



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

MCPB No. 19-129
4 Bethesda Metro Center
Preliminary Plan No. 11981068B
Date of Hearing: November 14, 2019

DEC 16 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 18, 1981, the Planning Board approved Preliminary Plan No. 119810680, creating one lot on 3.5 acres of land in the CBD-3 zone, located on the west side of Wisconsin Avenue, between Edgemoor Lane and North Lane and Bethesda Central Business District Sector Plan area; and

WHEREAS, on June 29, 2007 Preliminary Plan Amendment No. 11981068A was submitted to increase density and was subsequently withdrawn; and

WHEREAS, on April 24, 2019, BOP Bethesda Metro Center LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) for up to 479 multi-family dwelling units and up to 20,600 square feet of ground floor retail and 592,242 square feet of existing uses (office and hotel) on 4.3 acres of land in the CR 8.0 C 8.0 R 7.5 H210 and CR 8.0 C 8.0 R 7.5 H290 zones and the Bethesda Overlay Zone, located at the southwest corner of the intersection of Wisconsin Avenue and Old Georgetown Road ("Subject Property"), and 2017 Bethesda Downtown Sector Plan ("Sector Plan") area on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11981068B, 4 Bethesda Metro Center ("Preliminary Plan," "Amendment," 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 November 4, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency

Christa Scott 11/25/19
Montgomery County Planning Board
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on November 14, 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 November 14, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Vice-Chair Fani-Gonzalez, seconded by Commissioner Verma, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11981068B for up to 479 multi-family dwelling units and up to 20,600 square feet of ground floor retail and 592,242 square feet of existing uses (office and hotel) which supersede the previously approved Preliminary Plan in its entirety:¹

1. This Preliminary Plan is limited to 1 lot for up to 479 multi-family dwelling units and up to 20,600 square feet of ground floor retail and 592,242 square feet of existing uses to remain (358,578 square feet of existing office and 233,664 square feet for the existing hotel).
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320180110 and any subsequent amendments.
3. As part of submission of Certified Preliminary Plans, the Applicant must provide a revised Preliminary Forest Conservation Plan addressing the following:
 - a. Provide correctly scaled drawings; and
 - b. Coordinate with M-NCPPC Staff on minor corrections and clarifications as required.
4. Before demolition, clearing, or grading on the Subject Property, the Applicant must record a Certificate of Compliance to use an off-site forest mitigation bank easement in the Montgomery County Land Records, satisfying the 0.55-acre requirement (or as determined by the Certified Final Forest Conservation Plan). The certificate of compliance must be in a form approved by the M-NCPPC Office of the General Counsel.
5. The Final Forest Conservation Plan must be approved prior to record plat.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter October 28, 2019 and hereby incorporates

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

them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

7. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated October 23, 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. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in their letter dated October 31, 2019, and hereby incorporate them as conditions of the Preliminary Plan approval and for the Traffic Impact Statement (TIS). The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements associated with each plat, as required by MCDOT.
10. The Applicant must dedicate all road rights-of-way to the full width mandated by the Bethesda Downtown Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following dedications:
 - a. A dedication of the Old Georgetown Road frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan.
 - b. A dedication of the Wisconsin Avenue frontage necessary to provide the Sector Plan-recommended 61-foot-wide right-of-way between the Subject Property line and right-of-way centerline, except where precluded by the existing hotel awning structure which will be encumbered by an easement for future dedication, as illustrated on the Certified Preliminary Plan.
 - c. An easement for future dedication along the North Lane and East Lane frontages, as illustrated on the Certified Preliminary Plan.
11. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.

Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.

12. Before the release of any above grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55% Non-Auto Driver Mode Share.
13. Bicycle Facilities
 - a. The Applicant must provide a minimum of 115 bicycle parking spaces to include 107 long-term and eight (8) short-term bicycle parking spaces.
 - b. The long-term spaces must be in a secured, well-lit bicycle room in the garage, and the short-term spaces must be inverted-U racks (or approved alternative) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
 - c. The Applicant must construct the master planned separated bicycle lanes along the Project's North Lane frontage.
 - d. The Applicant must participate in a pro-rata basis towards the construction of the Sector-Planned bicycle facility on their Old Georgetown Road frontage.
14. 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. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
15. The record plat must show necessary easements.
16. Include all applicable agency letters and Preliminary Plan Amendment Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
17. If a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

18. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution.
19. The Planning Board accepts the recommendations of the Maryland State Highway Administration (MDSHA) in its letter dated November 13, 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 MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

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 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.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Code including the technical review standards in Section 50.4.3. This Preliminary Plan Amendment includes one recorded lot, with a combined total density of 1,092,242 square feet, including up to 500,000 square feet of new square footage for up to 479 new multi-family dwelling units, up to 20,600 square feet of new non-residential uses, and 592,242 square feet of existing square footage to remain for the existing hotel and office uses. The existing 592,242 square feet of office and hotel uses will remain unchanged by this Preliminary Plan Amendment and were reviewed and approved as part of the original Preliminary Plan 119810680. The Application meets all applicable sections. The size, width, shape and orientation of the 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. As discussed in the following Preliminary Plan finding, the Application substantially conforms to the 2017 Bethesda Downtown Sector Plan. The Application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Property is a recorded lot. The Applicant is proposing to redevelop the existing three-story "food court" building and a portion of the surrounding Metro Plaza (replacing approximately 40,532 square feet of floor area) with a new mixed-use development containing up to a maximum of 500,000 square feet, for a net increase in 459,468 square feet of new development.

Transportation access is adequate to serve the development by this Preliminary Plan Amendment. Water and sewer and other utilities are available to and currently serve the Property. The Application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements for the CR 8.0 C 8.0 R 7.5 H210 and CR 8.0 C 8.0 R 7.5 H290 zones as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. This Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan Amendment.

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

The Property is designated as Sites 98 and 99 on pages 99 and 101 of the Sector Plan. The Property is in the “Wisconsin Avenue Corridor District”, which is the main artery through the center of downtown Bethesda. The Project provides an important opportunity for infill development of an underdeveloped commercial site, as recommended by the Sector Plan, with a mixed-use, transit-oriented Project. The Project will provide a variety of uses (including restaurant, retail/service, and residential) directly on top of the Bethesda Metro Station and bus facility, and within walking distance from the proposed Bethesda Purple Line Station, and other transit options (including the Bethesda Circulator).

a. Land Use

The Project will provide up to 479 residential units including 15% MPDUs and up to 20,600 square feet of non-residential uses on the ground floor and includes 592,242 square feet of existing uses (office and hotel) to remain. The Project will provide a desirable mix of uses, at an appropriate density, at this prominent location.

b. Environment

As conditioned, the Application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. The Forest Conservation Plan with the conditions cited as part of this Preliminary Plan Amendment are acceptable.

c. Transportation

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

- i. Edgemoor Lane along the northern site frontage, as a Business District Street with a minimum right-of-way width of 80 feet and two-way

separated bicycle lanes (LB-8) along the eastbound (property frontage) side of the street.

- ii. 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) along the southbound (opposite frontage) side of the street.
- iii. North Lane along the southern site frontage, as a Business District Street with a minimum right-of-way width of 50 feet.
- iv. East Lane along the southern site frontage, as a Business District Street with a minimum right-of-way width of 50 feet.
- v. Wisconsin Avenue along the eastern site frontage, as a major highway (M-6) with a minimum right-of-way width of 80 feet.
- vi. Old Georgetown Road along the northeastern site frontage, as a major highway (M-4) with a minimum right-of-way width of 80 feet and separated bicycle lanes (CT-8). Although a specific design for the Old Georgetown Road separated bike lanes has not yet been determined, the current concept envisions this bicycle facility on the north side of Old Georgetown Road. The Planning Board believes the north side of the roadway will better coordinate with plans for the East-West Highway (MD 410) separated bikeway which are also envisioned on the north side.

d. Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a 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.

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

a. Roads and Other Transportation Facilities

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

i. *Existing Facilities*

Vehicular access to the Property will occur in the same manner as the existing condition with no changes to the Site access concept. Existing vehicular access operates in the following manner:

- a. Edgemoor Lane operates as a two-way median-divided roadway along the site frontage. Public buses enter the Bethesda Metrorail

station via Edgemoor Lane at the northwest corner of the site with a loading/ service access point located midway between the bus entrance and Woodmont Avenue.

- b. Woodmont Avenue operates as a one-way (southbound) roadway along the site frontage. A single point of garage ingress/ egress exists at the southwest corner of the site, adjacent to the intersection of Woodmont Avenue and North lane. Woodmont Avenue and North Lane each have an ingress/ egress lane at this intersection.
- c. North Lane and East Lane operate as one-way (eastbound/ southbound) service streets along the site's southern frontage. In addition to the garage access at the Woodmont Avenue/ North Lane intersection described above, North Lane and East Lane provide access to the Metrorail station kiss & ride and short term parking, and loading.
- d. Wisconsin Avenue operates as a six-lane median divided roadway along the site frontage. Site access along this roadway is limited to a single point of garage access (right-in/right-out) and a forecourt for the hotel.
- e. Old Georgetown Road operates as a one-way (northbound) roadway along the site frontage. No vehicular access is permitted along this roadway.

ii. *Proposed public transportation infrastructure*

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

b. Local Area Transportation Review (LATR)

Adequate Public Facilities

A transportation study dated May 17, 2019, and revised September 13, 2019, was submitted to analyze the Project. The study reflected the 479 residential units and up to 20,600 square feet of retail. The existing 592,242 square feet of office and hotel uses were counted as background conditions in the traffic study because the uses have existed for more than twelve (12) years. The development is estimated to generate 171 net new morning peak-hour person trips (88 vehicle trips) and 313 net new evening peak-hour person trips (154 vehicle trips). Because the estimated transportation impact of the Project exceeds 50 net new trips for the vehicular, pedestrian, and bicycle modes, the Project evaluated the adequacy of each of these modes to satisfy the Local Area Transportation Review requirement. Transit was not evaluated due to the Site's proximity to the Bethesda Metrorail station.

Vehicle Adequacy

The Applicant evaluated a total of 15 intersections on five corridors within downtown Bethesda. In accordance with the 2016-2020 Subdivision Staging Policy, the corridors were evaluated using the Highway Capacity Manual methodology and each corridor was found to be within the 120-second delay standard for the Bethesda CBD Policy Area. As a result, no mitigation is necessary to satisfy the vehicular adequacy test.

Pedestrian Adequacy

Because the Project generates more than 50 peak hour pedestrian trips, the Applicant evaluated each of the crosswalk level of service at LATR study intersections within 500 feet of the Site and determined that each of the pedestrian crossings would operate at a level of service "D" or better in the future condition. Additionally, the Applicant evaluated ADA non-compliance issues within 500 feet of the Site and found that existing and proposed infrastructure is adequate.

Bicycle Adequacy

The Applicant evaluated bicycle travel in accordance with the Planning Department's "Level of Traffic Stress" analysis, which recognizes the effect different roadways have on bicyclists' comfort. That analysis determined that bicycle facilities within 750 feet of the Site were Level of Traffic Stress "2" or better. This low level of traffic stress is due, in large part, to the future provision of new physically separated bicycle lanes on Woodmont Avenue through the MCDOT Capital Improvement Program (CIP) and the new bicycle lanes on North Lane, which will be provided as part of the Subject Project.

Transit Adequacy

Although the Project generates more than 50 transit trips, the Application is exempt from the transit test of the LATR because of the Site's proximity to the Bethesda Metrorail Station. As a result, the Application satisfies the transit test without further analysis.

c. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the development. The Property will be served by public water and sewer systems and the requirements for the development needs are expected to be met by the Washington Suburban Sanitary Commission through connections to the existing lines. Electric, gas and telecommunications services also are available. Other public facilities and services, including police stations, fire houses and health care facilities, are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following

construction of the project. The Application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate.

The Project will be served by Bethesda Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School. 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. This project provides 479 multifamily high-rise dwelling units. Pursuant to the Schools Test for FY 2020, the elementary, middle, and high schools serving the Project have adequate capacity, as shown in the following analysis.

Calculation of Student Generation

To calculate the number of students generated by the Project, 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 Property is located in the southwest region of the County.

With a net of 489 multifamily high-rise units, the Project is estimated to generate 19 new elementary school students, 8 new middle school students, and 11 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 Table 7 of the Staff Report.

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 of Table 7, the estimated enrollment impacts of the Application fall below the moratorium thresholds at all three school levels. Therefore, there is enough 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 Table 8 of the Staff Report.

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 Table 8 above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column of Table 8, the estimated enrollment impacts of this Application fall below the moratorium thresholds for both Bethesda ES and Westland MS.

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 provided by this Application.

The Planning Board has reviewed and accepted the recommendations of MCDOT, SHA, and DPS-Fire Department Access and Water Supply Section.

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

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) was approved for the Application on June 27, 2018. The NRI/FSD, designated No. 420182430, identifies the existing man-made and natural features associated with the Property, such as the buildings, associated parking, the street trees and landscape elements. The on-site setting includes no significant or specimen trees (there is a 30-inch Thornless Honeylocust to the northwest of the Subject Property that will not be impacted by this Project). There are no rare, threatened, or endangered species, no stream/buffers, or steep slopes on site. The "Madonna of the Trails Sculpture", Historic Site 35/014-002A, is within the Subject Property at the Southeast portion of the Site but is not impacted by this Application. Additionally, the Bethesda Post Office, Historic Site 35/014-005A, is not within the Subject Property, but is adjacent to the site's southern boundary.

There is no forest on-site or adjacent to the Property, however there is an afforestation requirement of 0.55 acres. The Applicant is proposing to meet all forest conservation requirements through off-site banking in accordance with Forest Conservation Regulations. This Application is not subject to a forest conservation variance as it does not impact any trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current state champion tree of that species; or to

trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Planning Board approves of the Preliminary Forest Conservation Plan with conditions.

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 23, 2019. The Application will meet stormwater management goals via ESD to the MEP via the use of green roof and a request for a waiver of partial quality and full quantity due to existing site constraints and shallow storm drain. The Planning Board has reviewed and accepted the recommendations of DPS-Water Resources Section.

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 16 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).

* * * * *

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 Cichy, seconded by Commissioner Verma, 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, December 5, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board