda Center Project Plan Amendment 91983005B & Site Plan Amendment No. 81984006B with the conditions specified at the beginning of this report.

### **ATTACHMENTS**

- A. Opinions/Resolutions
- B. Design Advisory Panel Memorandums
- C. Art review Panel Memorandum
- D. Agency Letters
- E. Applicants PIP reduction request



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

MCPB No. 19-027  
Sketch Plan No. 320190050  
Metro Tower  
Date of Hearing: March 7, 2019

MAY 06 2019

**CORRECTED RESOLUTION**

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

WHEREAS, on December 11, 2018, 7316 Wisconsin LLC. ("Applicant") filed an application for approval of a sketch plan for construction of a mixed-use project of up to 400,000 square feet, including up to 389,000 square feet of residential development and up to 11,000 square feet of commercial retail, on 1.16 acres of CR-5.0 C-5.0 R-4.75 H-250 zoned-land, located in the northwest quadrant of the intersection of Wisconsin Avenue and Elm Street in Bethesda and designated as Lot 14, Block 24-G and Unit C-2 of Lot 16, Block 24-G, ("Subject Property") in the Bethesda CBD Policy Area and the 2017 Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320190050 Metro Tower ("Sketch 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 February 25, 2019, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on March 7, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 7, 2019, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 3-0; Commissioners Anderson, Cichy, and Fani-Gonzales voting in favor, and Commissioners Dreyfuss and Patterson absent.

Approved as to  
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320190050, Metro Tower, for construction of a mixed-use project of up to a maximum of 400,000 square feet, including up to 389,000 square feet of residential development, and up to 11,000 square feet of commercial retail on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

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

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum density of 400,000 total square feet, including up to 389,000 square feet of residential development and up to 11,000 square feet of non-residential uses. The maximum number of dwelling units and use mix will be determined at Preliminary Plan. The maximum density includes up to 188,491 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). Up to 58,350 square feet of MPDU density is exempt from PIP calculation. The final square footages will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 250 feet, as measured from the building height measuring point illustrated on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. of the County code and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2 of the County code. The requirements of Section 59.4.7 and the *CR Zone Incentive Density*

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

*Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ overlay, and a through block connection;
  - b. Diversity of uses and activities, achieved by providing small business opportunities;
  - c. Quality of Building and Site Design, achieved through exceptional design, structured parking, and tower step-back.
  - d. Protection and Enhancement of the Natural Environment achieved through building lot terminations and energy conservation and generation by incorporating materials and systems that exceed the required minimums.
4. Park Impact Payment (PIP)  
The Park Impact Payment (PIP) must be paid to the M-NCPPC prior to the release of the first above-grade building permit. The final amount will be determined at Site Plan.
5. Streetscape  
The Applicant must install the Bethesda Streetscape Standard along the Site Frontage.
6. Building Lot Terminations (BLTs)  
Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.
7. Moderately Priced Dwelling Units (MPDUs)  
The Applicant must provide a minimum of 15% of the total units as Moderately Priced Dwelling Units. The development must provide MPDUs in accordance with Chapter 25A.
8. MCDOT letter  
The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 19, 2019 and hereby incorporates them as conditions of the Sketch 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 Sketch Plan approval.



9. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 of the County code and Site Plans under Chapter 59 of the County code, the following must be addressed when filing a Preliminary or Site Plan, as appropriate:

- a. Coordinate with MCDOT to ensure accommodation of the MD 355 South Corridor BRT;
- b. Continue coordination with the Design Advisory Panel (DAP);
- c. Meet with the Art Review Panel and address decommissioning of existing conditioned public art;
- d. Fire and Rescue access and facility details;
- e. Streetscape details;
- f. Necessary public right-of-way dedication;
- g. Identify and address all existing/potential utility conflicts or other site limitations with street trees to achieve the proposed streetscape plantings;
- h. Demonstrate how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- i. Submit the applications to amend One Bethesda Center, Preliminary Plan 119850930 and Site Plan 819840060, to reflect the plaza renovations;
- j. Traffic Mitigation Agreement to participate in the Bethesda Transportation Demand Management District and meet or exceed the Sector Plan's 55% Non-Auto Driver Mode Share (NADMS) goal;
- k. Address the SITES, LEED and High-Performance Area recommendations of the Sector Plan, specifically related to energy efficiency and building design features;
- l. SWM concept approval (and subsequent plan) which also addresses the Bethesda Downtown Sector Plan recommendations and design guidelines regarding stormwater management;
- m. As part of the Site Plan application, the Applicant must demonstrate good faith efforts to increase the amount of green cover to achieve 35 percent of net lot area as green cover consistent with the Bethesda Downtown Sector Plan.
- n. Provide details and cross sections showing appropriate soil volumes (per the Sector Plan and design guidelines) associated with the new plantings associated with this project;
- o. Address Bird-Safe Design per the Bethesda Downtown Sector Plan Design Guidelines, with particular emphasis on the lighting;
- p. At time of Preliminary Plan, provide a noise analysis, or request a waiver from the noise guidelines.
- q. The Applicant may apply for and obtain demolition and associated rough grading permits at any time. However, if a sediment control permit is required for the activity, then the applicant must also address any



applicable forest conservation requirements associated with the demolition prior to implementation of the demolition/grading work.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 1.16 acres zoned CR-5.0 C-5.0 R-4.75 H-250, and the Bethesda Overlay Zone. The data table below demonstrates the Application's conformance to the applicable development standards of the zones.

**Data Table**

Table 1: Project Data Table			
Section 59.4	Development Standard	Permitted/ Mapped Density/ Required	Approved
	Subject Property Tract Area (CR 5.0, C 5.0, R. 4.75, H250)		
	Lot 14	n/a	40,197 sf
	Lot 16, Unit C-2	n/a	10,195 sf
	<b>Consolidated Tract Area</b>		<b>50,392 sf</b>
	Subject Property Prior Dedication	n/a	22,218 sf (0.51 ac)
	Subject Property Proposed Dedication	n/a	619 sf (0.01 ac)
	<b>Subject Property Site Area</b>		<b>27,555 sf (0.63 ac)</b>
	<b>Residential Density (GFA/ FAR)</b>		
	Lot 14	190,936	
	Lot 16, Unit C-2		
	Mapped Density	48,426	
	Built or Transferred Density	37,902	
	Available Density	10,524	

<b>Residential Density Total</b>	<b>201,460</b>	200,509
<b>MPDUs, min. (percent/du)</b>	15%	15%
<b>MPDU Density exempt from PIP (GFA)</b>		58,350
<b>Commercial Density, max. (GFA/ FAR)</b> (CR 5.0, C 5.0, R. 4.75, H250)		
Lot 14	200,985	
Lot 16, Unit C-2		
<i>Mapped Density</i>	50,975	
<i>Built or Transferred Density</i>	40,451	
<i>Available Density</i>	10,524	
<b>Commercial Density Total</b>	<b>211,509 sf (4.86)</b>	11,000 sf (0.25)
<b>Bethesda Overlay Zone Density</b>	n/a	188,491 sf (4.33)
<b>Total Maximum Density (GFA/ FAR)</b>	211,509 sf (4.86)	400,000 sf (9.18)
<b>Maximum Building Height</b> (CR 5.0, C 5.0, R. 4.75, H250)	250 feet	250 feet
<b>Public Open Space, min.</b>	5%	8.2%

The Application will provide the minimum required number of bicycle parking spaces within the building, which will be determined at the time of Site Plan. The final number of vehicular parking spaces will be determined at Site Plan based on the residential units and retail square footage.

The Sketch Plan conforms to the intent of the CR zone as described below:

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

The Application substantially conforms to the recommendations for the Subject Property included in the 2017 *Bethesda Downtown Sector Plan*. 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 Subject Property is designated as Site 104 on page 101 of the 2017 Sector Plan 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 Sketch Plan 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 Application 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 five-story and two-story commercial building into a mixed-use project with up to 389,000 square feet of multi-family residential uses and up to 11,000 square feet of retail.

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

The Application will provide residential dwelling units across the street from the new Purple Line station and the new southern entrance to the Bethesda Metro station. The Application provides much needed affordable housing in the form of additional MPDUs. 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 Sketch Plan 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 Sketch Plan 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 Application 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 commercial 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.

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

The Application will 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 Application design generally conforms to the Sector Plan Design Guidelines with the minor exception of one component. The Design Guidelines on Page 75 under 2.4.7.A states "Retain a tower step-back across the majority of the building frontage. The building's full height may be expressed to the ground on important corners, to mark primary entryways, or to balance the massing composition with vertical elements." The Applicant has indicated that the building proposed with the Sketch Plan currently provides an emphasis on Wisconsin Avenue, which only bears a small proportion of the overall perimeter of the large site. However, because the site is so slender

(especially at Wisconsin Avenue) and there is no true back side, compliance with the prescriptive tower setback requirement is difficult to achieve.

The Sketch Plan went to the Design Advisory Panel (DAP) on November 28, 2018. The project concepts were well-received by the DAP, which advised that the following recommendations be incorporated into the Staff Report:

- Close attention to the plaza design and grade change will be critical at Site Plan to achieve the 30 exceptional design points.
  - Work with county staff to provide a mid-block crosswalk across Elm Street.
- a) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Application will redevelop the existing single-use lot that contains a five-story structure and build a mixed-use building that will house high-density residential uses and allow for ground floor retail, all within proximity to the Metro and the Purple Line. The Application meets the objective of this finding.

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

The Sketch Plan encourages such development by proposing market-rate residential units in a variety of unit types as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of Downtown Bethesda. The Sketch Plan will accommodate all modes of transit – pedestrian, bicycle, and vehicular – in proximity to the Metro, Purple Line, Capital Crescent trail and bus service by improving the streetscape along its three frontages. The Sketch Plan does not propose any parking between the building and the street frontages.

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

The Sector Plan identifies the Wisconsin Ave District as an area that should emphasize mixed land uses that focus on employment, high density residential, and distinctive infill buildings. The Sketch Plan 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 Ave District.

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

The Subject Property is within the Wisconsin Ave District of the Sector Plan, which is intended primarily for the mix of land uses and a focus on integrating residential uses in an area that is largely dominated by commercial and office. As proposed, the mixed-use project containing high density residential and retail provides the appropriate land use, as recommended in the Sector Plan.

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

The Application will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

The 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 up to 188,491 square feet from the BOZ initiating a Park Impact Payment (amount to be determined during Site Plan review) to be paid at the time of building permit. Up to 58,350 square feet of MPDU density is exempt from PIP calculation. The amount of density allocated from the BOZ for Application is deducted from the 32.4 million cap.

2. *The Sketch Plan substantially conforms to the recommendations of the 2017 Bethesda Downtown Sector Plan.*

As discussed in Finding 1 above, the Sketch Plan substantially conforms to the recommendation of the 2017 *Bethesda Downtown Sector Plan*. The Sketch Plan will provide a mixed-use building with ground floor commercial retail in



an established center of activity within the Wisconsin Avenue District, increase the supply of housing to serve a variety of income levels, redevelop an underutilized property, and provide streetscape improvements that enhance the safety and character of Wisconsin Avenue, Elm Street and Hampden Lane.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

At 250' in height, the building will conform with the Sector Plan's recommendation for height and ultimately be compatible with the surrounding buildings which will be among the tallest in Bethesda. The proposed massing and tower step-back also conforms with the recommendations of the Bethesda Design Guidelines to ensure compatibility with existing buildings and public open space. Additionally, the Applicant will continue close coordination with the DAP.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Application provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Vehicular access to the Subject Property is directly from both Hampden Lane and Elm Street, with loading limited to the less-pedestrian Hampden Lane frontage and parking access aligned with the 7272 Wisconsin Avenue development across Elm Street to consolidate vehicular access to minimize potential vehicular conflicts. As a result, the Application minimizes interruptions to the pedestrian realm and supports the pedestrian and transit-oriented nature of Downtown Bethesda. Pedestrian and bicycle access to the Subject Property will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the frontages, consistent with the Bethesda Streetscape Standards.

Resident vehicle parking will be contained within a structured below-grade garage, with the final quantity of parking spaces and ingress/ egress into the parking structure determined at Site Plan based on the final number of

residential dwelling units. In accordance with the Local Area Transportation Review Guidelines for ancillary retail, no parking will be provided for the non-residential uses on site.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Approved in Concept
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking <sup>1</sup>	20	19
Through Block Connections	20	15
<b>59.4.7.3D: Diversity of Uses and Activities</b>		
Small Business Opportunities	20	10
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Exceptional Design <sup>1</sup>	30	30
Structured Parking	20	20
Tower Step-Back	20	5
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Termination (BLT)	30	4
Energy conservation and generation <sup>1</sup>	25	15
<b>TOTAL</b>		<b>118</b>

#### Connectivity and Mobility

*Minimum Parking:* The Applicant requests 19 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 maximum allowable number of on-site spaces to 20 points for providing no more than the

minimum numbers of spaces on-site. Final determination will be made at Site Plan. The Planning Board supports the category at this time.

*Through Block Connection:* The Applicant requests 15 points for providing a through block connection. Points for this incentive are based on design criteria such as open-air access, width, connections to transit, parks, or public buildings, retail access, and wall glazing adjacent to the connection. Final determination based on these criteria will be made at Site Plan. The Planning Board supports the category at this time.

#### 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 reflects restrictions. The project as currently proposed includes 11,000 square feet of retail space which consists of three ground floor retail bays of approximately 4,726 square feet, 4,445 square feet and 1,745 square feet. The Planning Board supports the category at this time.

#### Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 30 points for building and/or site design that enhances the character of a setting. As a site receiving an allocation of Bethesda Overlay Zone density, the Application is subject to the Design Advisory Panel review, which will award points based on the quality of the design. The Applicant asserts that the Sketch Plan fulfills many recommendations of the Bethesda Downtown Sector Plan and Design Guidelines.

Metro Tower's design has been directly formulated in response to two primary factors: location and geometry. With respect to location, the Applicant anticipates that Metro Tower will stand at what will become a future "main and main" pedestrian corner of the Bethesda CBD. The intersection of Wisconsin Avenue and Elm Street will be substantially active, with entrances to the Bethesda Metro Station and the Purple Line Station being constructed immediately to the south on the Apex Building redevelopment site, as well as a new civic plaza and new towers that will be among the tallest buildings in Bethesda. With respect to geometry, Metro Tower will be located on a long and narrow block that is bounded by three streets (i.e., Wisconsin, Elm, and Hampden) and the existing Plaza. As a result, Metro Tower will effectively have four fronts and no rear. These characteristics – location and geometry – provide an opportunity for



significant visibility to residents, employees, and visitors from multiple vantage points in the CBD.

In response to these characteristics, the Applicant has designed an Art Deco-inspired building that will sit prominently on Wisconsin Avenue to provide a strong marker for this prominent pedestrian corner, completing the north side of the new transit plaza at the Apex Building redevelopment site and making major contributions to Downtown Bethesda place-making. Significantly, the Metro Tower development will refresh and enlarge the existing plaza to the west to provide an important enhanced passage and experience for pedestrians headed to the transit stations and other local destinations. The expanded and revitalized plaza is envisioned as an area where a wide range of activities can occur for all to enjoy. With prominent retail space also provided at the street level, the Applicant anticipates that Metro Tower will become a center of pedestrian activity and an integral part of Downtown Bethesda's urban fabric.

The Planning Board supports the Exceptional Design category at this time.

*Structured Parking:* The Applicant requests 20 points for providing structured parking in a below grade parking structure. The Planning Board supports the category at this time.

*Tower Step-Back:* The Applicant requests 5 points for providing a tower step back on the building's upper floors by a minimum of six feet behind the first-floor façade. The step back must be retained across at least 70 percent of the frontage on any right-of-way or open space. The Planning Board supports the category at this time.

#### Protection and Enhancement of the Natural Environment

*BLTs:* The Applicant requests 4 points for the purchase of 0.8924 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board supports the category at this time.

*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. The Planning Board supports the category at this time.

*7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

Although the project is proposed to be constructed in a single phase, the Applicant is seeking to demolish the existing buildings prior the reopening of the Elm Street frontage which is currently closed for construction of the confronting 7272 Wisconsin Avenue project (Apex Building)/Purple Line station.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the 2017 Bethesda Downtown Sector Plan, or other requirements; and

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

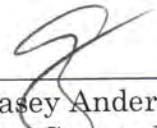
BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Metro Tower 320190050, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 06 2019 (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

#### 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 Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, April 25, 2019, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

August 4, 1983

MONTGOMERY COUNTY PLANNING BOARD

Opinion

Project Plan No. 9-83005  
Community Motors Center

Action: Approval with Conditions  
(4-0, Commissioner Krahne Absent)

On February 4, 1983, Marsh/Jackson submitted an application for the optional method of development. The subject property is a 45,666 square foot parcel located between Hampden Lane and Elm Street east of proposed Woodmont Avenue in the CBD-2 zone. The proposed development is a mixed use project comprised of residential units, offices, retail space and parking.

The application proposes development totalling 182,594 square feet resulting in an FAR of 3.99. Also proposed are ten residential units. Approximately 5% of the project is proposed for retail use. 85% of the project is proposed for office space, with residential area amounting to 7% and 3% of the project to be devoted to automobile sales.

The primary proposed on-site amenity is a landscaped plaza including a clock tower and fountain. The application proposes extensive off-site amenities by extending the pedestrian pathway streetscape along portions of Hampden Lane, Elm Street and proposed Woodmont Avenue.

On April 24, 1983, the Montgomery County Planning Board held a public hearing on the proposal, which was identified as Project Plan No. 9-83005, in accordance with Division 59-D-2 of the Montgomery County Zoning Ordinance. The Staff submitted its report recommending approval subject to certain conditions detailed in the Staff Report. Other related hearings were held on April 12 and June 22, 1983, with worksessions on July 7 and 13, 1983. The Planning Board received testimonial and documentary evidence at the hearing.

Exhibit A



Findings of the Board

The Planning Board considered the elements listed in §59-D-2.42 of the Zoning Ordinance. Based on the testimony and evidence of record the Board finds:

1. The application as approved complies with all of the purposes and requirements of the CBD-2 zone.

Section 59-C-6.212 and Section 59-C-6.213 list the purposes of the CBD-2 zone as follows:

59-C-6.212

(a) To encourage development in accordance with an adopted and approved master or sector plan by permitting an increase in density where it is in conformity with the sector plan and the site is approved on review by the planning board.

The application fully conforms with the 1982 Amendment to the Bethesda CBD Sector Plan as well as the 1976 Bethesda CBD Sector Plan as set forth in Finding #2 of the Staff Report.

(b) To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in the central business district to meet the needs and requirements of workers, shoppers and residents.

The application includes retail shops, offices and ten residential units thus responding to the needs of workers, shoppers and residents. A mixed use development such as this one which blends in and enhances existing uses and which includes residential uses in scale with existing residential uses exhibits the kind of development flexibility intended by the zone and encouraged by the Sector Plan.

(c) To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system, and between the central business district and adjacent areas.

The proposed project consists of a twelve story office element which is generally designed as a series of sensitively articulated elements, each of which relates in a pleasant way with the surrounding buildings. The mass and scale of residential units are compatible with those in the surrounding area and will serve to shield the parking structure within the interior of the project. The proposal is particularly



~~as amended~~ In its treatment of the buildings to remain  
along Elm Street.

(d) To promote the effective use of transit facilities  
in the central business district and pedestrian access thereto.

As amended the application will include a covered  
pedestrian path to encourage transit riders to use the  
Metro system even during inclement weather. This covered  
pathway will significantly enhance the desirability of  
walking to Metro and therefore encourage the effective use  
of transit facilities.

(e) To promote improved pedestrian and vehicular cir-  
culation.

As amended the proposal will create a new vehicle free  
pedestrian zone within the heart of an environment previously  
hostile to pedestrians. As amended the application ~~proposes~~  
a major pedestrian link to the Metro Center which does not  
exist today. The application proposes additional right-of-  
way dedication along Elm Street and Hampden Lane. Based  
upon the testimony and evidence presented by the applicant  
the Board finds that the application would improve vehicular  
circulation.

(f) To assist in the development of adequate residential  
areas for people with a range of different incomes.

The ten residential units provided are entirely consistent  
with the Sector Plan objective to provide housing in the  
CBD core within easy walking distance of Metro.

(g) To encourage land assembly and the most desirable  
use of land in accordance with a sector plan.

The application assembles land owned by the Marsh family  
and by Euro Motorcars Bethesda, Inc. The mixed uses proposed  
by the application are entirely consistent with the Sector  
Plan.

59-C-6.213

(b) To foster and promote the orderly development of  
the central business districts of the county so that these  
areas will enhance the economic status of the county as well  
as providing an expanding source of employment and living  
opportunities for its citizens in a desirable urban environ-  
ment.



The combination of uses proposed in the application will generate economic activity and jobs close to the Metro center while providing residences and an improved pedestrian pathway environment.

(c)(1) To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts.

The density and intensity of activities on the site is appropriately scaled down from CBD-3 uses to the north and complements other nearby commercial and residential uses. The design of the office tower which steps up from lower heights softens the visual effect of the tower and the potential bulk of the building.

(2) To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.

The ten residential units provided amply meet this requirement.

The application also conforms to the requirements of the CBD-2 zone as demonstrated by the Data Summary included in Table I, attached.

2. The application conforms to the approved and adopted Sector Plan.

The application meets the Plan's recommendation for medium density mixed commercial. It proposes a mix of uses that have the potential to preserve life and visibility during evening hours, particularly through the restaurant and the residences. The stepping up pattern of building height conforms to Sector Plan guidelines for projects near Woodmont Avenue. The plaza and the covered pedestrian pathway will encourage the use of the transit system. The historical perspective of the auto age theme will help provide and enhance sidewalk and amenity area environment. As conditioned by this approval, the project materials, landscaping and the like will also improve and enhance the



sidewalk environment.

The application effectively produces a coherent and visually meaningful grouping of buildings. ~~The opportunity to modify this design at Site Plan can only improve the design along the south elevation.~~ As conditioned herein the application will encourage pedestrian shopping opportunities and create interesting and attractive features that will generate pedestrian activity. The application will convert a barren area into an exciting pedestrian landscape and form a maintenance organization to provide upkeep for the amenity areas.

The application conforms to the environmental concerns of the Sector Plan. Additional review of environmental guidelines at Site Plan will ensure adherence to environmental guidelines.

The mix of uses proposed adheres to Sector Plan guidelines. The project will generate a net increase of 179 trips which is fewer than that allocated by the Plan. In addition, two trips will be taken from the residential category.

#### Ranking

Due to the cumulative number of traffic trips generated by the uses and densities shown in all of the Optional Method Applications submitted during this review period, this project (No. 9-83005) as well as eight others (Project Nos. 9-81009, 9-82004, 9-83001, 9-83002, 9-83003, 9-83004, 9-83007 and 9-83008) were subject to the standards for comparison established in the 1982 Amendment to the Bethesda Sector Plan.

The criteria and process used in the ranking have been outlined in the Staff Report of June 22, 1983, and supplemented by the Staff Memorandum of July 6, 1983.

The Planning Board adopts the ranking methodology and recommendations submitted by the Staff in its report of June 22, 1983, and ranks this project as sixth.

3. Because of its location, size, intensity, design, operational characteristics and staging, the proposal is compatible with and not detrimental to existing or potential development in the general neighborhood.

As conditioned by this approval, the overall design of this



project is compatible with existing and potential development in the general neighborhood. ~~The stepped design of the tower assists in compatibility~~ with less intensive uses while the plaza and retail area provide an inviting walkway connecting adjacent streets. ~~Further review of the design of the project at Site Plan may permit some reconfigurations to allow additional~~ ~~and penetration into the plaza.~~ The Board accepts the testimony of the applicant that the operational characteristics of the project meet this requirement.

4. The proposal will not overburden existing public services nor those programmed for availability concurrently with each stage of construction.

Based upon the most recent County Council action, the Board finds that it can consider Woodmont Avenue as a programmed public facility. The Transportation Staff assessed the impact of the project on the roadway capacity. It found that the added traffic of this development, as well as the traffic generated by other projects in the area similarly approved, will not overburden the internal street system. The methodology, assumptions and findings are more fully set out in the Staff Report of June 22, 1983, Finding #4. Other public facilities are likewise available as set forth in the Staff Report.

5. The proposal would be more efficient and desirable than could be accomplished by the use of the standard method of development.

It is unlikely that the site would develop under standard method. The amenity areas and streetscape contributions provide a significant public benefit by creating an entirely new vehicle free pedestrian zone. Based on the Staff Report the Board finds that the proposal would be more desirable and efficient than the standard method of development.



Action

Based on the above findings and following the provisions of Division 59-D-2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board approves Project Plan No. 9-83005 with the following conditions:

1. Truck Dock

The truck dock must be reviewed at Site Plan to assure safe visibility of passing pedestrians and motorists.

2. Improvements Off-Site

The applicant will install premium paving, rebuild driveway aprons as required and install street trees at a minimum of 30 feet on center, and will provide street furniture and lighting in all areas indicated in the Site Plan Amenities Areas within the application. The details of this sidewalk improvement will be integrated with other approved project plans at Site Plan Review.

3. Conditions for Consideration of Off-Site and On-Site Amenities

- (a) This applicant shall provide amenities indicated on submitted drawings.
- (b) The County will not be expected to require the owners of abutting properties to reimburse the applicant for any off-site improvements made to the right-of-way abutting their property.
- (c) East Lane, to the extent of the property line, shall be improved as an amenity area. The applicant shall obtain a written agreement from abutting property owners allowing the off-site improvement shown in the application. In the event the applicant is unable to obtain any or all of these agreements, a substitution in amenity area shall be made at site plan approval subject to Board approval.
- (d) All utilities will be undergrounded at applicant expense as detailed elsewhere in these conditions.
- (e) The applicant will provide the facilities and amenities (in lieu of \$250.00 per linear foot of improvement to the off-site amenity areas) in return for being granted the maximum 4 FAR.



- (f) The applicant shall provide the Arts Enhancement Program (as amended) as outlined in the application.

4. Covenants

The applicant will enter into agreements with the State Highway Administration and with MCDOT, as appropriate, for the installation, liability, and maintenance of amenity areas in the public right-of-way.

5. Arts Program

The design, materials, configuration and construction method of all the items will be detailed for review at Site Plan. The applicant shall provide the following prior to Site Plan Approval:

(a) Identification

Identification of Artists and Artisans on the design team.

(b) Examples

Specific illustrations of examples of artists' and artisans' work which are appropriate for this specific site. (The examples presented are appropriate but should be expanded and made more specific at Site Plan submission.)

(c) Collaborative Process

Establishment (including appropriate documentation) of a collaborative process (in consultation with staff) which will insure a comprehensive integration of ideas and concepts between the team of Artists/Artisans and the project design team for the purpose of insuring a comprehensive treatment of the art elements identified.

(d) Products

Products (which shall be the results of the collaborative process) in the form of a series of drawings, photographs, maquettes, or other appropriate means to illustrate the specific proposed public art and artisanry.

- I. Ceiling of amenity area on-site - An appropriate amount of the ceiling area (to be determined at Site Plan) near the office lobby to be crafted by artisans or provision of an art piece large enough and dramatic enough to dominate the ceiling area.



II. Ground plane of amenity area on-site and streetscape area - Increase crafted area with overall design of paving to be decided at Site Plan Review. Consideration to be given to using addresses in the pavement or other embellishments and crafted elements in order to achieve an interesting design.

III. Street furniture - All benches to be custom crafted. Tree grates and tree guards may be custom designed and fabricated.

IV. Crafted wall end embellishments - 100 percent of wall areas identified by "A" on Figure 5, Proposed Amenity-Area 1 to be crafted by artisans as indicated in perspective. The design to be developed at Site Plan.

V. Feature Lighting - Feature lighting to be of a distinctive design to be approved at Site Plan.

VI. Street Trees - Minimum 5" caliper upon planting. If right-of-way constraints prevent the use of 5" trees, a small reduction may be approved at Site Plan.

VII. Architectural lighting - To be used primarily to enhance art program and to emphasize the pedestrian path. The clock tower and fountain shall be lighted to serve as "beacons" to the pedestrians.

VIII. Retail signage - To be custom crafted by artisans.

IX. The design, other materials, configuration and construction method of all the above will be detailed for review at Site Plan. Consideration shall be given to whether the amount of crafted paving, wall and lighting elements is sufficient.

## 6. Underground Utilities

(a) Applicant Utility Services - All utility connections requested to serve the proposed new development will be required to be made underground.

(b) Adjacent Property Utility Services - (a) If undergrounding of utilities for proposed development requires modifications to utility services for adjacent properties, those modifications must be provided by the owner requesting service for the proposed new developments. (b) If off-site,



improvements are to be provided in the front, side, or rear "yards" of adjacent properties, or in public right-of-way, the utilities must be provided underground by the party requesting service for the new development; contingent upon the approval for any and all modifications to front, side, or rear yards by the adjacent owner.

(c) Utility Service Transition From Underground to Overhead - Transition of service from underground to overhead must be provided by the party requesting service modifications as required to maintain service.

(d) Detailed Review - Detailed requirements for undergrounding utilities will be addressed for approved Project Plans at Site Plan. Applicants may be required to provide road and signal work by MCDOT and MSHA. Drawings for any required improvements must be reviewed concurrent with utility drawings.

(e) Coordination - The location of underground facilities shall be coordinated with WSSC.

#### 7. Management Organization

The applicant shall draft and provide (for Planning Board approval) agreements for the formation of a management organization. These agreements shall describe the two part structure of the management organization: Part 1 - responsibilities of this applicant; Part 2 - the applicants' component responsibilities of a management organization to be composed of representatives of all approved Bethesda project plans. Agreements to bring the organization into reality are to be required prior to issuance of an occupancy permit for the subject application and the realization of such agreements are made a condition of the approval of this project plan.

#### 8. Water Supply and Sanitary Sewer

- (a) Applicant shall obtain authorization for local water main replacement or augmentation as Required by WSSC.
- (b) Applicant shall obtain authorization for local sewer main replacement or augmentation as required by WSSC.

#### 9. Stormwater Management

The applicant shall submit, prior to Site Plan approval,



written verification from the Montgomery County Soil Conservation District that a stormwater management waiver has been or will be granted for this project. In addition, information on best management practices (BMP's) and sediment control shall be provided at Site Plan submission. Adequacy of storm drainage shall be verified by MCDOT. If needed, appropriate CIP projects must be programmed prior to Site Plan approval.

10. Air Quality

Air quality concerns will be considered in more detail at Site Plan submittal when additional information is provided on (a) the impact, if any, of building or garage exhaust on the residential use and amenity spaces, (b) the conceptual location of air intakes for building ventilation, (c) the assessment of impacts of traffic-related air pollution on this development.

11. Noise Quality

A determination should be made at Site Plan submittal of the impact of traffic-related noise pollution on the residential uses. The application must demonstrate conformance to County and State noise standards, especially as related to mechanical and electrical equipment, and truck loading and pick-up areas. Finally, a method of noise protection for the residential shall be provided to insure that indoor noise levels meet Federal standards.

12. Staging

Construction of Community Motors Center must have begun within the zoning ordinance time period requirements or the project plan shall be considered void unless the Planning Board extends the time period in accordance with zoning regulations and the Amendment to the Bethesda CSD Sector Plan recommendations. The residential units must be substantially complete prior to issuance of the occupancy permit for office and retail space. The Site Plan inspector shall determine the adequacy of the completion of residential units upon inspection of the property.

13. Parking

Final determination of parking required to meet zoning ordinance requirements shall be made prior to Site Plan Approval.

Convenient pedestrian access, particularly from the parking



area, shall be clearly shown on the Site Plan. Ten parking spaces for residences shall be reserved near residential units. Pedestrian access to parking and the end spaces at the west side of parking garage must be analyzed at Site Plan. All issues such as these mentioned shall be reviewed and resolved to staff satisfaction prior to Site Plan approval.

14. Land Assembly

The land assembly shall be legally documented and arrangements for use of property adjacent to the Woodmont Avenue right-of-way shall be documented prior to Site Plan approval.

15. Amenity Area

The outdoor seating area must be designed as an outdoor space accessible to the public and may not be enclosed for sole use in connection with the restaurant.

16. Covered Arcade

A covered arcade is required continuously from Elm Street to Hampden Lane either by extending the fabric canopies or providing an area under the building.

17. Retail/Clock Tower

Additional retail or other enlivening feature along Hampden Lane to reinforce the pedestrian environment will be reviewed at Site Plan, including possible reconfiguration of the Clock Tower.

18. Plaza Level Elevation

Additional enhancement of landscaping within the plaza level to be reviewed at Site Plan.

19. Elevation Modifications

The Southeast corner of the building shall be examined for possible setback to allow greater sun penetration into the plaza. If additional setback is appropriate, other modifications to recapture the lost floor area may be approved at Site Plan.

20. Dedications

Applicant will dedicate to the MCDOT all properties within the right-of-way of Elm Street and Hampden Lane. If the final site survey determines that some portion of the property falls within Woodmont Avenue right-of-way this will also be dedicated to MCDOT.

21. Traffic Signal/Operations Study

The applicant will prepare a detailed traffic signal/operations study (in close cooperation with M-NCPPC, MCDOT, and MSHA) to determine what modifications, if any, may be needed to the Hampden Lane and Elm Street intersections and existing Wisconsin Avenue median breaks.

22. Crosswalks

Provide crosswalks in accordance with Staff Report dated June 22, 1983. Treatment and equipment to be determined at Site Plan.

23. Subdivision

Subdivision of property required. Preliminary Plan must be approved prior to Site Plan approval.



TABLE 1

DATA SUMMARY  
COMMUNITY MOTORS CENTER, #9-83005

Item	Permitted/Required/Guidelines		Provided*	
Parcel Size	22,000 SF min.		45,600 SF = 1.05 acres	
FAR	CBD-2 = 4 FAR O.M.		3.76 FAR	
Total Floor Area including cellar			FAR	+ Cellar
	Retail 12% (.5 FAR)	22,800 SF	9,267 SF	= 5%
	Office 38%	159,600 SF	149,524 SF	= 85%
	Residence		8,272 SF 10 DU's	+ 4,770 SF = 7%
	Misc. (auto)		4,461 SF	= 3%
Total		182,400 SF	171,524 SF	176,295 SF
Per Outbound Trips				
	Retail	44	18	
	Office	134	172	
	Residential	--	2	
	Misc. (auto)	--	4	
	Total Trips	228	196	
	Less Existing	-17	-17	
	Net Additional	211	179	
Amenity Area	On Site	9,132 SF = 20%	9,159 SF = 20%	
	Off Site	(none)	17,174 SF = 38%	
Total			26,333 SF	
Parking		447 cars	464 cars	
Height	CBD-2	143 feet	143 feet**	

- \* Staff used new plaza and floor 2 data after recalculating floor area from applicants' plan. Auto sales is classified as "miscellaneous" for trip generation purpose.
- \*\* Mechanical penthouse adds 21 feet, for total height of 164 feet.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

AMENDMENT

Project Plan Review #9-83005 (Amendment)      Date Mailed: January 4, 1991  
Project: One Bethesda Center/Community Motors Center

Action: Motion was made by Commissioner Floreen, seconded by Commissioner Henry, with a vote of 4-0, Commissioners Bauman, Floreen, Henry, and Hewitt voting for and no Commissioner voting against. Commissioner Keeney was absent.

On September 19, 1990, Stephen J. Orens submitted an application for the approval of an amendment to an approved project plan for property in the CBD-2 zone. The application was designated Project Plan Review #9-83005 (Amendment).

On November 15, 1990, Project Plan Review #9-83005 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. The proposed amendment will result in an unacceptable increase of nine trips which exceeds the capacity for the CBD established in the approved sector plan;
2. A substitution of office uses for the approved residential uses does not meet the goals of the sector plan that "residential development should occur as one of the mix of uses in the core", and
3. A substitution of office uses for the approved residential uses does not meet the requirements of the CBD-2 zone as follows:
  - a. to assist in the development of adequate residential areas for people with a range of different incomes, and
  - b. to provide an incentive for the development of residential uses to meet the needs of those employed within the CBD.

Therefore, the Montgomery County Planning Board disapproves the proposed amendment to Project Plan #9-83005.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

**DATE MAILED:** September 26, 2002

**PROJECT PLAN REVIEW #:** 9-83005A

**PROJECT NAME:** One Bethesda Center

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*Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Bryant, with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson, and Wellington voting for.*

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The date of this written opinion is September 26, 2002 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 26, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until October 26, 2004 as provided in Section 59-D-2.7.

On September 19, 2002 Project Plan Review #9-83005A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *As conditioned, the proposal complies with all of the intents and requirements of the zone.*
2. *As conditioned, the proposal conforms to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*
3. *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, the proposal is compatible with and not detrimental to existing or potential development in the general neighborhood.*



4. *As conditioned, the proposal does not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*
5. *The proposal is more efficient and desirable than could be accomplished by the use of the standard method of development.*
6. *The proposal will include moderately priced dwellings units in accordance with Chapter 25A of this code, if the requirements of that chapter apply.*
7. *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either Section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*
  - A. *The Project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic; and/or*
  - B. *The Project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
  - C. *The Project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*
8. *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*
9. *As conditioned, the proposal satisfies any applicable requirements for water quality resource protection under Chapter 19.*

Therefore the Montgomery County Planning Board APPROVES Project Plan #9-83005A, which consists of 182,594 square feet of commercial space and 10 townhouses, with the following conditions:

1. Retain the retail designation for the ground floor (plaza level) portion of the subject 8,400 square feet.
2. All conditions of prior approvals remain in full force and effect, except as they are specially changed by this approval.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3780

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

**Preliminary Plan 1-84142**

**NAME OF PLAN: AMERICAN CENTER BUILDING**

On 06-06-84, ABRAMS & ASSOCIATES, submitted an application for the approval of a preliminary plan of subdivision of property in the CBD2 zone. The application proposed to create 1 lots on 42435.00 SQ FEET of land. The application was designated Preliminary Plan 1-84142. On 09-13-84, Preliminary Plan 1-84142 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-84142 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-84142, subject to the following conditions:

1. Dedication along Elm Street and Hampden Lane in accordance with project plan
2. Improvements to Elm Street and Hampden Lane as required by Department of Transportation
3. Necessary easements

Approval includes deletion of existing building restriction lines.

Date of Meeting: September 18, 1984

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
8787 George Avenue • Silver Spring, Maryland 20910-3760

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

**Preliminary Plan 1-85093**  
**NAME OF PLAN: ONE BETHESDA CENTER**

On 03-25-85, COMM. MOTORS PROP. ASSOC. LTD., submitted an application for the approval of a preliminary plan of subdivision of property in the CBD2 zone. The application proposed to create 1 lots on 46311.00 SQ FEET of land. The application was designated Preliminary Plan 1-85093. On 05-30-85, Preliminary Plan 1-85093 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-85093 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-85093, subject to the following conditions:

**APPROVAL, Including Deletion of Existing Building  
Restriction Lines, Subject to:**

- 1. Dedication along Elm Street and Hampden Lane in accordance with Project Plan, and to extend in front of existing building as shown on preliminary plan**
- 2. Improvements to Elm Street and Hampden Lane as required by Department of Transportation**
- 3. Necessary easements**
- 4. Agreement with Planning Board limiting development to that approved by Project Plan plus existing building unless project Plan is revised**

MAILED 101

Bridgeham Associates, Inc.,  
attn: Elizabeth  
Lawrence A. Hunt  
580 Railroad  
James S. Miller, et al.  
Ralph L. Broadhurst  
National Foundation for Cancer Research  
Dorsett Ltd. Partnership  
Riley W. & A. Evers  
Montgomery County, MD  
Loe J. Rocca  
John D. & W. R. Redmond  
Euro Motocars  
Family Management  
Mishel G. Daoud, et al.  
Paul & E. Vonkaenel  
Mary P. Vance  
Constantine Cois  
Margaret Nenke  
Community Motors Property Associates,  
Limited Partnership

**Date of Mailing: June 6, 1985**

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
3787 Georgia Avenue • Silver Spring, Maryland 20910-3787

October 4, 1984

MONTGOMERY COUNTY PLANNING BOARD

Opinion

Site Plan Review No. 8-84006  
American Center Building  
(Formerly Community Motors Center)

Action: Approval with Conditions (Motion by Comm. Krahnke, Seconded by  
Comm. Heimann, with a vote of 4-0, Comm. Keeney Abstaining)

On June 15, 1984, Paul B. Abrams submitted an application for the approval of a site plan for property in the CBD-2 Zone. The application was designated Site Plan Review No. 8-84006.

On September 13, 1984, Site Plan Review No. 8-84006 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received other evidence from the staff and the applicant. Except as modified below, the Planning Board adopts the Staff Report (attached hereto and made a part hereof). Based on the evidence and testimony before it, the Planning Board approves Site Plan No. 8-84006, subject to the following conditions:

1. Site Plan Enforcement Agreement and Development Program

The applicant will provide a Site Plan Enforcement Agreement and Development Program prior to approval of the building permit. The water feature and its operation will be included in the Enforcement Agreement.

2. Public Art Schedule

- a. A work schedule for public art program shall become an integral part of the Site Plan Enforcement Agreement and Development Program, for staff review prior to approval of the building permit.
- b. The applicant shall submit for staff review and approval the final design and construction documentation for the artwork no later than eight (8) months after site plan approval. The applicant will continue work with the artist and staff to enrich the brick panels.
- c. Final artwork components of the project will be submitted to staff for confirmation to the site plan prior to issuance of the occupancy permit.



3. Street Trees

The applicant shall provide street trees of a type, spacing, and size to be consistent with the adopted Streetscape Plan; the details of which shall be approved prior to issuance of the building permit.

4. Parking

The applicant shall designate a reserved area within the parking structure for residential parking spaces. Final determination of parking circulation and spaces to meet zoning ordinance requirements shall be made prior to issuance of the building permit.

5. Underground Utilities

Staff recommends that as a requirement for approval under the optional method of development the following conditions be applied:

- (a) Applicant Utility Services - All utility connections requested to serve the proposed new development will be required to be made underground.
- (b) Adjacent Property Utility Services - (i) If loading utilities underground for proposed development requires modifications to utility services for adjacent properties, those modifications must be provided by the owner requesting service for the proposed new development. (ii) If off-site improvements are to be provided in the front, side, or rear "yards" of adjacent properties, or in public right-of-way, the utilities must be provided underground by the party requesting service for the new development; contingent upon the approval for any and all modifications to front, side, or rear yards by the adjacent owner.
- (c) Utility Service Transition From Underground to Overhead - Transition of service from underground to overhead must be provided by the party requesting modifications as required to maintain service.
- (d) Detailed Review - Detailed requirements for underground utilities must be approved by staff. The applicant will relocate all existing above ground utilities and construct all new underground utilities on-site, off-site, and within the public right-of-way of Woodmont Avenue, Hampden Lane, and Elm Street where the streetscape improvements are provided. These underground utilities will be completed in accordance with applicable requirements of PEPCO, C & P Telephone, MCDOT, State Highway Administration, Washington Gas, WSSC, Cable TV and any other applicable agencies.

All utilities which serve the proposed American Center Building must be located underground. Any utility connections to exist in buildings to remain



after the project is completed will also be located underground. Transition from underground to overhead service will be provided by the applicant as required by MCDOT and M-NCPPC standards. If transfer to overhead is required, the work must include necessary paving and patching of existing streets and sidewalk to meet the standards as established by MCDOT and M-NCPPC and in accordance with the Bethesda Streetscape Plan.

- (e) The applicant shall provide utility transition and accommodations with the County and Bethesda Streetscape CIP with the requirements which may be determined by M-NCPPC and MCDOT standards.

6. Vehicular Trips

The project shall generate no more than 179 net vehicular trips and shall not exceed an FAR of 4.0.

7. Covenant

The applicant will enter into a covenant with the County to cover maintenance and liability for non-standard streetscaping improvements within the County and State right-of-way.

8. Lighting

(a) Bethesda Lantern

The applicant will provide, install, and maintain all Bethesda Lanterns in accordance with the requirements of MCDOT. The final location must be provided for staff review prior to issuance of the building permit. Power for the lighting will be provided by Montgomery County.

(b) High Intersection Lighting

MCDOT has agreed to provide, install, and maintain the high intersection lighting. The applicant will install the electrical conduit and coordinate final location in construction phasing with MCDOT prior to start of construction.

(c) Traffic and Crosswalk Signals

MCDOT will provide, install, and maintain the traffic and crosswalk signals. The final location in construction phasing of the traffic and crosswalk signals will be coordinated with MCDOT prior to start of construction.

- (d) The applicant shall provide complete documentation to fully describe the design and details for the lighting of all amenity areas and parking areas of the

project. These details shall include design sections and specifications of all lighting fixtures. The documentation will include sufficient concept drawings of the night-time conditions to fully indicate the concept of lighting for the amenity areas.

- (e) The applicant will provide lighting along the public right-of-way along Hampden Lane, Woodmont Avenue, and Elm Street where the streetscape improvements are provided, in conformance with the Bethesda Streetscape Plan for the Core District in coordination with the staff of MCDOT and M-NCPPC.

9. Streetscape Elements

The location of benches, trash enclosures, details and specification of all streetscape elements will be designed in accordance with the Bethesda Streetscape as adopted by the Planning Board. Final review and approval will be completed prior to issuance of the building permit.

10. Crosswalks

Provide crosswalks, as approved by MCDOT, in accordance with Staff Report dated June 22, 1983. Treatment and equipment to be consistent with the adopted Bethesda Streetscape Plan and the method, design details, and final locations to be approved prior to issuance of the building permit.

11. Management Organization

The applicant shall draft and provide (for Planning Board approval) agreements for the formation of a management organization. These agreements shall describe the two part structure of the organization: Part 1 - responsibilities of this applicant; Part 2 - the applicant's component responsibilities of a management organization to be composed of representatives of all approved Bethesda project plans. Agreements to bring the organization into reality are to be required prior to issuance of an occupancy permit for the subject application and the realization of such agreements are to be made a condition of approval of this plan.

The applicant shall enter into agreements to participate in such Management Organization as may be adopted as a requirement by the Montgomery County Planning Board as part of the Streetscape Program prior to approval of the occupancy permit. Until the Management Organization is established, the applicant shall be responsible for the maintenance and security of the public amenity areas constructed by the applicant from the applicant's property and within public rights-of-way and for the maintenance of public amenity areas constructed by the applicant on other applicant-held property should such construction be implemented.

12. Off-Site Amenities

In the event the applicant is unable to obtain written agreements from abutting property owners allowing construction of off-site improvements as shown on the Site Plan, a similar area of improvements must be provided within the Bethesda CBD. Instead of the off-site improvements along East Lane required by the Project Plan, an equal area of off-site improvements, to be approved by staff, will be provided in another area of the CBD.

13. Staging

Construction of Community Motors Center must have begun within the zoning ordinance time period requirements or the project plan and site plan shall be considered void unless the Planning Board extends the time period in accordance with zoning regulations and the Amendment to the Bethesda CBD Sector Plan recommendations. The residential units must be substantially complete prior to issuance of the occupancy permit for office and retail space. The Site Plan inspector shall determine the adequacy of the completion of residential units upon inspection of the property.

14. Brick Paving

Provide district paving along the improved area of Hampden Lane. The applicant will submit for staff approval final drawings prior to the approval of the building permit.

15. Landscaping of Terraces

Provide some additional landscaping on several of the terraces for staff review prior to approval of the building permit.

Relying on the Staff Report and testimony as supplemented by the applicant's evidence and testimony, the Planning Board finds:

1. The Site Plan is consistent with Project Plan No. 9-83005.

The Planning Board bases this finding on the plan as submitted and on the Staff Report, pages 7-14 and Staff Testimony.

- A. The Site Plan as submitted maintains the total number of trips generated by the development and remains below the allowable FAR. The Project Plan required the removal of 17 existing trips. The information available to staff for the Project Plan review was based on aerial photos and field-measured square footage for existing structures in 1980. The applicant has submitted as part of the Site Plan a scaled survey of existing structures which more accurately shows the area of the various uses. While the staff calculated the removal of 17 existing trips (for the Project Plan), the more accurate data justifies the removal of 30 trips.



The total trips generation from the new project is calculated at 209 trips. When 30 existing trips are subtracted, a net of 179 trips remain. The total number of new trips approved does not exceed the 179 trips approved at Project Plan. As a result of this increase of existing trips to be removed, the applicant has slightly increased the size of the development without exceeding the allowable FAR or total trips. The Planning Board finds that the floor area and total number of trips shown is consistent with the approved Project Plan.

- B. As a result of a change in the property line along East Lane, the applicant for the Franklin B. Salisbury Building was required to make the off-site improvements originally required of this applicant as part of the approved Project Plan. Condition #12 ensures that the applicant will make off-site improvements equal in area to that required in the Project Plan.
- 2. The Site Plan conforms to the requirements of the CBD-2 Zone.

The Planning Board bases this finding on the plan as submitted and on the Staff Report, page 16.

- 3. The location of the buildings and structures, the open spaces, the landscaping and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.
- A. The location of the buildings has been modified to meet the conditions of the Project Plan. The major portion of the building mass is located in the center of the block between Woodmont Avenue and Wisconsin Avenue, adjacent to the major amenity area of the Franklin C. Salisbury Building.
- B. The Site Plan includes two major open space areas, a three-block connection and public open space located between Hampden Lane and Elm Street, and a second open space feature provides setbacks from future Woodmont Avenue. The mass of the southeast elevation of the building has been reduced to provide additional sunlight into the public open space areas.

The Planning Board notes that the water feature is an important element in the plaza and should remain functioning as much of the year as possible. Condition #1 ensures that the maintenance of the water feature will be addressed in the Site Plan Enforcement Agreement.

- C. The landscaping for the site is adequate. As required by the Project Plan, the applicant has increased the landscaping within the plaza area. In addition, Condition #15 requires landscaping to be added to some of the terraced areas.
- D. The off-site amenity package will link and extend the pedestrian pathways along Hampden Lane, future Woodmont Avenue, and Elm Street to the Metro Station, the commercial area and the adjacent residential areas.

4. Each structure and use is compatible with other uses, other site plans, and with existing and proposed development.

The west face of the building is set back approximately 40 feet from the future curb of Woodmont Avenue. The landscaping along this section of Woodmont Avenue will provide a "parkway" character. The "parkway" character and the use of two-story, one-family attached units along this frontage reduces the impact of the mass and bulk of the building on the adjacent residential areas.

The eastern edge of the building includes low scale retail uses adjacent to existing retail uses within the CBD. This low scale retail use forms an appropriate transition within the CBD.

The entrance to the three-block connection and retail uses forms the southern boundary of the development. These uses are compatible with existing retail uses located along Elm Street adjacent to the proposed development.

The use of stepped building forms and one-family attached units along Woodmont Avenue and Hampden Lane provide compatibility with the adjacent residential neighborhood. To insure compatibility, the Board requires the applicant to provide some landscaping along some of the terraces. This landscaping will soften the impact of the building on adjacent properties and will enhance its visual impact along Elm Street and Hampden Lane.

To insure compatibility with other projects in the Bethesda CBD-2 Zone, Condition #14 requires the applicant to utilize materials in the approved Bethesda Streetscape Plan along the improved area of Hampden Lane.



## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

**DATE MAILED:** September 26, 2002

**SITE PLAN REVIEW #:** 8-84006A

**PROJECT NAME:** One Bethesda Center

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*Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Bryant, with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson, and Wellington voting for.*

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The date of this written opinion is September 26, 2002, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 26, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On September 19, 2002, Site Plan Review #8-84006A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

- 1. The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required;*
- 2. The Site Plan meets all of the requirement of the--- zone, and is consistent with an urban renewal plan approved under Chapter 56;*
- 3. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
- 4. Each structure an use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
- 5. The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
- 6. The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection*



Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-84006A, which consists of 182,594 square feet of commercial space and 10 townhouses, subject to the following conditions:

1. Retain the retail designation for the ground floor (plaza level) portion of the subject 8,400 square feet.
2. All conditions of prior approvals remain in full force and effect, except as they are specially changed by this approval.

## Bethesda Downtown Design Advisory Panel

**FROM:** Laura Shipman  
*Design Advisory Panel Liaison*

**PROJECT:** Metro Tower (7316 Wisconsin Avenue)  
Sketch Plan No. TBD

**DATE:** November 28, 2018

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*The **Metro Tower** project was reviewed by the Bethesda Downtown Design Advisory Panel on **November 28, 2018**. The following meeting notes summarize the Panel's discussion, and recommendations regarding design excellence and the exceptional design public benefits points. The Panel's recommendations should be incorporated into the Staff Report and strongly considered by Staff prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

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### **Attendance:**

Karl Du Puy (Panelist)  
George Dove (Panelist)  
Damon Orobona (Panelist)  
Rod Henderer (Panelist)  
Paul Mortensen (Panelist, Senior Urban Designer in the Director's Office)  
Qiaojue Yu (Panelist) *Recused*

Laura Shipman (Design Advisory Panel Liaison)  
Gwen Wright (Planning Director)  
Robert Kronenberg (Area 1 Division Chief)  
Elza Hisel-McCoy (Area 1 Regulatory Supervisor)

Vincent Burke (Applicant Team)  
Daniel Ashley (Applicant Team)  
Willoughby Laycock (Applicant Team)  
John Torti (Applicant Team)  
Chris Ruhlen (Applicant Team)  
Ian P. Duke (Applicant Team)  
Mary Beth Avedesian (Applicant Team)  
Jeremy Sharp (Applicant Team)  
Elliot Rhodeside (Applicant Team)



Robby Brewer (Applicant Team)

Naomi Spinrad (Member of the Public)

Amanda Farber (Member of the Public)

John Shul (Member of the Public)

**Discussion Points:**

- Are there any waivers or requests or are you all compliant with the design guidelines?
  - *Applicant Response:* I think we are compliant, we have met with staff. The 10ft step-back was difficult because of the narrowness of the site, so we do an average 10ft step-back.
- Why no landscape plan?
  - *Applicant Response:* The plaza is a very sensitive area. It is still in infancy and many parties need to sign off before we go public with it.
- There is a major development happening across elm street. What is the relationship with what is happening at that building?
  - *Applicant Response:* The south entrance is directly across from the 7272 Wisconsin plaza. The best part of the relationship is that the walkway steps relate to the plaza. What we are most excited about is the connection to the future Capital Crescent Civic Green and Carr will be improving the stair connection on their site.
- How do you see people moving along these streets and crosswalks?
  - *Applicant Response:* We have thoughts, but we will work with staff to make sure these work. There will be special nodes at the ends of the plaza and the most special place in the center. Maybe an amphitheater because of the slope. There can be beautiful steps making the transition. It is an interesting thing happening at Hampden and Elm. Adding a crosswalk at the knuckle is not a bad idea. This is an important piece to consider.
- The crosswalk is a good thought and we should consider it.
- I think the building is coming along nicely. I like your Connecticut Avenue building.
- The proportions are very elegant, particularly the aspect ratio along Wisconsin Avenue.
- I like it, I think you meet the design guidelines, and you are on the right path with the concept for the plaza.
- This is the first building on Wisconsin where we didn't have to question the setback. This plaza is going to be a very important piece to reach the 30 points, I think the connection diagram is really important. The activation of the first floor on all four sides is great. It is coming along well.
- You are asking for 30 design points, there are a lot of aspirational pieces. In order for us to concur with the aspirations we will have to see it.
- If they respond to all of the elements then they could achieve the necessary points.
- There are no serious objections to the project.
- Elm Street in the past has been a very quiet street but with the PL station and development it will not be a quiet street.





- *Applicant Response:* This is an opportunity for Bethesda to be a midtown, to glue together in a way that it hasn't been before.
- Now with all these developments, Wisconsin will become a city street and not a highway through Bethesda.
- The way that you deal with the grade change in the plaza will be very important.
  - *Applicant Response:* There is a garage under the plaza. It allows a building to plaza relationship that is barrier-free, and we will have high-ceiling retail facing onto the plaza.
- Kudos to Saul company for purchasing the smaller building and creating a wider plaza. This is well worth the points.
- Excellent job.
- I recommend that you not show the spotlight going up into the air in the rendering because of the dark sky initiative.
- What the materiality will the building will be?
  - *Applicant Response:* Masonry, possibly limestone for the base. The tower elements will be masonry with pre-cast elements.

### **Panel Recommendations:**

The following recommendations should be incorporated into the Staff Report.

1. Close attention to the plaza design and grade change will be critical at Site Plan to achieve the 30 exceptional design points.
2. Work with county staff to provide a mid-block crosswalk across Elm Street.
3. Public Benefit Points: The project concepts were well-received by the panel and is on track to achieve at least the minimum 10 Exceptional Design points required in the Bethesda Overlay Zone.
4. Straw vote: **5** in support, **1** recused



# Bethesda Downtown Design Advisory Panel

**FROM:** Laura Shipman  
Design Advisory Panel Liaison

**PROJECT:** Metro Tower  
Site Plan No. 820190110

**DATE:** April 24, 2019

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*The **Metro Tower** project was reviewed by the Bethesda Downtown Design Advisory Panel on **April 24, 2019**. The following meeting notes summarize the Panel's discussion, and recommendations regarding design excellence and the exceptional design public benefits points. The Panel's recommendations should be incorporated into the Staff Report and strongly considered by Staff prior to the certification of the Site Plan. Should you have any additional questions and/or comments please feel free to contact the Design Advisory Panel Liaison.*

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**Attendance:**

Karl Du Puy (Panelist)  
George Dove (Panelist)  
Damon Orobona (Panelist)  
Rod Henderer (Panelist)  
Paul Mortensen (Panelist, Senior Urban Designer in the Director's Office)

Laura Shipman (Design Advisory Panel Liaison)  
Robert Kronenberg (Area 1 Division Chief)  
Marco Fuster (Lead Reviewer)  
Hyojung Garland (Parks Department)  
Rachel Newhouse (Parks Department)

Mary Beth Avedesian (Applicant Team)  
Elliot Rhodeside (Applicant Team)  
Jeremy Sharp (Applicant Team)  
John Torti (Applicant Team)  
Christopher Ruhlen (Applicant Team)  
Robby Brewer (Applicant Team)  
Ian P. Duke (Applicant Team)

Amanda Farber (Member of the Public)  
Aldon Thomas (Member of the Public)  
Paige Nerenberg (Member of the Public)



### Discussion Points:

- Is it all parking underneath the plaza?
  - *Applicant response: yes.*
- What are the materials in the plaza
  - *Applicant response: Granite and concrete paving.*
- What is the structural grid of the parking below? Could you add additional trees and planter
  - *Applicant response: The weight on the existing structure is the issue. Could put a potted planter. And potentially something above a column.*
- Are you not planning to keep the sculptures?
  - *Applicant response: They do not work with the new design and building.*
- Are you meeting the green requirements?
  - *Applicant response: We are low on that. We thought we were going to get to the requirement. We are putting a lot of mechanical on the roof. Because staff says this a guideline might still meet approval. The plaza is outside that calculation.*
- How about stormwater management? On sidewalks?
  - *Applicant response: Everything is through the roof, not on sidewalks.*
- What about the midblock crossing?
  - *Applicant response: MCDOT is evaluating if it is feasible. The applicant is willing to provide if allowed by MCDOT.*
- Architecturally the project has only gotten better since sketch plan.
- I like what you have done on the roof, the split on top is intriguing
- Can you add additional planter boxes to the plaza?
  - *Applicant response: There are 2 trees that are not showing on the rendering.*
- If it turns out like this than it is so much better than it is now.
- If you have restaurants and cafes it will make this active
  - *Applicant response: There was a request from staff to consider a “ceiling” through elements such as catenary lighting. We are working with a professional office building and we do not want to get too playful*
- It is a good idea, but the project has a lighting strategy and does not need it.
- The two adjacent land uses are key. Stores have to activate the plaza.

### Panel Recommendations:

The following recommendations should be incorporated into the Staff Report.

1. Consider adding additional planter boxes to the plaza to increase green.
2. Public Benefit Points: *30 Exceptional Design Points are recommended.*
3. Vote: **3** in support







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

**FROM:** Molline Jackson,  
Public Art Coordinator

**PROJECT:** Metro Tower  
SITE PLAN Nos. 820190110 & 81984006B

**DATE:** July 1, 2019

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*The Metro Tower project was reviewed by the Art Review Panel on Thursday, June 13, 2019. The following meeting minutes summarize the Applicant's presentation, the discussion during the meeting, and recommendations regarding the public art for the public benefits package. The Panel's final recommendations will be incorporated into the Staff Report and strongly considered by the Planning Board prior to the certification of the Site Plan and/or prior to the release of the first building permit. Should you have any additional questions and/or comments please feel to contact the Public Art Coordinator directly.*

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**Attendance:**

Marco Fuster (Lead Plan Reviewer)  
Elza Hisel- McCoy (Area 1 Supervisor)  
Marybeth Avedesian (Applicant)  
Katie Giganti (Artist Consultant)  
Christopher Ruhlen (Applicant's Attorney)

Suzan Jenkins (PATSC Manager)  
Claudia Rousseau (Panelist and PATSC Representative)  
Molline Jackson (Public Art Coordinator)  
Mark Kramer (Panelist)  
Judy Sutton Moore (Panelist)  
Hiroshi Jacobs (Panelist)  
Mansur Abdul-Malik (Panelist)

**Summary of the Applicant's Presentation:**

- The subject property is in Downtown Bethesda at 4800 Hampden Lane.
- The subject property is zoned CBD-2 (commercial and residential uses); Unit C-2 of the One Bethesda Center Condominium and 7316 Wisconsin Avenue collectively make up "Metro Tower." One Bethesda Center is generally located to the south of the intersection of East Lane and Hampden Lane.

- The Applicant for this Site Plan Amendment is the fee simple owner of the Unit C-2 of the One Bethesda Center Condominium plus adjoining property at 7316 Wisconsin Avenue and has received authorization to propose removal of the existing artworks.
- Metro Tower project proposes to redevelop a portion of the Unit C-2 and the adjacent 7316 Wisconsin Avenue site with a new multi-family residential building (including 15% MPDUs) and ground floor commercial space (approximately 11,000 square feet), below-grade parking and related amenities.
- Condition 2 of the original Site Plan approval (Attached; Resolution dated October 9, 1984) talks about a public art schedule that was to be an integral part of the Site Plan Enforcement Agreement and Development Program. A description of the artworks was included in the resolution and are attached to this memo. The existing public artworks were a part of the program and were including in the improvements to the plaza as public benefits.
- The public benefits were indicated as 1) a clock tower, 2) sculpted brick wall end embellishments, and 3) a plaza fountain. The existing public artworks are labeled as Image 1 & 2 below.



**IMAGE 1 – Brick Wall Embellishments (above) by Mara Smith; 4 brick panels will be removed.** *The artist was contacted and has refused to accept the artworks, as they were inspired by the existing conditions (i.e. the artworks are site-specific).*



**IMAGE 2 – “Waterway” fountain feature by Elyn Zimmerman; artist is not opposed to the removal of the water fountain.** *However, she has specifically requested that the artwork be demolished and not reused or repurposed in any fashion.*

- Per the Policies and Procedures manual (page 14), the architectural support where the 4 brick panels are located will be destroyed in construction and the plaza where the fountain

is located will be updated from its original design. The compensation for the lost value added by the existing artworks will be the replacement of new public artworks.

- The Applicant is requesting 1) removal of the 2-story commercial building, 2) modifications to the existing public plaza (public use space), 3) removal of the existing artworks and 4) the installation of new artworks. The removal of the artwork comes as a result of accommodating an enlarged public plaza (from 4,672 sf. to 9,183 sf., roughly doubling the size).
- The proposed plaza/ public use space will still function as a pass-thru with 2 access points (one from Hampden and the other from Elm Street), but seating areas will be incorporated along the edges of the property and a fountain will be added as the central focal point to the overall design. The intent of the new design is to improve circulation and create a local destination or meeting spot for visitors.
- The newly proposed artwork(s) will be incorporated into the plaza to further enhance the pedestrian experience and connectivity between Hampden Lane and Elm Street.

#### **Discussion Points:**

- The Site Plan Amendment will be presented to the Planning Board on July 18, 2019.
- The Applicant is working with an art consultant to realize the full potential of all the various public art opportunities (e.g. fountain, lighting, retaining walls, entrance features as way-finding tools, railings, and pavement).
- The Art Review Panel supports the need to remove the existing artworks and the replacement artwork(s). However, the Panel would like the Applicant to be clear and explicit about the intent/theme, quantity of artworks, and placement of the replacement artworks in plaza.
- The Applicant is committed to incorporating public art that will have a positive impact on the refreshed plaza. They presented a few different artistic ideas that were both functional (e.g. lighting, railings, pavement patterns) and sculptural or non-functional in nature. However, the location has not yet been determined.
- Of the creative ideas presented, the Art Review Panel reacted positively to the fountain, railings, planters, and building bas-relief.
- The Panel discourages the use of “plop-art” or that which has no real context or connection to the proposed design of the plaza.
- The public artwork(s) are intended to create a sense of belonging and inclusiveness, engage with the public and attract visitors to the public plaza. The Panel also suggested that the newly installed artwork(s) be clearly visible from both access points to lure visitors into the plaza.
- The Public Art Roadmap was mentioned as a helpful resource that explicitly conveys the County’s vision for public art.

#### **Panel Recommendations:**

1. The following recommendations should be incorporated into the final Staff Report as conditions of approval.
2. Per the Art Review Panel’s Policies and Procedures (page 14), the Art Review Panel supports the removal of the existing artwork in tandem with the replacement new public artworks that enhance the public plaza.



3. Prior to the Site Plan certification, the Applicant will present more specific details on the overall design concept, placement/ location of the artwork(s), scale and materials, and other key details (e.g. lighting, landscaping, maintenance, etc.) that specifically impact the artwork(s) to the Art Review Panel.
4. The Certified Site Plan must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners to ensure adequate safety and proper inspection of the artworks by the AHCMC and Montgomery County Department of Permitting Services (DPS). This information will come from engineered drawings, certified by a structural engineer.
5. The Developer and Artist(s) will execute a maintenance agreement for the public artwork and will present the signed document to the DPS and Montgomery County Planning Department prior to the issuance of the first building permit.
6. The appropriate signage should be clearly visible, specifically identifying the title of the piece, artist name, materials, completion date, and overall dimensions.
7. Upon to final inspection of the public artwork, the Developer must submit to the Public Art Coordinator with the Montgomery County Planning Department at least three images of the artwork on-site and information regarding the 1) associated project number, 2) title of the piece, 3) date of completion, 4) description of materials used, and 5) address. This information will be added to the existing inventory of the public artworks throughout the County ([mcatlas.org/art](http://mcatlas.org/art)).
8. The Developer must comply with the implementation section of the Art Review Panel Policies and Procedures.



# ATTACHMENT

Date Mailed: Tuesday, October 9, 1984

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3750

October 4, 1984

## MONTGOMERY COUNTY PLANNING BOARD

### Opinion

Site Plan Review No. 8-84006  
American Center Building  
(Formerly Community Motors Center)

Action: Approval with Conditions (Motion by Comm. Krahne, Seconded by  
Comm. Heimann, with a vote of 4-0, Comm. Keeney Abstaining)

On June 15, 1984, Paul B. Abrams submitted an application for the approval of a site plan for property in the CBD-2 Zone. The application was designated Site Plan Review No. 8-84006.

On September 13, 1984, Site Plan Review No. 8-84006 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received other evidence from the staff and the applicant. Except as modified below, the Planning Board adopts the Staff Report (attached hereto and made a part hereof). Based on the evidence and testimony before it, the Planning Board approves Site Plan No. 8-84006, subject to the following conditions:

1. Site Plan Enforcement Agreement and Development Program

The applicant will provide a Site Plan Enforcement Agreement and Development Program prior to approval of the building permit. The water feature and its operation will be included in the Enforcement Agreement.

2. Public Art Schedule

- a. A work schedule for public art program shall become an integral part of the Site Plan Enforcement Agreement and Development Program, for staff review prior to approval of the building permit.
- b. The applicant shall submit for staff review and approval the final design and construction documentation for the artwork no later than eight (8) months after site plan approval. The applicant will continue work with the artist and staff to enrich the brick panels.
- c. Final artwork components of the project will be submitted to staff for conformance to the site plan prior to issuance of the occupancy permit.



3. Street Trees

The applicant shall provide street trees of a type, spacing, and size to be consistent with the adopted Streetscape Plan; the details of which shall be approved prior to issuance of the building permit.

4. Parking

The applicant shall designate a reserved area within the parking structure for residential parking spaces. Final determination of parking circulation and spaces to meet zoning ordinance requirements shall be made prior to issuance of the building permit.

5. Underground Utilities

Staff recommends that as a requirement for approval under the optional method of development the following conditions be applied:

- (a) Applicant Utility Services - All utility connections requested to serve the proposed new development will be required to be made underground.
- (b) Adjacent Property Utility Services - (i) If loading utilities underground for proposed development requires modifications to utility services for adjacent properties, those modifications must be provided by the owner requesting service for the proposed new development. (ii) If off-site improvements are to be provided in the front, side, or rear "yards" of adjacent properties, or in public right-of-way, the utilities must be provided underground by the party requesting service for the new development; contingent upon the approval for any and all modifications to front, side, or rear yards by the adjacent owner.
- (c) Utility Service Transition From Underground to Overhead - Transition of service from underground to overhead must be provided by the party requesting modifications as required to maintain service.
- (d) Detailed Review - Detailed requirements for underground utilities must be approved by staff. The applicant will relocate all existing above ground utilities and construct all new underground utilities on-site, off-site, and within the public right-of-way of Woodmont Avenue, Hampden Lane, and Elm Street where the streetscape improvements are provided. These underground utilities will be completed in accordance with applicable requirements of PEPCO, C & P Telephone, MCDOT, State Highway Administration, Washington Gas, WSSC, Cable TV and any other applicable agencies.

All utilities which serve the proposed American Center Building must be located underground. Any utility connections to exist in buildings to remain



after the project is completed will also be located underground. Transition from underground to overhead service will be provided by the applicant as required by MCDOT and M-NCPPC staff. If transfer to overhead is required, the work must include necessary paving and patching of existing streets and sidewalk to meet the standards as established by MCDOT and M-NCPPC and in accordance with the Bethesda Streetscape Plan.

- (e) The applicant shall provide utility transition and accommodations with the County and Bethesda Streetscape CIP with the requirements which may be determined by M-NCPPC and MCDOT staff.

6. Vehicular Trips

The project shall generate no more than 179 new vehicular trips and shall not exceed an FAR of 4.0.

7. Covenant

The applicant will enter into a covenant with the County to cover maintenance and liability for non-standard streetscaping improvements within the County and State right-of-way.

8. Lighting

(a) Bethesda Lantern

The applicant will provide, install, and maintain all Bethesda Lanterns in accordance with the requirements of MCDOT. The final location must be provided for staff review prior to issuance of the building permit. Power for the lighting will be provided by Montgomery County.

(b) High Intersection Lighting

MCDOT has agreed to provide, install, and maintain the high intersection lighting. The applicant will install the electrical conduit and coordinate final location in construction phasing with MCDOT prior to start of construction.

(c) Traffic and Crosswalk Signals

MCDOT will provide, install, and maintain the traffic and crosswalk signals. The final location in construction phasing of the traffic and crosswalk signals will be coordinated with MCDOT prior to start of construction.

- (d) The applicant shall provide complete documentation to fully describe the design and details for the lighting of all amenity areas and parking areas of the



project. These details shall include design sections and specifications of all lighting fixtures. The documentation will include sufficient concept drawings of the night-time conditions to fully indicate the concept of lighting for the amenity areas.

- (e) The applicant will provide lighting along the public right-of-way along Hampden Lane, Woodmont Avenue, and Elm Street where the streetscape improvements are provided, in conformance with the Bethesda Streetscape Plan for the Core District in coordination with the staff of MCDOT and M-NCPPC.

9. Streetscape Elements

The location of benches, trash enclosures, details and specification of all streetscape elements will be designed in accordance with the Bethesda Streetscape as adopted by the Planning Board. Final review and approval will be completed prior to issuance of the building permit.

10. Crosswalks

Provide crosswalks, as approved by MCDOT, in accordance with Staff Report dated June 22, 1983. Treatment and equipment to be consistent with the adopted Bethesda Streetscape Plan and the method, design details, and final locations to be approved prior to issuance of the building permit.

11. Management Organization

The applicant shall draft and provide (for Planning Board approval) agreements for the formation of a management organization. These agreements shall describe the two part structure of the organization: Part 1 - responsibilities of this applicant; Part 2 - the applicant's component responsibilities of a management organization to be composed of representatives of all approved Bethesda project plans. Agreements to bring the organization into reality are to be required prior to issuance of an occupancy permit for the subject application and the realization of such agreements are to be made a condition of approval of this plan.

The applicant shall enter into agreements to participate in such Management Organization as may be adopted as a requirement by the Montgomery County Planning Board as part of the Streetscape Program prior to approval of the occupancy permit. Until the Management Organization is established, the applicant shall be responsible for the maintenance and security of the public amenity areas constructed by the applicant from the applicant's property and within public rights-of-way and for the maintenance of public amenity areas constructed by the applicant on other applicant-held property should such construction be implemented.



12. Off-Site Amenities

In the event the applicant is unable to obtain written agreements from abutting property owners allowing construction of off-site improvements as shown on the Site Plan, a similar area of improvements must be provided within the Bethesda CBD. Instead of the off-site improvements along East Lane required by the Project Plan, an equal area of off-site improvements, to be approved by staff, will be provided in another area of the CBD.

13. Staging

Construction of Community Motors Center must have begun within the zoning ordinance time period requirements or the project plan and site plan shall be considered void unless the Planning Board extends the time period in accordance with zoning regulations and the Amendment to the Bethesda CBD Sector Plan recommendations. The residential units must be substantially complete prior to issuance of the occupancy permit for office and retail space. The Site Plan inspector shall determine the adequacy of the completion of residential units upon inspection of the property.

14. Brick Paving

Provide district paving along the improved area of Hampden Lane. The applicant will submit for staff approval final drawings prior to the approval of the building permit.

15. Landscaping of Terraces

Provide some additional landscaping on several of the terraces for staff review prior to approval of the building permit.

Relying on the Staff Report and testimony as supplemented by the applicant's evidence and testimony, the Planning Board finds:

1. The Site Plan is consistent with Project Plan No. 9-83005.

The Planning Board bases this finding on the plan as submitted and on the Staff Report, pages 7-14 and Staff Testimony.

- A. The Site Plan as submitted maintains the total number of trips generated by the development and remains below the allowable FAR. The Project Plan required the removal of 17 existing trips. The information available to staff for the Project Plan review was based on aerial photos and field-measured square footage for existing structures in 1980. The applicant has submitted as part of the Site Plan a scaled survey of existing structures which more accurately shows the area of the various uses. While the staff calculated the removal of 17 existing trips (for the Project Plan), the more accurate data justifies the removal of 30 trips.



The total trips generation from the new project is calculated at 209 trips. When 30 existing trips are subtracted, a net of 179 trips remain. The total number of new trips approved does not exceed the 179 trips approved at Project Plan. As a result of this increase of existing trips to be removed, the applicant has slightly increased the size of the development without exceeding the allowable FAR or total trips. The Planning Board finds that the floor area and total number of trips shown is consistent with the approved Project Plan.

- B. As a result of a change in the property line along East Lane, the applicant for the Franklin B. Salisbury Building was required to make the off-site improvements originally required of this applicant as part of the approved Project Plan. Condition #12 insures that the applicant will make off-site improvements equal in area to that required in the Project Plan.

- 2. The Site Plan conforms to the requirements of the CBD-2 Zone.

The Planning Board bases this finding on the plan as submitted and on the Staff Report, page 16.

- 3. The location of the buildings and structures, the open spaces, the landscaping and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.
- A. The location of the buildings has been modified to meet the conditions of the Project Plan. The major portion of the building mass is located in the center of the block between Woodmont Avenue and Wisconsin Avenue, adjacent to the major amenity area of the Franklin C. Salisbury Building.
- B. The Site Plan includes two major open space areas, a three-block connection and public open space located between Hampden Lane and Elm Street, and a second open space feature provides setbacks from future Woodmont Avenue. The mass of the southeast elevation of the building has been reduced to provide additional sunlight into the public open space areas.

The Planning Board notes that the water feature is an important element in the plaza and should remain functioning as much of the year as possible. Condition #1 ensures that the maintenance of the water feature will be addressed in the Site Plan Enforcement Agreement.

- C. The landscaping for the site is adequate. As required by the Project Plan, the applicant has increased the landscaping within the plaza area. In addition, Condition #15 requires landscaping to be added to some of the terraced areas.
- D. The off-site amenity package will link and extend the pedestrian pathways along Hampden Lane, future Woodmont Avenue, and Elm Street to the Metro Station, the commercial area and the adjacent residential areas.



4. Each structure and use is compatible with other uses, other site plans, and with existing and proposed development.

The west face of the building is set back approximately 40 feet from the future curb of Woodmont Avenue. The landscaping along this section of Woodmont Avenue will provide a "parkway" character. The "parkway" character and the use of two-story, one-family attached units along this frontage reduces the impact of the mass and bulk of the building on the adjacent residential areas.

The eastern edge of the building includes low scale retail uses adjacent to existing retail uses within the CBD. This low scale retail use forms an appropriate transition within the CBD.

The entrance to the three-block connection and retail uses forms the southern boundary of the development. These uses are compatible with existing retail uses located along Elm Street adjacent to the proposed development.

The use of stepped building forms and one-family attached units along Woodmont Avenue and Hampden Lane provide compatibility with the adjacent residential neighborhood. To insure compatibility, the Board requires the applicant to provide some landscaping along some of the terraces. This landscaping will soften the impact of the building on adjacent properties and will enhance its visual impact along Elm Street and Hampden Lane.

To insure compatibility with other projects in the Bethesda CBD-2 Zone, Condition #14 requires the applicant to utilize materials in the approved Bethesda Streetscape Plan along the improved area of Hampden Lane.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 George Avenue • Silver Spring, Maryland 20910-3780

MONTGOMERY COUNTY PLANNING BOARD

OPINION

AMENDMENT

Project Plan Review #9-83005 (Amendment) Date Mailed: January 4, 1991  
Project: One Bethesda Center/Community Motors Center

Action: Motion was made by Commissioner Floreen, seconded by Commissioner Henry, with a vote of 4-0, Commissioners Bauman, Floreen, Henry, and Hewitt voting for and no Commissioner voting against. Commissioner Keeney was absent.

On September 19, 1990, Stephen J. Orens submitted an application for the approval of an amendment to an approved project plan for property in the CBD-2 zone. The application was designated Project Plan Review #9-83005 (Amendment).

On November 13, 1990, Project Plan Review #9-83005 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. The proposed amendment will result in an unacceptable increase of nine trips which exceeds the capacity for the CBD established in the approved sector plan;
2. A substitution of office uses for the approved residential uses does not meet the goals of the sector plan that "residential development should occur as one of the mix of uses in the core", and
3. A substitution of office uses for the approved residential uses does not meet the requirements of the CBD 2 zone as follows:
  - a. to assist in the development of adequate residential areas for people with a range of different incomes, and
  - b. to provide an incentive for the development of residential uses to meet the needs of those employed within the CBD.

Therefore, the Montgomery County Planning Board disapproves the proposed amendment to Project Plan #9-83005.

Exhibit C



# ONE BETHESDA CENTER

## BETHESDA MARYLAND

### DESCRIPTION OF ARTWORKS

The choice of public artworks for the One Bethesda Center building in Bethesda offered a particular challenge, since the amenity area where the art is to be located is a relatively small plaza, a mid-block pedestrian mews connecting Elm Street and Hampden Lane. This pedestrian thruway, also leading to the main entrance to the office building lobby, is expected to be a busy and animated area, flanked by colorful retail shops and a restaurant.

The architects designed a sensitively-scaled and handsome brick office building in which the ziggurat forms of the stepped elevations create a lively and non-dwarfing backdrop to the amenity space, animating the upper areas with a changing play of shapes and shadows, while generous plantings form a colorful and graceful "skirt" along the base of the building. These elements, plus the protective awnings along the retail area, will give the passageway a European flair, offering the pedestrians a lively, semi-protected area, with many opportunities to look, browse, and even contemplate.

Three locations were identified, and three types of artworks chosen, that would provide exciting visual enrichment to this public area, while offering different types of experiences to those proceeding across the plaza.

First, the important south-corner entrance to the plaza at Elm Street was selected for the site of a sculptural environmental fountain to be a "main-event" inviting pedestrians into the area. A second location is the large glass wall at the main entrance to the office building, a perfect site for a rich sculptural glass work that would frame this entrance in a dramatic yet elegant way. The third location: four wall panels along the retail area facing the office building which presented an opportunity for ornamental brick reliefs of special tactile quality that would provide great visual interest to that side of the architectural complex.





The design team, consisting of the building and landscape architects, the developer, and the art consultant, selected three artists of excellent reputation who, while working in different materials and techniques, would arrive at concepts and designs that would be compatible. Each artist was given the opportunity to make an exciting individual statement and contribute a major work to be an integral part of an harmonious totality that the collaborative process would insure. Through this process, each artist was kept aware of the others' proposals and designs, while working closely with the members of the design team.

#### The Architectural Fountain by Elyn Zimmerman:

New-York based Elyn Zimmerman has acquired an international reputation for her environmental and architectural site-specific works, while being praised for her intuitive sensitivity to materials and her great pride in craftsmanship. For One Bethesda Center she has designed a sophisticated architectural water feature which runs the whole length of the facade of the office building, proposing a work that, while perfectly integrated with its environment, provides great visual interest, as well as an opportunity for rest and contemplation.

Her fountain design is composed of two parts or "events". The first, starting at the north-end of the plaza, is a long, narrow, granite trough whose simple geometric design plays against the organic quality of the stone. At that end, the water bubbles out from a square pool before being channelled into the trough, two feet above pedestrian level. One of the side walls of this trough becomes the back of a pedestrian bench inviting the public to rest by the soothing water, with plantings forming a colorful backdrop. The water soon falls into a circular pool at ground level, to continue below grade across the front of the building until it reaches the waterfall-amphitheater area, with sunken steps leading to a private reflective pool. This is the main feature of this work, with the water cascading down a height of four feet into a pool area, while, at grade level, a curtain of vegetation separates the fountain from the building. The core of the waterfall itself is sculpted from richly cleft and textured granite blocks on which the water will tumble down while, as a contrast, three vertical



channels lined with smooth granite walls will carry the water down on a more peaceful course. At this amphitheater, the combination of shapes, textures, lights and sounds, will create the feeling of a mini-oasis, a public yet private place where one can rest, contemplate, or visit with a friend. As the sun moves across the plaza, it will add changing shadows, creating different effects and moods at different times of the day. At night, the sculpture-fountain will be lighted in a dramatic yet soothing way.

#### The Glass Screen by Sal Fiorito:

In order to enrich the main entrance to the office building, Sal Fiorito, a well-known Washington glass designer, in close collaboration with the architects, has proposed an exciting iron-and-glass paneled screen, shaped as an archway framing the main doors. This work, which will span over an area of approximately twenty by twelve feet (including doors) will consist of an iron skeleton with panel inserts made up of 1/4 inch thick wired-glass, vitralite and safety glass, assembled with channels of zinc and/or lead. Fiorito designed a beautiful, functional, and versatile structural element totally integrated into the overall design scheme from the beginning, thereby providing an embellishment to the facade of the building while making an important artistic statement.

To create more exciting effects and a more sophisticated manipulation of light without sacrificing details, Fiorito will use glass that is primarily clear, translucent and opalescent, which he proposes to enrich by using techniques such as sandblasting, etching, painting, chipping and fracturing. While, at first sight, the glass screen will appear as an elegant ornament to the building, many of the subtleties and delicacies of the design will be discovered by the curious viewer who will be able to "read" into this intricate design. The glasswork will become a changing display, offering different hues and shifting layers of depth when viewed from the outside or from the inside, in reflected or in transmitted light.



The Brick Reliefs by Mara Smith:

The third artist to create a collaborative work of art for the plaza is Mara Smith, from Texas, who has executed many important public commissions all over the country. Responding to the elastic quality of the brick, the artist has designed a succession of four 6' x 8' brick reliefs that can be read as one continuous "story" with each panel representing a complete "chapter" to the story.

Smith, who is combining years of study of mythology with modern art into the carving of her murals, produces very symbolic images, and feels that it is up to the viewer who looks at her work to make his own interpretation according to his own experience.

Her unique technique is a modern adaptation of an ancient form which dates back to Egyptian and Mayan civilizations. When she is ready to carve her design into the clay, the brick-yard itself becomes a temporary studio for this artist, where she spend many arduous hours working on her knees, cutting the intricate design into the wet clay with a curved knife. With other simple tools she adds texture and details to her composition. After the bricks are numbered for identification, they are subject to an elaborate firing and cooling down procedure before being reconstructed into murals according to the coding and under the artist's supervision.

Mara Smith's beautifully carved images, offering a symbolic interpretation of nature's elements, together with the warm quality of the brick itself, plus the changing effects of light filtering through the triangular openings in the awnings above the panels, will combine to create a sculptural work of great depth and richness. The viewer who first sees the murals at a distance will be attracted to them and will want to discover the intricate details of this unusual "story in brick".

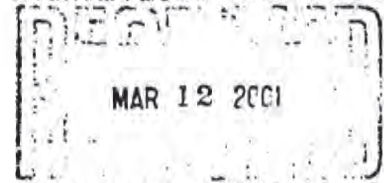
The amenity space for the One Bethesda Center building was conceptualized and molded as a whole, each artistic element being weighed in relationship to the total environment. The three artworks described above that were selected for the plaza will articulate this public space with a variety of contrasting visual and spatial experiences so that, walking through the plaza, will become a sequential journey of discovery.

Francoise Yohalem  
September, 1984

MARYLAND NATIONAL-CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION



DATE OF DEPOSITION AND HEARING  
MONTGOMERY COUNTY

PUBLIC HEARING ON

Community Motors/One Bethesda  
Center

Project Plan Review

No. 9-83005A +

Site Plan Review

No. 8-84006-A

A hearing in the above entitled matter was held on  
Thursday, March 1, 2001, commencing at 2:35 p.m., in the  
Montgomery Regional Office Auditorium, 8787 Georgia Avenue,  
Silver Spring, Maryland 20910, before:

ARTHUR HOLMES, JR.  
Vice Chairman

MEREDITH K. WELLINGTON

WENDY COLLINS PERDUE

ALLISON BRYANT

**COPY**

Deposition Services, Inc.



## INDEX

ALSO PRESENT:

MICHELE ROSENFELD, ESQ.,  
Associate General Counsel

CAROLYN REVELLE HUFBAUER

3

LARRY PONSFORD

APPEARANCES/STATEMENTS:

MARK VIANI, ESQ.

13

ROBERT METZ, ESQ.

MARGARET CLEARY,

ROBERT VeSHANCEY

MARIE MELLIS

DAN DILLON





DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

June 14, 2019

Mr. Marco Fuster  
Area 1 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Metro Tower  
Preliminary Plan No. 120190190  
Site Plan No. 820190110

Dear Mr. Fuster:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval, with the following comments:

1. Chapter 25A of the Montgomery County Code was amended effective October 31, 2018 to require that “in subdivisions with multi-family dwelling units, the bedroom mix of the MPDUs must match the bedroom mix of the market-rate units in the subdivision unless the [DHCA] Director approves an MPDU agreement that does not increase the number of MPDUs required, but approximates the total floor area for the MPDUs required, and alters the bedroom mix of the MPDUs or the number of MPDUs; . . .” (Sec. 25A-5(d)(3)).

The amendments to Chapter 25A apply to any submission or application under application under Section 25A(5)(a) accepted as complete on or after the effective date of October 31, 2018. Because the sketch plan application for this development was accepted as complete after that date, the above language applies to this development.

Therefore, the proposed bedroom distribution is incorrect. Using simple rounding (.5 or above rounds up; less than .5 rounds down), the required MPDU and market rate bedroom distribution is as follows (unless the DHCA Director approves an MPDU agreement that alters the bedroom mix of the MPDUs or the number of MPDUs in accordance with the applicable provisions of Chapter 25A):

**Division of Housing**

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

Unit Type	MPDU	Market Rate	Total
Studio	7	37	44
1 BR	28	161	189
2 BR	19	108	127
3 BR	1	5	6
<b>Total</b>	<b>55</b>	<b>311</b>	<b>366</b>

The bedroom distribution will need to be corrected as shown above at certified site plan, unless the Director approves an MPDU agreement in accordance with the applicable provisions of Chapter 25A that authorizes a different bedroom mix of the MPDUs or the number of the MPDUs.

2. The MPDUs must meet DHCA's minimum specifications.

Sincerely,



Lisa S. Schwartz  
Manager, Affordable Housing Section

cc: Ian Duke, VIKA Maryland, LLC



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Hadi Mansouri  
Acting Director

June 13, 2019

Mr. Jason Evans, P.E.  
VIKA Maryland, LLC  
20251 Century Boulevard, Suite 400  
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Metro Tower  
Preliminary Plan #: 120190190  
SM File #: 284628  
Tract Size/Zone: 0.56 Ac./CR  
Total Concept Area: 0.85 Ac.  
Lots: 17  
Watershed: Little Falls Branch

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP with the use of 8" green roof. Due to site constraints a request for a partial waiver of Quality and a full waiver of Quantity is granted.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Use the latest MCDPS design criteria at the time of plan submittal.
5. At time of plan submittal, try to provide more green roof area.
6. Provide stormwater management easement and covenant for the green roof acting as stormwater management.
7. Based on the ESDv provided, 679 cf, they are granted a partial waiver of 76% QI and a 100% waiver of Qn.

This list may not be all-inclusive and may change based on available information at the time.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

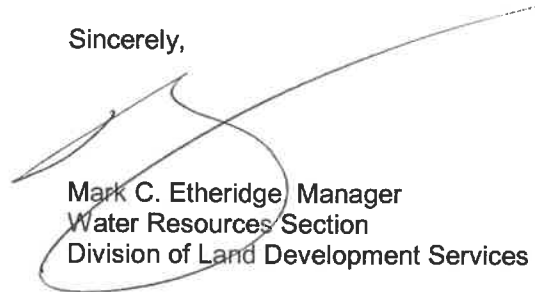


*Mr. Jason Evans, P.E.*  
*June 13, 2019*  
*Page 2 of 2*

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: CN284628 Metro Tower.DWK

cc: N. Braunstein  
SM File # 284628

ESD: Required/Provided 5,778 cf / 679 cf  
PE: Target/Achieved: 2.0"/0.24"  
STRUCTURAL: 0.00 cf  
WAIVED: 0.85 ac.

**820190110 Metro Tower**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

**“07-SITE-820190110-SP3.pdf V3”** uploaded on/ dated **“5/21/2019”** and

The followings need to be addressed prior to the certification of site plan:

1. Access points on public roads:
  - a. Ensure of safe truck turning movements by providing road centerline on the diagrams;
  - b. Provide truck turning movements for trash trucks as well;
  - c. Ensure loading operation does not impact ROW and the space is adequate.
2. Need Bethesda Streetscaping along the site frontage. Any deviation should be clearly specified for our review and approval.
3. Provide public sidewalk:
  - a. to ADA standards (minimum five feet wide) and label it accordingly. Provide PIE if needed;
  - b. when outdoor seating café is proposed, minimum 6' clear sidewalk is needed;
  - c. Public and private sidewalks when adjacent each other need to have the physical limits of maintenance provided or PIE/ ROW for the additional sidewalk is needed.



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**Department of Permitting Services**  
**Fire Department Access and Water Supply Comments**

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**DATE:** 13-Jun-19  
**TO:** Ian Duke  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** Metro Tower  
820190110

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **13-Jun-19** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* See Statement of Performance Based Design \*\*\***





June 13, 2019

Fire Department Access & Water Supply  
Department of Permitting Services

**Re: Metro Tower - 820190110**  
Montgomery County, Maryland  
Performance Based Design Statement

Dear Ms. LaBaw:

This letter is written to request a performance-based design for a portion of the fire access for the proposed building to be addressed on Hampden Lane.

Some of the ground floor retail does not meet the required 50' dimension from the addressed access road to the retail doors. This is due to the retail layout and some of the door locations along Elm Street and facing the western plaza, rather than directly facing Hampden Lane. Instead, we are ensuring that every point on the interior of the subject retail space is within the 200 feet pre-connected attack line found on MCFRS engine companies.

Sincerely,

Jason A. Evans, PE  
Senior Project Manager  
License Number 39885, expires January 16, 2021



I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

## FIRE CODE ENFORCEMENT

### Fire Department Access Review

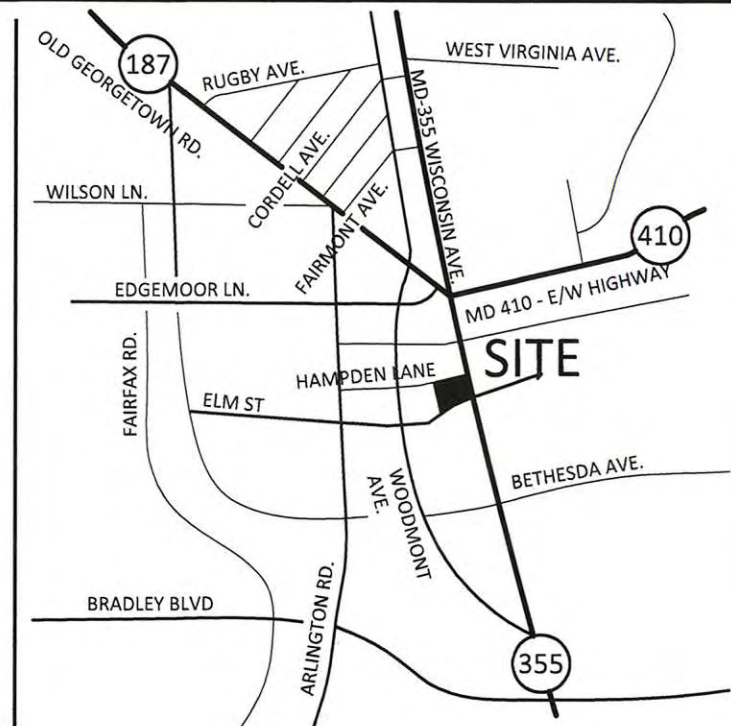
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 6/13/2019

Z:\50000-50500\50061\DOCUMENTS\PLAN ARCHIVE\AGENCY SUBMISSIONS\MCDPS\Fire Access\Fire Access Performance Based.doc



E-FILE STAMP



VICINITY MAP  
SCALE: 1" = 2000'



ENGINEERS PLANNERS  
LANDSCAPE ARCHITECTS SURVEYORS  
Vika Maryland, LLC  
20251 CENTURY BOULEVARD SUITE #400  
GERMANTOWN, MARYLAND 20874  
PHONE: (301) 916-4100  
FAX: (301) 916-2302  
GERMANTOWN, MD. TYSONS, VA.

PREPARED FOR:  
**7316 WISCONSIN, LLC.**  
7501 Wisconsin Ave.  
Suite 1500E  
Bethesda, MD 20814  
301.986.6052  
CONTACT: Mary Beth Avedesian

DESIGN CONSULTANTS

ARCHITECT  
**TORTI GALLAS + PARTNERS**  
1300 Spring Street  
4th Floor  
Silver Spring, MD 20910  
301.588.4800  
CONTACT: Jeremy Sharp

LANDSCAPE ARCHITECT  
**RHODESIDE & HARWELL**  
510 King Street  
Suite 300  
Alexandria, VA 22314  
703.683.7447  
CONTACT: Elliot Rhodeside

ATTORNEY  
**LERCH EARLY & BREWER, CHTD.**  
7600 Wisconsin Avenue  
Suite 700  
Bethesda, MD 20814  
301.841.3804  
CONTACT: Christopher M. Ruhlert

TRAFFIC ENGINEER  
**WELLS + ASSOCIATES**  
1110 Bonfant Street  
Suite 210  
Silver Spring, MD 20910  
301.448.1333  
CONTACT: Nancy Randall

PLANNER, CIVIL ENGINEER  
**Vika Maryland, LLC**  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN, MD, 20874  
301.916.4100  
CONTACT: Ian Duke (Land Planner)  
Jason Evans (Civil Engineer)

REVISIONS	DATE
Intake Comments	3/25/19
DR Comments	5/20/19
Agency Comments	6/6/19

PROFESSIONAL SEAL



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
NAME: JASON A. EVANS  
LICENSE NO.: 38885  
EXPIRATION DATE: JANUARY 16, 2021

METRO  
TOWER

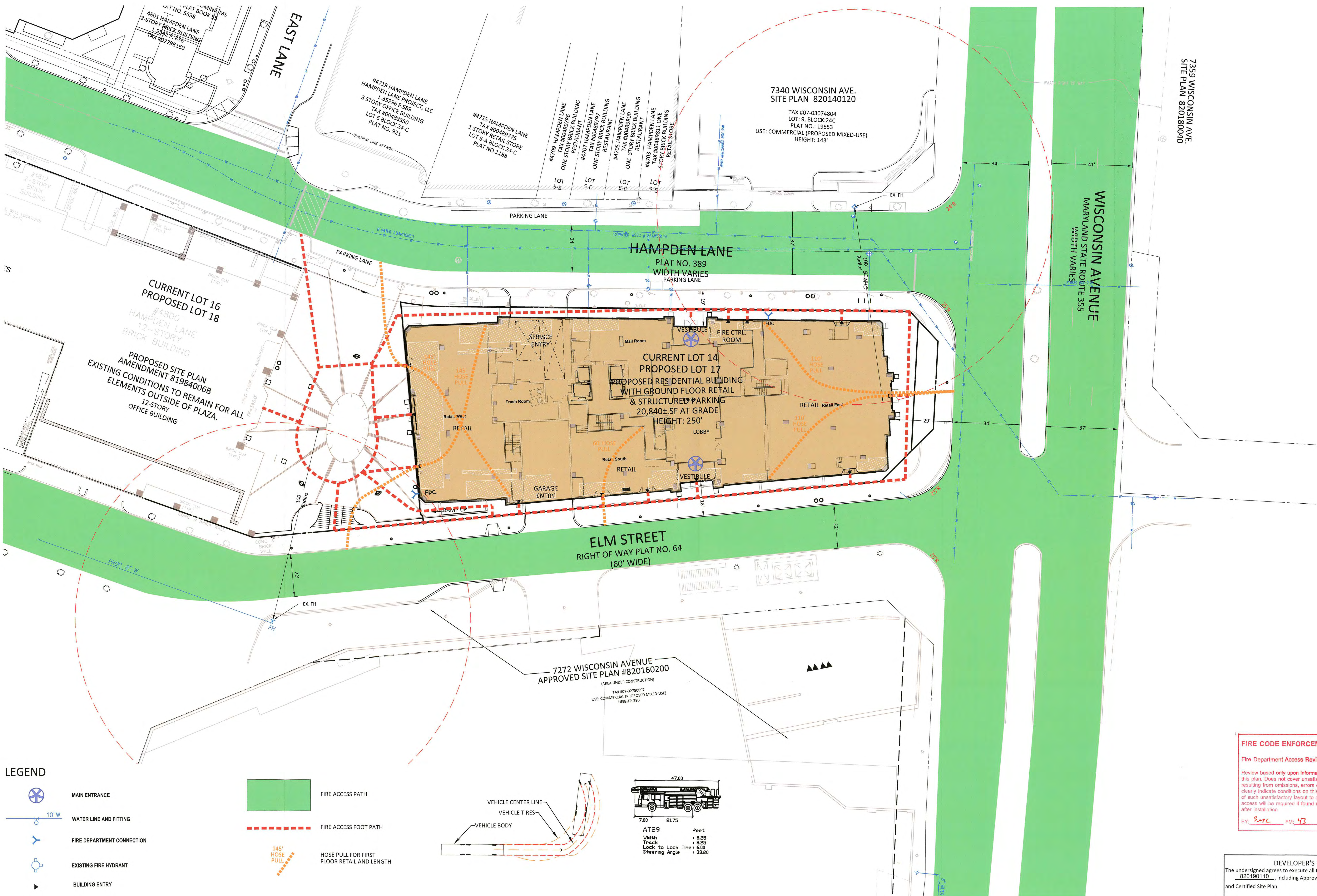
7TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 209NW05  
TAX MAP: HN22

FIRE  
DEPARTMENT  
ACCESS PLAN

DRAWN BY: KP/SG  
DESIGNED BY: IPD/JS  
DATE ISSUED: 5/20/19

Vika  
PROJECT: VM50061D  
AGENCY NO.: 820190110

SHEET NO. ---



FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: S.M.C. FM: 43 DATE: 6/13/2019

DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of the Site Plan Approval 820190110, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: 7316 WISCONSIN, LLC  
Contact Person: MARY BETH AVEDESAN  
Address: 7501 WISCONSIN AVENUE SUITE 1500E  
Phone: (301) 986-6052

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SCALE: 1" = 20'



**Robert G. Brewer, Jr.**  
301-657-0165  
[rgbrewer@lerchearly.com](mailto:rgbrewer@lerchearly.com)

June 24, 2019

Via Electronic Mail

Mr. Marco Fuster  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Metro Tower – Site Plan No. 820190110  
Calculation of Park Impact Payment

Dear Mr. Fuster:

In advance of preparing the draft conditions of approval, we wish to draw your attention to the Applicant's request for a credit toward the Park Impact Payment required for the project. As originally requested in the Statement of Justification (*see* pages 17 and 18), and pursuant to Section 4.9.2.C.2.ii of the Zoning Ordinance, the Applicant is seeking a reduction of the Park Impact Payment, in an amount commensurate with the cost of constructing off-site public improvements to the plaza and through-block connection between Hampden Lane and Elm Street.

As you know, the Applicant is proposing to redevelop the properties located at 7316 Wisconsin Avenue and Unit C-2 of the adjacent One Bethesda Center Condominium, located at 4800 Hampden Lane (collectively, the “Properties”) with a new multi-family residential building with ground floor commercial space that will exceed the mapped zoning, as allowed by the Bethesda Overlay Zone (the “Project”). The Project also will result in the creation of a significantly enlarged and upgraded plaza located between the Properties (the “Plaza”). Approximately 4,511 square feet of the Unit C-2 site will be used to enlarge the existing Plaza. This will increase the size of the existing privately-owned, yet publically accessible, open space area from approximately 4,672 square feet to 9,183 square feet, and will result in the creation of an improved through-block connection in furtherance of the recommendations of the 2017 Approved and Adopted Bethesda Downtown Plan (the “Sector Plan”). This is in addition to the required public open space, which is being provided entirely on-site.

Section 4.9.2.C.2.ii provides that the Planning Board may reduce the amount of square footage for which a Park Impact Payment must be made if a property owner dedicates land designated in the Sector Plan as a recommended open space to the Montgomery County Parks Department. In this case, although the proposed through-block connection will not be formally



dedicated, the Plaza is being provided to satisfy important Sector Plan recommendations for privately owned public use space and is publicly accessible. Because the Plaza is being provided as part of an approved public benefits program for the Project, the Plaza will serve exclusively as public open space for the foreseeable future. Neither the Applicant nor any future heirs or assigns will be able to convert the Plaza to different function without obtaining Planning Board approvals for subsequent entitlements. These circumstances make the Plaza's use tantamount to a dedication, but with private construction and maintenance responsibilities.

The improved Plaza provides an opportunity to re-activate existing, under-performing private open space that exists on the adjacent One Bethesda Center Condominium property. The Applicant has expended significant time, effort and money to acquire Unit C-2 and work with the adjacent owners to reach an agreement for the redevelopment of the entire Plaza. The proposed enhancements for the Plaza will enable it to function both as a passage and as a destination in itself, and will create a significant public amenity. The Plaza renovations are currently estimated to cost approximately \$1,500,000, which is over and above (i) the costs to acquire Unit C-2, (ii) all associated soft costs to design the Plaza, and (iii) all legal and engineering costs necessary to secure from One Bethesda Center Condominium the right to create the Plaza. As discussed above, the Plaza will be almost doubled in size, and this significant, off-site public amenity space is in addition to the required public open space that is being provided on-site.

For the reasons discussed above, we believe the Plaza will serve to provide improved place-making and through-block connectivity between Hampden Lane and Elm Street and fully satisfies the intent of Section 4.9.2.C.2.ii. We respectfully request that the Staff support this request and set forth its recommendation in the Staff Report.

We appreciate your consideration of this request. Please do not hesitate to contact me if you have any questions or require additional information.

Very truly yours,



Robert G. Brewer, Jr.

cc: Mr. Robert Kronenberg  
Mr. Mark Pfefferle  
Mr. Elza Hisel-McCoy  
Ms. Mary Beth Avedesian