



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

MCPB No. 19-085  
 Preliminary Plan No. 120190190  
 Metro Tower/One Bethesda Center  
 Date of Hearing: July 18, 2019

OCT 01 2019

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 6, 1985, the Planning Board, by the mailing of the Opinion, approved Preliminary Plan No. 119850930, to create 1 lot on 46311.00 sf of land on the One Bethesda Center property in the CBD-2 zone, located at the northeast quadrant of the intersection of Woodmont Avenue and Elm Street in Bethesda, in the November 1982 Approved and Adopted Amendment to the Bethesda Central Business District Sector Plan area; and

WHEREAS, on April 2, 2019, 7316 Wisconsin LLC. ("Applicant") filed an application for approval of a preliminary plan of subdivision for a combined Preliminary Plan for both the One Bethesda Center and Metro Tower sites and would create two lots overall (one for the existing One Bethesda Center development to remain and a second for the new Metro Tower development) on approximately 1.51 total acres with Lot 18 (One Bethesda Center) having approximately 41,062 square feet zoned CR-5.0 C-4.0 R-4.75 H-175, and Lot 17 (Metro Tower) having approximately 24,620 square feet zoned CR-5.0 C-5.0 R-4.75 H-250, in the Bethesda Overlay Zone, located on Elm Street between Woodmont Ave and Wisconsin Ave in Bethesda ("Subject Property") in the 2017 Bethesda Downtown Sector Plan area (Sector Plan); and

WHEREAS, the combined Preliminary Plan application incorporates an amendment to the approved Preliminary Plan No. 119850930 for One Bethesda Center by reducing 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; and

WHEREAS, Applicant's Preliminary Plan application was designated Preliminary Plan No. 120190190, Metro Tower/One Bethesda Center ("Preliminary Plan," "Amendment," or "Application"); and

Approved as to  
 Legal Sufficiency

*Christina Soria* 9/12/19  
 MNCPPC Legal Department

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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 July 8, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 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 July 18, 2019 the Planning Board voted to approve the Application subject to certain conditions, on the motion of Commissioner Paterson, seconded by Commissioner Cichy, with a vote of 3-0; Chair Anderson and Commissioners Cichy and Paterson voting in favor. Commissioners Dreyfuss and Fani-Gonzales being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190190 to create two lots on the Subject Property, by adding the following conditions:<sup>1</sup>

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

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

- 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 (60) months from the date of mailing of this Planning Board Resolution.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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

1. *The layout of the subdivision, including size, width, shape, orientation and density 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 lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2017 Bethesda Downtown Sector Plan and the type of development and use contemplated. The lots comply with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

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

The Preliminary Plan substantially conforms to the recommendations for the Subject 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 Application 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. 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 Application 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 Application 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 Subject Property's overall green cover.

The Preliminary Plan substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Preliminary Plan 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 Subject 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 Application 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>2</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).

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<sup>2</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.

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).

*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 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.

## **School Adequacy Analysis**

*Overview and Applicable School Test*

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 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
SF Detached	0.186	0.109	0.151
SF Attached	0.167	0.085	0.111
MF Low- to Mid-Rise	0.150	0.068	0.085
MF High-Rise	0.041	0.018	0.025

With a net of 366 multifamily high-rise units, the 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
MF High-Rise	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>3</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>3</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>4</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.

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<sup>4</sup> The Bethesda ES capacity reflects the impact of a six-classroom placeholder project (P651916).

**Other Public Facilities**

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

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Environmental Guidelines

The Subject Property 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-bioretenion and a partial waiver of Quality and full waiver of Quantity is granted 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.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 OCT 01 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, September 19, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board