






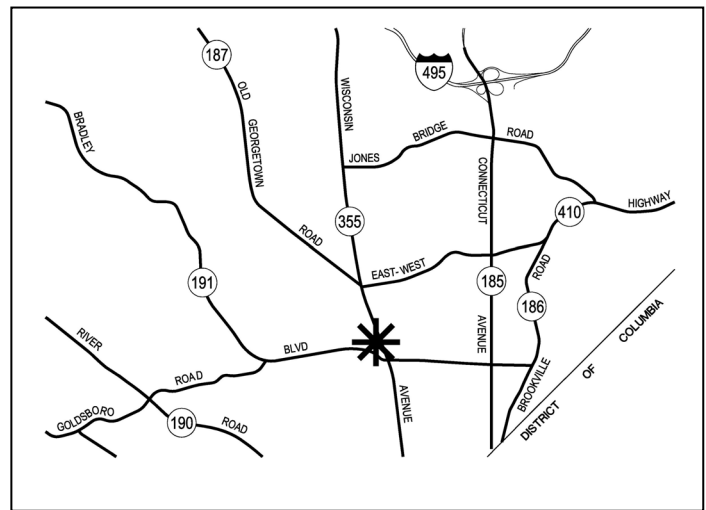
7000 Wisconsin Avenue Preliminary Plan No. 120200090 & Site Plan No. 820200090

-  Matthew Folden, Planner Coordinator, Area 1, matthew.folden@montgomeryplanning.org, 301.495.4539
-  Stephanie Dickel, Supervisor, Area 1, stephanie.dickel@montgomeryplanning.org, 301.495.4527
-  Elza Hisel-McCoy, Chief, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Description

Completed: 4.8.20

- Creation of one lot for a mixed-use project of up to 210,000 total square feet including up to 200,000 square feet of residential uses (up to 200 dwelling units) and up to 10,000 square feet of retail uses; project includes an allocation of Bethesda Overlay Zone density and a minimum of 17.6% MPDUs;
- Current use(s): single story retail buildings and a surface parking lot;
- 0.71 acres or 30,977 gross square feet of tract area zoned CR 3.0 C 3.0 R 2.75 H120', and the Bethesda Overlay Zone within the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: Starr Capital LLC and Woodfield Development Company, LLC;
- Acceptance date: December 30, 2019.



Summary

- Staff recommends approval of the Preliminary Plan and Site Plan with conditions.
- The Project proposes to redevelop the site with a mixed-use building, including 17.6% moderately priced dwelling units (MPDUs) and the following public benefits: minimum parking, structured parking, exceptional design, public open space, a through-block connection, and energy conservation and generation
- The Project is receiving 12 feet of additional height due to the provision of MPDUs above 17.5%.
- The total Project density of 210,000 square feet is comprised of the following: 92,931 square feet of mapped density and an allocation of Bethesda Overlay Zone (BOZ) density of up to 117,069 square feet.
- Section 59.4.9.2.3.c.i. of the Zoning Ordinance states that a Park Impact Payment (PIP) payment is not required for the gross floor area allocated for MPDUs (for this project 29,520 square feet). The resulting BOZ density eligible for a PIP is 87,549 square feet, yielding a PIP of \$970,043 to fund park acquisition in downtown Bethesda.
- The Project proposes sole vehicular access from the adjacent public alley in accordance with Section 59.6.1.3.C. of the Zoning Ordinance. Both Planning Staff and MCDOT have reviewed the access concept and recommend approval.
- Staff has received community correspondence raising concerns about impacts to the public alley operations as a result of the Project.

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SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 120200090

Staff recommends approval of Preliminary Plan No. 120200090 subject to the following conditions:

1. This Preliminary Plan is limited to one (1) lot for up to 210,000 square feet of total development, comprised of up to 200,000 square feet of residential uses (200 multifamily units), and up to 10,000 square feet of ground floor, ancillary retail space.
2. 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’s Resolution.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 10, 2020, 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.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDSHA”) in an email, dated March 13, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the email, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated March 10, 2020, 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 MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320190090 as listed in the MCPB Resolution No. 19-092 dated July 25, 2019.
9. Before recordation of a plat or issuance of any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of Site Plan No. 820200090.
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 before certification of the Site Plan amendment.

11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. A dedication of the Wisconsin Avenue frontage necessary to provide the Sector Plan-recommended 60-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
 - b. All land necessary to accommodate twenty feet from the opposite right-of-way line along the Subject Property frontage for the public alley.
12. The record plat must show necessary easements.
13. The Applicant must include the stormwater management concept approval letter and any other applicable agency letters and Preliminary Plan Resolution on the approval or cover sheet(s).
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.

Site Plan No. 820200090

Staff recommends approval of Site Plan No. 820200090. The Project includes an allocation of up to 117,069 square feet of Bethesda Overlay Zone density. 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.

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320190090 as listed in the MCPB Resolution No. 19-092 dated July 25, 2019.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120200090.

Density, Height & Housing

3. Density

The Site Plan is limited to a maximum of 210,000 square feet of total development on the Subject Property, including a maximum of 200,000 square feet of residential uses, for up to 200 dwelling units, and up to 10,000 square feet of non-residential uses.

4. Height

The development is limited to a maximum height of 122 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan. This height includes an additional 12 feet above the Sector Plan recommended height of 110 feet for the provision of MPDUs above 17.5%.

5. Bethesda Overlay Zone Density

- a. The Planning Board approves 117,069 square feet of Bethesda Overlay Zone (BOZ) density for this Application.
- b. 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 mailing date of the Planning Board's 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.
- c. 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 through a minor amendment.

6. Park Impact Payment

The Applicant must pay to the M-NCPPC a Park Impact Payment of \$970,043, prior to release of the first above-grade building permit, or as may be adjusted through a minor amendment as set forth in Condition 5.c above.

7. 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 between Uses, Activities, and Mobility Options

- i. Minimum Parking – The Applicant must provide no more than 139 parking spaces for the residential use and no parking spaces for the commercial use is to be provided.
 - ii. Through-Block Connections – The Applicant must provide the pedestrian connection between Wisconsin Avenue and the public alley along the west Site frontage, as shown on the Certified Site Plan. The through-block connection will be implemented in two phases and will include an “interim” and “ultimate” condition. The portion of the connection improved with the ultimate condition, as part of the Subject Application, is located between Wisconsin Avenue and the ADA accessible lift and has a minimum width of 20 feet. The portion of the connection improved with the interim condition, as part of the Subject Application, is located between the ADA accessible lift and public alley and has a minimum width of 7 feet (to be widened with redevelopment of the property to the north). The through-block connection must remain open to the public between the hours of 8:00 AM and 9:00 PM; have an ADA accessible lift open to the public; and have a minimum of 35% of walls facing the pathway have unobstructed windows.
- b. Diversity of Uses and Activities
 - i. Affordable Housing/MPDUs
 - a) The development must provide a minimum of 17.6 percent MPDUs consistent with the requirements of Chapter 25A and the applicable Master Plan.
 - b) Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
 - c) The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated March 20, 2020, and incorporates 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.
- c. Quality Building and Site Design
 - i. Exceptional Design – The Planning Board has reviewed and accepts the recommendations of the Design Advisory Panel as described in their memorandum, dated January 22, 2020, and incorporates them as conditions of approval.
 - a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
 - b) Any significant changes to the design must be presented to the Design Advisory Panel and approved by M-NCPPC Staff prior to certification of the Site Plan, and significant changes to the design may require a Site Plan Amendment.
 - ii. Public Open Space –The Applicant must provide a minimum of 1,440 square feet of public open space (7 percent of the Site area) on-site.
 - iii. Structured Parking – The Applicant must provide all parking within a below-grade garage, as shown on the Certified Site Plan.
- d. Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.4631 BLTs to MCDPS and M-NCPPC staff.
- e. Energy Conservation and Generation – The Applicant must construct the building to exceed the ASHRAE 90.1 energy efficiency standards for the building type by 17.5%, as determined by MCDPS.

8. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

9. Public Open Space, Facilities, and Amenities

- a. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Wisconsin Avenue and the public alley along the western frontage, consistent with the 2019 Bethesda Streetscape Standards.
- b. Before the issuance of the final residential use and occupancy certificate, all public open space areas on the Subject Property must be completed.

10. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements and the through-block pedestrian connection.

Site Plan

11. Landscaping

- a. Prior to issuance of final residential Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lights, sidewalks/ pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- b. The Applicant must install landscaping no later than the first growing season after completion of site work.

12. Lighting

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

13. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated March 5, 2020, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Site Plan approval.

Environment

14. Noise Attenuation

- a. Prior to issuance of a building permit for any residential dwelling unit(s) to be constructed within the projected 65 dBA Ldn noise contour, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

- b. The Applicant must provide a signed commitment to construct the units in accord with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and M-NCPPC Staff in advance of installation.
- c. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- d. Before issuance of use and occupancy permit 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.

15. Green Cover

- a. The Applicant must provide a minimum of 7,017 square feet of Green Cover, which is equivalent to 35% of the site area, as illustrated on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of 6 inches.

Transportation

16. Transportation

Before the release of any above-grade building permit, the Applicant must coordinate with and gain approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the Bethesda Transportation Management District (TMD) and work toward the Sector Plan goal of 55 percent Non-Auto Drive Mode Share (NADMS).

17. Pedestrian & Bicycle

The Applicant must provide a minimum of 96 long-term and six short-term bicycle parking spaces (three inverted-U racks or Staff approved equivalent) in the following configuration:

- a. 96 long-term bicycle parking spaces in secured, well-lit bicycle room(s) located in the garage, and
- b. Six short-term bicycle parking spaces installed in a location convenient to the main entrances (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

18. Department of Permitting Services-Right-of-Way

The Planning Board has reviewed and accepts the approval of the Montgomery County Department of Permitting Services Right-of-Way (DPS-ROW) Section in its memo dated February 10, 2020.

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. Site Plan Surety and Maintenance Agreement

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

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.

- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, private utilities, paths and associated improvements of development, including sidewalks, bikeways, and storm drainage facilities. The surety must be posted before issuance of any building permit for development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety 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.

21. Certified Site Plan

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

- a. Garage design issues comments to be resolved with Applicant.
- b. Include the stormwater management concept approval letter and other applicable approval letters, development program, and Sketch Plan Resolution, Preliminary Plan resolution, and Site Plan resolution on the cover sheets.
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Add a note to the Parking Calculation table that states, "In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail, no parking may be provided for the commercial use."
- g. Submit a Loading Management Plan that sets forth specific measures to limit disruption from on-site loading and service activities within the public alley right-of-way.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

The subject site (Subject Property or Property) is located at 6936 through 7000 Wisconsin Avenue, which is generally described as the northwest quadrant of the Wisconsin Avenue/ Bradley Boulevard intersection within the Wisconsin Avenue Corridor District of the 2017 *Bethesda Downtown Sector Plan*. In its current configuration, the Site is accessible via Wisconsin Avenue and a public alley, which connects with Woodmont Avenue and Bradley Boulevard. The Site is comprised of four parts of lots within the “George P. Saks” Subdivision, as recorded in the Montgomery County Land Records in Plats 911 and 1004 (dated, 1938), and 1237 (dated, 1940). The Site has a tract area of approximately 30,977 square feet (0.71 acres) and a site area of approximately 20,046 square feet (0.46 acres). The Property is zoned CR 3.0 C 3.0 R 2.75 H120 and Bethesda Overlay Zone.



Figure 1 – Aerial View

The Property is located within close proximity to the new southern entrance of the Bethesda Metro Station and Purple Line Station currently under construction and falls within the Bethesda Parking Lot District (PLD).

ground-floor. Immediately to the south of the Property are a number of retail buildings, including a Verizon store and Sleepy's Mattress store, and further to the south is the 90-foot tall Adagio Apartments closer to the intersection of Bradley Boulevard and Wisconsin Avenue. The Adagio Apartments include approximately 92 multifamily condominium units as well as ground-floor retail uses. The Strathmore garden-style apartments are located immediately to the west of the Property across the public alley. A number of single-story retail buildings are located to the east of the Property across Wisconsin Avenue, and to the southeast of the Property is a mixed-use commercial project with a Target, Trader Joes and several other stores. A 110-foot tall office building is located to the northeast of the Property in the northwest quadrant of the intersection of Leland Street and Wisconsin Avenue.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

Preliminary Plan 120110390 (superseded)

The Montgomery County Planning Board approved Preliminary Plan of Subdivision No. 120110390 (the “Koseian Property” Preliminary Plan) under the Central Business District-1 Zone and 1994 *Bethesda Central Business District Sector Plan* for a portion of the Property (6936-6950 Wisconsin Avenue) at a public hearing held on May 9, 2013. The Koseian Property Preliminary Plan authorized the creation of one lot with a 21,892 square-foot commercial building. The Koseian Property Preliminary Plan was never validated through the recordation of a subdivision plat to date. The Koseian Property, like much of Downtown Bethesda, was rezoned in accordance with the 2017 *Bethesda Downtown Sector Plan* and associated Sectional Map Amendment. Additionally, since the Subject Preliminary Plan includes additional land that was not part of Preliminary Plan No. 120110390, The Subject Application supersedes the previous approval.

Sketch Plan 320190090

The Planning Board approved Sketch Plan No. 320190090 by Resolution 19-092, dated July 18, 2019, for a maximum of 210,000 square feet of development with up to 200,000 square feet of residential uses and up to 10,000 square feet of commercial uses, including an allocation of Bethesda Overlay Zone density of up to 117,681 square feet, subject to binding elements and conditions.

Proposal

The Applicant proposes to create one (1) lot for a mixed-use development with a maximum density of 210,000 square feet of development for up to 200,000 square feet of residential uses (up to 200 residential dwelling units) and up to 10,000 square feet of commercial uses on 0.71 acres or 30,977 gross square feet, in the zoned CR 3.0 C 3.0 R 2.75 H120', and Bethesda Overlay Zones. The total density includes up to 117,069 square feet of Bethesda Overlay Zone density. The Preliminary Plan will dedicate land necessary to accommodate a minimum width of 60 feet of right-of-way (approximately 1,950 square feet), as measured to the Wisconsin Avenue centerline. No additional dedication is required along the public alley frontage.

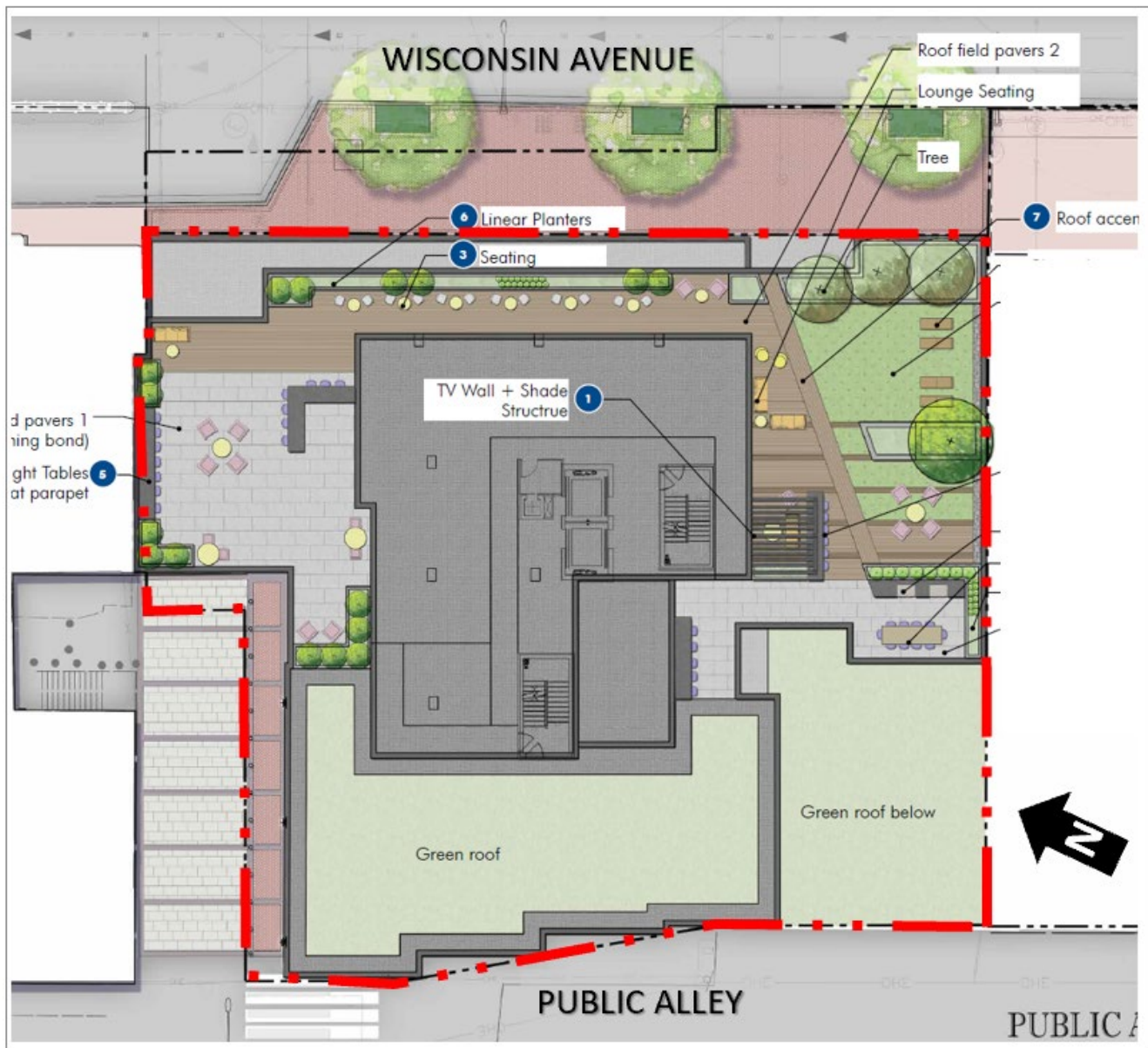


Figure 3 – Illustrative Site Plan

Building Height

Although the Site's mapped zone limits building height to 122 feet, The Sector Plan recommends that this height only be achieved through the provision of a new movie theater. Without a theater, the Sector Plan recommends that the maximum building height on this Site be 110 feet. However, there is another alternative that allows additional height through affordable housing. The Project proposes an additional 12 feet of height, to 122 feet, as allowed with the provision of 17.6% MPDUs. This additional height is permissible because the Property is located within the "Height Incentive Area" of the BOZ (Section 59.4.9.2.E) and because Section 59.4.9.2.C.3.b of the Zoning Ordinance allows:

[i]f a project exceeds 17.5% MPDUs and is located in the Height Incentive Area as delineated in Subsection E, the height limit of the applicable zone does not apply to the extent required to provide MPDUs, ... [t]he additional height is calculated as the floor area provided for MPDUs above 15% divided by the average

residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

As proposed, the average residential floor plate measures approximately 15,496 square feet in area and the average MPDU size is proposed to be approximately 820 square feet, for a total of 29,520 square feet for the 36 MPDUs provided. The Project proposes to include six (6) additional MPDUs beyond the minimum required at 15%¹, which amounts to approximately 4,920 square feet of gross floor area (31% of an additional floor).

Building

The building is located on a constrained urban infill site along Wisconsin Avenue, between Woodmont Avenue and Bradley Boulevard. All vehicular and service access is provided via the public alley along the western façade to minimize interruption of the high pedestrian and vehicular volumes along Wisconsin Avenue. In response to this context, the street level of the building includes a high degree of transparency, in the form of ground floor windows and doors and a new through-block connection. Above the street level, the building presents a strong four-story base, above which the upper floors are set back, to a varying degree across the entire Wisconsin Avenue façade.

Above the two-story through-block connection along Wisconsin Avenue, the upper floors are setback 15-feet to reduce the party-wall visible from the north and highlight the passageway at the ground level. This recess is balanced along the southern portion of the building by an architectural protrusion that spans the full height of the building from the sidewalk and creates visual interest by creating an undulation in the façade. The remaining majority of the Wisconsin Avenue façade will step-back 6-feet above the four-story base.



Figure 4 – Wisconsin Avenue Façade

¹ Based on 200 dwelling units, 15% = 30 MPDUs; 17.6% = 36 MPDUs



Figure 5 – Wisconsin Avenue Façade (Street level)

Along the public alley, the northwest corner of the building is set back from the property line at the ground level approximately four and a half (4.5) feet. This design was coordinated with the Department of Transportation in a manner that permits adequate vehicular circulation within the alley and allows the developer to maximize the below grade garage and upper floors within the Site area. Above the street level setback on the alley, the building includes a small overhang of approximately four and a half (4.5) feet, beginning with the third floor.



Figure 6 – Alley/ Through Block Connection Façade (Street level)



Figure 7 – Western Facade

Open Space

With a Tract area of 30,977 square feet and two or fewer frontages, the Applicant is not required to provide public open space. However, the Project proposes 7% of the Site, or 1,440 square feet, as public open space along the northern portion of the Property that will ultimately allow for the through-block connection envisioned by the Sector Plan.

Transportation

Pedestrian Access & Circulation

Pedestrian access to the Site will be from the established sidewalk network along Wisconsin Avenue and from partial implementation of a new through-block connection along the north side of the Site. The Wisconsin Avenue streetscape will be enhanced, consistent with the Bethesda Streetscape Standards. Bicycle parking for residents will be provided within the parking structure and publicly accessible short-term bicycle parking will be provided near building front entrance.

As proposed, the portion of the through block connection associated with the Subject Application measures two-stories in height and a minimum of 20 feet in width. The through-block connection will be implemented in two phases and will include an “interim” and “ultimate” condition. The portion of the connection improved with the ultimate condition, as part of the Subject Application, is located between Wisconsin Avenue and the ADA accessible lift and has a minimum width of 20 feet. The portion of the connection improved with the interim condition, as part of the Subject Application, is located between the ADA accessible lift and public alley and has a minimum width of 7 feet (to be widened with redevelopment of the property to the north). The through-block connection must remain open to the public between the hours of 8:00 AM and 9:00 PM; have an ADA accessible lift open to the public; and have a minimum of 35% of walls facing the pathway have unobstructed windows. Final design of the ultimate limits of the through-block connection, associated with the adjacent future redevelopment site to the north, will be determined when that property seeks development approval.

The through-block pedestrian connection will incorporate a two-story covered walkway accentuated by lighting to ensure that the space will be inviting to the public (Figure 8). People will be encouraged to gather and socialize in spaces demarcated with raised planters, conversational furniture and decorative paving materials. As shown on the Site Plan, the mid-block connection will be lined with active ground floor uses on both sides. These ground floor spaces will be designed to provide ample transparency, to activate the pass-through, while still creating an intimate setting commensurate with the character of the residential building.



Figure 8 – Through Block Connection

Public Alley Access

Vehicular access and loading operations are proposed to occur directly from an existing 20-foot public alley along the rear (west) side of the Site in the following configuration: Loading and garage access will be provided directly from the alley via two adjacent, but separate access points. This configuration is in compliance with the Zoning Ordinance requirements, set forth in Section 59.6.1.3.C, Site Access, which states, “If on-site parking is accessible from an improved alley with a right-of-way at least 20 feet in width: 1. Access must be from the public alley.”

This access configuration is designed to eliminate an existing vehicular access point on Wisconsin Avenue, which will minimize interruptions to the pedestrian realm and supports the pedestrian and transit-oriented nature of Downtown Bethesda. Additionally, the elimination of the curb cut along Wisconsin Avenue will reduce potential conflicts between vehicles entering/ leaving the site and adjacent street traffic. The alley is currently improved between Woodmont Avenue and Bradley Boulevard (MD 191) and serves as primary vehicular and service access to the “Adagio,” on the 6800 Block of Wisconsin Avenue, primary vehicular access for the residential block on the west side of the alley, and service access for many of the existing commercial buildings within the 7000 Wisconsin Avenue block, between the alley and Wisconsin Avenue.

Traffic Impact

Based on trip generation guidance included in the 2017 *Local Area Transportation Review Guidelines*, the Project is estimated to generate fewer trips than the existing retail use it is replacing, and therefore the Applicant was not required to conduct a traffic impact analysis on the adjacent transportation network. However, the Project proposes to consolidate all access onto the public alley, and therefore Planning Staff and the Montgomery County Department of Transportation requested a study of the potential impacts to safety and circulation within the rear public alley. That study evaluated truck turning maneuvers and loading operations based on existing obstructions within the alley (i.e. dumpsters, utility poles, etc.) and projected traffic volumes on the alley. After reviewing the results of the study and the design of loading and garage bay entrances, Staff at both agencies concluded the public alley has sufficient capacity to meet demand once the Project is constructed. It is important to note that the forecasted number of trips is likely conservative, considering the Applicant is proposing fewer than the minimum parking spaces required by the Zoning Ordinance; no adjustments to trip generation were made as a result of the Applicant's proposed minimum parking public benefit.

Use of the alley as the primary means of ingress to the Site was further confirmed by the Director of the Montgomery County Department of Transportation in that agency's letter, dated October 17, 2019. As required in Chapter 49-31(p) of the County Code, both the Director of Transportation and the Planning Board must concur that the dimensions and specifications of a public alley provide adequate primary vehicular access to a proposed Project. Based on the analysis submitted by the Applicant, requirements set forth in the Zoning Ordinance, Chapter 49, and the findings of the Director of Transportation, Staff supports use of the public alley and recommends the Planning Board approve the vehicular circulation, as proposed in the Application.

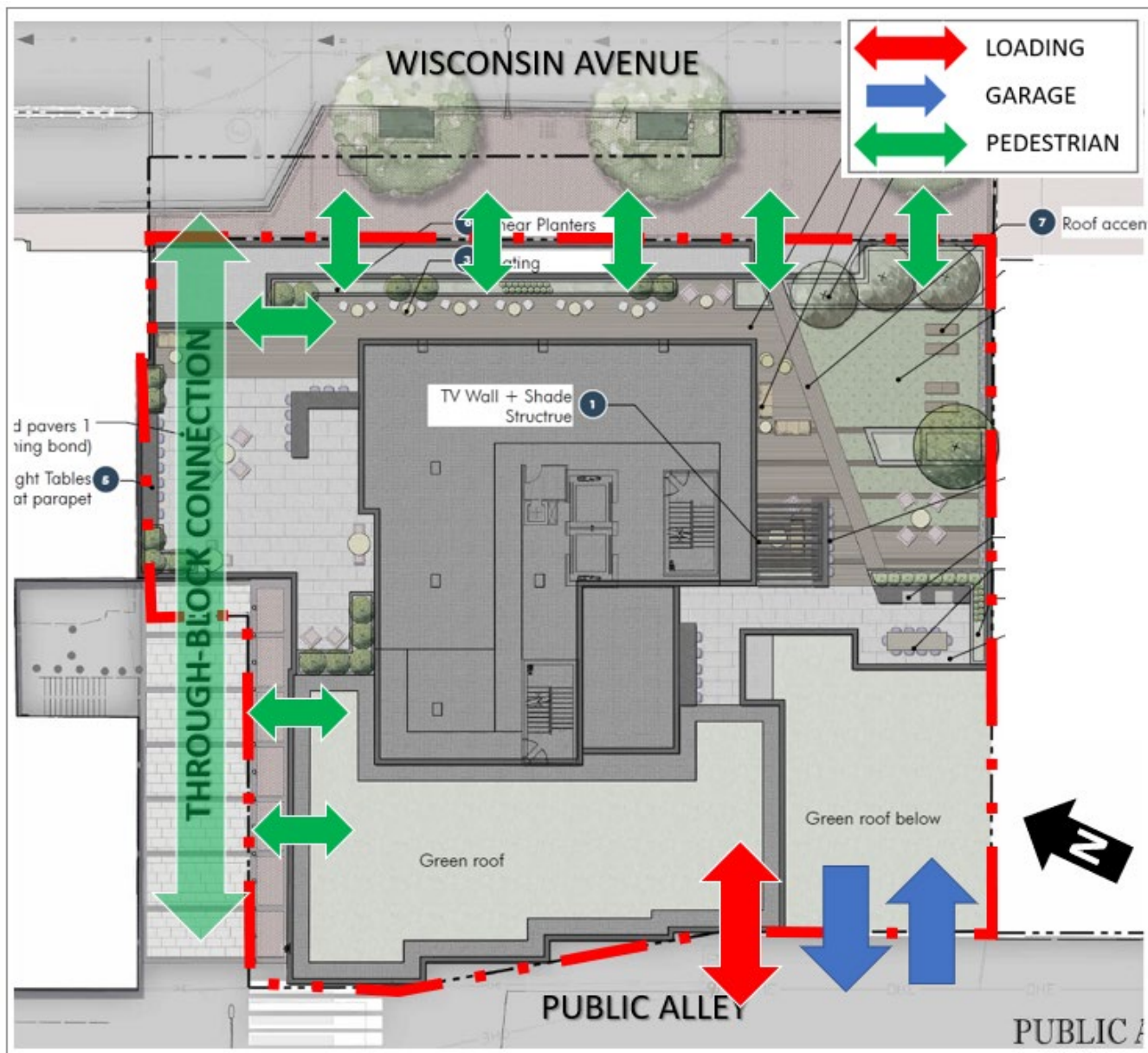


Figure 9 – Pedestrian and Vehicular Circulation

The Project is required to provide a minimum of six short-term bicycle parking spaces (three inverted-U racks or approved alternative) along the Wisconsin Avenue building frontage. Additionally, the Project is required to provide a bicycle parking room to provide 96 long-term bicycle storage for the residents. This requirement is satisfied through the provision of two bike rooms within the garage.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ½ mile of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

Environment

The Subject Property is located within the Little Falls watershed, a Use I-P watershed which drains into the Potomac River. Aside from the watershed, the site is not associated with any environmentally sensitive features such as forest areas, specimen or champion trees, stream buffers, wetlands, 100-year floodplains, or steep slopes.

Forest Conservation

This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

Green Cover

The green cover exhibit submitted by the Applicant shows a Site Area of 20,046 square feet which results in a green coverage requirement of at least 7,017 square feet (35% of Site area). The Applicant proposes green cover of exactly 7,017 square feet to meet the recommendations of the *Bethesda Downtown Sector Plan's* Urban Green Goals. This recommendation will be met through the installation of 3,931 square feet of green roof with depth of at least 6", 2,468 square feet of rooftop planters, and 618 square feet of micro-bioretenment facilities.

Noise

The Project proposes residential units adjacent to Wisconsin Avenue (MD 355), a major roadway, therefore a noise analysis was completed to address the residential units and any associated common open space areas. A noise analysis dated February 26, 2020 was prepared by Phoenix Noise & Vibration, LLC.

The study indicates that the residential units located along Wisconsin Avenue (east elevation) and a portion of the residential units located on the north and south elevations will be subject to a moderate level of noise impact, however the noise impacts to residential units can be mitigated through the integration of exterior building components, such as windows and doors, with appropriate Sound Transmission Class (STC) ratings. The analysis further demonstrated that noise levels throughout the second-story courtyard and occupiable spaces of the rooftop terrace will be below 65 dBA and will not require mitigation. The standard conditions of approval are recommended with regard to compliance with noise mitigation for the residential units.

SECTION 4: PRELIMINARY PLAN 120200090

ANALYSIS AND FINDINGS

The Preliminary Plan will create one lot, measuring approximately 20,046 square feet or 0.46 acres of Site area, to allow for a maximum density of up to 200 residential dwelling units and up to 10,000 square feet of commercial 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 whom have recommended approval of the Preliminary Plan.

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 proposed lot size, width, shape, orientation, and density 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 were reviewed and found to be in compliance 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 Application substantially conforms to the 2017 *Bethesda Downtown Sector Plan*. The Property is designated as Site 109, on page 99 of the Sector Plan, within the area identified as the “Wisconsin Avenue District,” the main artery through the center of Downtown Bethesda. The Sector Plan generally recommends increasing:

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.

Specifically, the Project addresses the following goals as outlined in the Wisconsin Avenue District section of the Sector Plan:

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

The Project allows for redevelopment of a low-rise commercial buildings and ancillary surface parking lot with multifamily residential uses and activating ground-floor retail uses.

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

The Project will add a minimum of 17.6% Moderately Priced Dwelling Units (MPDUs), which amounts to 36 units, within walking distance to the future southern entrance to the Bethesda Metro Station and the future Purple Line Station. The proposed MPDUs will help further one of the primary goals, affordable housing, of the Sector Plan and Bethesda Overlay Zone.

- *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 includes a mix of residential and retail uses that are appropriate for this area of Downtown Bethesda. The redevelopment of an underutilized commercial site with surface parking with multifamily dwelling units and ground-floor retail is compatible with the adjacent residential, office, and retail uses. The Project will provide a building of up to 122 feet in height through the provision of greater than 17.5% MPDUs, with building heights stepping up to over 200 feet in the urban core of Downtown Bethesda just several blocks to the north. The combination of multifamily dwelling units, ground floor retail uses, and amenities proposed for the Project will create an appropriate transition between the Wisconsin Avenue Corridor district and the South Bethesda district south west of the Property.

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

The Project proposes to incorporate energy-efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the Bethesda Overlay Zone. In addition, intensive green roof systems and rooftop planters are proposed to cover a minimum of 35% of the Property's lot area to increase the overall green cover. Dedication along Wisconsin Avenue will help to enhance the pedestrian experience along the Property. Additional planting and pedestrian circulation areas along these public right-of-way frontages will allow for an improved streetscape in both the Wisconsin Avenue Corridor district.

- *Create green, active and walkable sidewalks that are designed to balance pedestrian and retail activity with vehicular and BRT traffic along this major corridor.*

The Project's proposed right-of-way dedication and the undergrounding of existing utilities, along Wisconsin Avenue and the public alley will help to improve the pedestrian zone lined with street trees, planting and furnishings. In addition to providing right-of-way dedication, the Project's sidewalk width is designed in accordance with the Design Guidelines recommendations for these streetscapes such that additional free and clear sidewalk width is accommodated.

- *Design tall buildings along Wisconsin Avenue to have a human-scaled presence on the street, reduced uniformity and compatibility with edge neighborhoods.*

As presented to the Design Advisory Panel on January 22, 2020 and included in the submittal materials as of the date of the Staff Report, the Project satisfies the Bethesda Design Guidelines and Sector Plan recommendations. By providing a building that is up to 122 feet in height, through

the provision of greater than 17.5% MPDUs, the development places most of the height along Wisconsin Avenue and provides a transition to the higher heights along Wisconsin Avenue to the north.

The Preliminary Plan Application substantially conforms with 2017 *Bethesda Downtown Sector Plan*, including the specific density recommendations, applicable urban design, roadway, and general recommendations outlined in the Sector Plan for the Subject Property.

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

Vehicular access to the Property is proposed directly from the public alley, along the Site's western façade, through a consolidated garage access point and loading bay (two separate, but adjacent entrances). Pedestrian and bicycle access to the Property will be provided along Wisconsin Avenue and the proposed pedestrian midblock connection.

The Project includes two bicycle parking rooms on level P1 of the onsite parking garage to provide long-term bicycle storage for the residents. Bicyclists will access the room from via the residential lobby on Wisconsin Avenue. The bicycle parking rooms will provide secure, private parking for 96 bikes and the proposed layout meets the design and capacity standards set by the Zoning Ordinance. The final number of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the final number of residential dwelling units.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located less than a half-mile to the north of the site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan* recommends the following Sector Plan facilities along Property frontage:

1. Wisconsin Avenue, along the western site frontage, as a major highway (M-6) with a minimum right-of-way width of 120 feet.
2. There are no specific recommendations for the public alley between Woodmont Avenue and Bradley Boulevard; however, dedication is required by MCDOT to achieve the design standard for a 20-foot-wide two-way public alley.

Sector-Planned Transportation Demand Management

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55 percent, 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 development with more than 40,000 square feet of proposed density, the Project is required to coordinate with an gain approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan with to participate in the Bethesda TMD.

Parking Recommendations

The Sector Plan recommends each application in downtown Bethesda promote a constrained parking policy that supports a transit-oriented downtown. This is done by providing parking below the minimum and exploring opportunities for co-location of public facilities on Parking Lot District properties and facilities. As a project within the Bethesda Overlay Zone, the Applicant is receiving a 20% reduction in

number of spaces required and is providing a maximum of 139 spaces in a below-grade garage, which is below the minimum required consistent with the Zoning Ordinance.

Adequate Public Facilities

The Project is estimated to generate a net decrease of 113 morning peak-hour person trips (43 fewer vehicle trips) and a net decrease of 66 evening peak-hour trips (21 fewer vehicle trips) when compared to existing uses on the Site. Since the Project will generate fewer than 50 net new person trips, the Local Area Transportation Review was satisfied with a transportation exemption statement, dated May 17, 2019.

School Capacity

Preliminary Plan No. 120200090, 7000 Wisconsin Avenue, is scheduled to be reviewed by the Planning Board on April 23, 2020. Therefore, the FY20 Annual School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019 is applicable. The Application proposes development of 200 multifamily high-rise units.

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 Subject Property is located in the southwest region of the County.

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-Rise	0.150	0.068	0.085
MF High-Rise	0.041	0.018	0.025

With a net increase of 200 multifamily high-rise units, the Project is estimated to generate 8 new elementary school students, 3 new middle school students, and 5 new high school students.

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
SF Detached	0	0.186	0.000	0.109	0.000	0.151	0.000
SF Attached	0	0.167	0.000	0.085	0.000	0.111	0.000
MF Low-Rise	0	0.150	0.000	0.068	0.000	0.085	0.000
MF High-Rise	200	0.041	8.200	0.018	3.600	0.025	5.000
TOTAL	200		8		3		5

Cluster Adequacy Test

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

School Level	Projected Cluster Totals, September 2024			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary ¹	3,714	4,020	92.4%	1,111	8
Middle	1,917	2,024	94.7%	511	3
High	2,410	2,457	98.1%	538	5

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:

School	Projected School Totals, September 2024				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Bethesda ES	731	698 ²	104.7%	-33	107	8
Westland MS	899	1,089	82.6%	+190	408	3

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.

Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY20 Annual School Test, there is adequate school capacity for the amount and type of development proposed by the Subject Application.

¹ The projected cluster elementary school capacity of 3,813 has been modified to reflect the impact of a six-classroom placeholder project at Bethesda ES and a four-classroom placeholder project at Somerset ES included by the County Council in the FY20 Capital Budget.

² The projected Bethesda ES capacity of 560 students has been modified to reflect the impact of a six-classroom placeholder project included by the County Council in the FY2019-2024 Capital Improvements Program.

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 who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

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

This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

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

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on March 10, 2020 (Attachment B). The Applicant proposes to meet stormwater management requirements through the use of green roof and micro-bioretenion planter boxes. Due to site limitations and an existing shallow storm drain, full treatment cannot be provided and therefore a partial waiver was granted by MCDPS.

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

No other provisions apply to the Subdivision.

SECTION 5: SITE PLAN 820200090

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 bindings elements of Sketch Plan No. 320190090.

b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.5. Commercial/Residential Zones

Development Standards

The Tract is approximately 0.71 acres or 30,977 gross square feet, zoned CR 3.0 C 3.0 R 2.75 H120', and is within the Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 1: Project Data Table (Section 59.4)		
Development Standard	Permitted/ Required	Proposed
Tract Area (Square Feet/ Acres) CR 3.0 C 3.0 R 2.75 H120		
Total Tract Area	n/a	30,977 sf (0.71)
Site Area (Square Feet/ Acres) Prior Dedication Proposed Dedication Site Area (Tract Area – Dedications)	n/a	8,981 sf (0.21) 1,950 sf (0.04) 20,046 sf (0.46)
Residential Density (GFA/ FAR)	85,187 sf (2.75)	200,000 sf (6.45)
Commercial Density (GFA/ FAR)	92,931 sf (3.0)	10,000 sf (0.32)
Total Mapped Density (GFA/FAR)	Residential 85,187 sf (2.75) Commercial 92,931 sf (3.0) 92,931 sf (3.0)	82,931 sf (2.68) 10,000 sf (0.32) 92,931 sf (3.0)
MPDU Density (GFA/FAR)	15%	17.6% (36 units) 29,520 sf (0.95)¹
Bethesda Overlay Zone Density (GFA/ FAR)	n/a	117,069 sf (3.77)
Total GFA/ FAR	n/a	210,000 (6.77)
Building Height	110 feet ²	122 feet ³
Public Open Space (min)	0%	7% (1,440 sf)
Green Cover	35%	35% (7,017 sf)
Minimum Setbacks	n/a	0

¹ MPDU density, assumed at an average size of 820 square feet per unit for all 36 units (6 units above 15% requirement).

² The Sector Plan limits height to 110 feet because the Project does not provide a movie theater.

³ Section 59.4.9.2.C.3.b eliminates the height requirement to the extent necessary to provide MPDUs beyond 15%. These additional 6 MPDUs account for an additional 4,920 square feet of residential density. Given the Project's estimated average floorplate is of 15,496 SF, the Applicant requests one additional floor (12 feet) of additional height to accommodate the additional MPDUs.

Table 1 (Con't): Parking		
Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
Efficiency (38 market rate units); 8 MPDUS	(42 minimum/ 46 maximum)	--
1 Bedroom (98 market rate units); 22 MPDUS	(109 minimum/ 150 maximum)	--
2 Bedroom (28 market rate units); 6 MPDUS	(31 minimum/ 51 maximum)	--
	--	--
Total Residential Units (164 Market rate; 36 MPDUS)	(182 minimum/ 247 maximum)	--
Reduced 20% (Bethesda Overlay Zone)	146 Minimum	139
Commercial (Ancillary Retail) ⁴	0	0
Total	146	139⁵
Bicycle Parking (Long Term/ Short Term)		
Residential (200 units)	(95/5) 100 ⁶	(95/5) 100
Commercial (10,000 SF)	(1/1) 2	(1/1) 2
Total Bicycle Parking	(96/6) 102	(96/6) 102
Loading Spaces	1	1

⁴ In accordance with the Local Area Transportation Review Guidelines standards on ancillary retail, no parking may be provided for the commercial use.

⁵ The Project is providing less parking than the minimum requirement in support of the Sector Plan recommended constrained parking policy and due to the Site's location within the Bethesda Parking Lot District.

⁶ Bicycle Parking requirement is limited to a maximum of 100 spaces.

The Bethesda Overlay Zone (BOZ) was adopted July 18, 2017, specifically to implement the recommendations of the Bethesda Downtown Sector Plan as it relates to density, building heights, affordable housing, parks, and design. The BOZ set a cap of overall development (32.4 million square feet) whereby the zoning approved for most properties retains the base density but increases the heights on respective sites. An Applicant can request an allocation of density over the base density to build to the maximum height permitted by the Zone, as needed. An allocation of density from the BOZ typically requires a Park Impact Payment (PIP) of \$11.08/square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. The amount of density allocated from the BOZ for the Subject 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 of Building and Site Design, and Protection of the Natural Environment.

Table 2: Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Recommended
59.4.7.3C: Connectivity and Mobility		
Minimum Parking ¹	20	17
Through-Block Connections ¹	30	20
59.4.7.3D: Diversity of Uses and Activities		
Affordable Housing ¹	unlimited	39
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design ¹	30	10
Public Open Space ¹	30	7.2
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	4.2
Energy Conservation and generation ¹	25	15
TOTAL		132.4

¹Denotes Sector Plan priority

Connectivity and Mobility

Minimum Parking: The Applicant requests 17 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on site. Based on the formula set forth in the 2017 *Commercial/ Residential and Employment Zones Incentive Density Implementation Guidelines*, provided below, Staff recommends 17 public benefit points in this category.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (212 - 139) / (212 - 169) * 10 = 17 \text{ points} \end{aligned}$$

Through Block Connection: The Applicant requests 20 points for providing a through-block connection between Wisconsin Avenue and the public alley along the western façade, as envisioned in the Sector Plan. This connection will link the Wisconsin Corridor and points east with the South Bethesda District, to the west. Points for this incentive are granted on criteria such as public access, minimum width, and minimum hours of operation, as determined by the Guidelines.

As proposed, the portion of the through block connection associated with the Subject Application measures two-stories in height and a minimum of 20 feet in width. The through-block connection will be implemented in two phases and will include an “interim” and “ultimate” condition. The portion of the connection improved with the ultimate condition, as part of the Subject Application, is located between Wisconsin Avenue and the ADA accessible lift and has a minimum width of 20 feet. The portion of the connection improved with the interim condition, as part of the Subject Application, is located between the ADA accessible lift and public alley and has a minimum width of 7 feet (to be widened with redevelopment of the property to the north). The through-block connection must remain open to the public between the hours of 8:00 AM and 9:00 PM; have an ADA accessible lift open to the public; and have a minimum of 35% of walls

facing the pathway have unobstructed windows. Final design of the ultimate limits of the through-block connection, associated with the adjacent future redevelopment site to the north, will be determined when that property seeks development approval. Staff recommends 20 points for this category.

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 39 points for providing 17.6% Moderately Priced Dwelling Units. Based on the formula set forth in the Commercial/ Residential and Employment Zone Incentive Density Implementation Guidelines, provided below, the Applicant is eligible for 39 points in this category:

$$[((\% \text{ of MPDUs Provided} - \% \text{ of MPDUs Required}) * 15) + ((\% \text{ of 2BR MPDUs}) * 2)] \\ (17.6\% - 15\%) * 15 = 39 \text{ points}$$

Staff recommends that the Applicant be awarded 39 points in the Affordable Housing category.

Quality of Building and Site Design

Exceptional Design: The Applicant initially requested 20 points for a building or site design that enhances the public realm in a distinct and original manner, however, this request was reduced to 10 points as part of the subsequent plan review. The Applicant presented this Project to the Design Advisory Panel on four occasions, including the Sketch Plan sessions, and actively participated in an iterative public design process to achieve the goals set forth in the Sector Plan. The Applicant team should be commended on their efforts.

As evaluated through the exceptional design criteria, the Project incorporates a high quality of articulation, streetscape, and material transitions. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is subject to the Design Advisory Panel review, which recommended the following during their meeting on January 22, 2020:

1. The Panel acknowledges this site has been extremely difficult to develop due to site constraints and economic viability and appreciates the Applicant's efforts to address their concerns.
2. The Panel votes to support 10 Exceptional Design points, 3 in support (2 members would have supported 15), with the following conditions.
 - i. Demonstrate articulation on north and south façade walls either through grid, mural, or other visual amenity.
 - ii. There must be no blank walls in interim condition (before buildings develop alongside).

Additional context and discussion for the DAP's recommendations are included in the attached DAP meeting summary (Attachment A).

Public Open Space: The Applicant requests 7.2 points for providing public open space in excess of the Zoning Ordinance requirement (0%). Points for this category are granted on a sliding scale, based on the percentage of the lot area and other criteria listed in the Implementation Guidelines. The Applicant has designed the through block connection to also be utilized as public space according to the Implementation Guidelines. Based on the following formula, Staff supports 7.2 points for this category.

$$\begin{aligned} & (\text{Open Space/ Site Area}) * 100 \\ & ((1,440 \text{ sq. ft.} / 20,046 \text{ sq. ft.}) * 100) = 7.2 \end{aligned}$$

Structured Parking: The Applicant requests 20 points for providing all parking within a below-grade parking structure. The Applicant satisfies the requirements for 20 points because all on-site parking is provided in a below-grade garage. Staff supports 20 points in this category based on the following formula:

$$\begin{aligned} & [(\text{Above Grade Parking/ Total Parking}) * 10] + [(\text{Below Grade Parking/ Total Parking}) * 20] \\ & (((0/139) * 10) + [(139/139)] * 20 = 20 \text{ points}) \end{aligned}$$

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 4.2 points for the purchase of 0.4631 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area, exclusive of any density allocated for MPDUs. Based on the calculation set forth in Section 59.4.7.3.F of the Zoning Ordinance, staff supports 4.2 points for this category.

$$\begin{aligned} & (((\text{Incentive Density} - \text{Standard Method Density}) * 7.5\%) / 31,500) * 9 = \\ & (((194,512 \text{ sf}) - (15,488 \text{ sf})) * 7.5\%) / 31,500 * 9 = 4.16 \text{ points} \end{aligned}$$

Energy Conservation and Generation: The Applicant requests 15 points for providing a project that exceeds the energy efficiency standards for new buildings by 17.5%. The Applicant submitted an energy use/ generation model with the Site Plan, which was accepted by the Department of Permitting Services (Attachment B). This energy model will be updated and finalized prior to issuance of the first above-grade building permit. This category is a priority in the Sector Plan and a requirement of the Bethesda Overlay Zone. Staff supports 15 points for this category.

iii. Division 6.1. Site Access

Pedestrian access to the Site will be from the established sidewalk network along Wisconsin Avenue and from partial implementation of a new through-block connection along the north side of the Site. The ultimate limits of the passageway will be established when the adjacent property, to the north, seeks development approval. The Wisconsin Avenue streetscape will be enhanced, consistent with the Bethesda Streetscape Standards. Bicycle parking for residents will be provided within the parking structure and publicly accessible short-term bicycle parking will be provided near building front entrance.

Vehicular access and loading operations are proposed to occur directly from an existing 20-foot public alley along the rear (west) side of the Site in the following configuration: Loading and garage access will be provided directly from the alley via two adjacent, but separate access points. This is in compliance with the Zoning Ordinance requirements, set forth in Section 59.6.1.3.C, Site Access, which states, "If on-site parking is accessible from an improved alley with a right-of-way at least 20 feet in width: 1. Access must be from the public alley."

This access configuration is designed to eliminate an existing vehicular access point on Wisconsin Avenue, which will minimize interruptions to the pedestrian realm and supports the pedestrian and

transit-oriented nature of Downtown Bethesda. Additionally, the elimination of the curb cut along Wisconsin Avenue will reduce potential conflicts between vehicles entering/ leaving the site and adjacent street traffic. The alley is currently improved between Woodmont Avenue and Bradley Boulevard (MD 191) and serves as primary vehicular and service access to the “Adagio,” on the 6800 Block of Wisconsin Avenue, primary vehicular access for the residential block on the west side of the alley, and service access for many of the existing commercial buildings within the 7000 Wisconsin Avenue block, between the alley and Wisconsin Avenue. The Subject Application proposes pulling the new building façade away from the alley right-of-way an additional 4.5 feet, for the first two floors, to provide additional room to maneuver within the alley. As a result of the Project, the clear width within the alley along the Subject Property varies between 25 feet and 30 feet.

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

Parking for the residential building will be provided in a below-grade facility. Vehicular and loading access will occur via the public alley along the Subject Property’s western façade. The development will be subject to a loading management plan that sets forth specific measures to limit disruption from on-site loading and service activities within the public alley right-of-way.

v. *Division 6.3. Open Space and Recreation*

The Project is not required to provide public open space because the tract area is less than one acre and the Site has two or fewer frontages on public roadways (59.4.5.4.B.1.a), however they are providing 1,440 square feet of public open space in the form of a Sector Plan recommended through block connection. The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 12475). The Applicant is providing bicycle amenities; indoor community spaces, including lounges and a fitness space; interior courtyards with grills and rooftop amenities, among other elements. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

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

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along Wisconsin Avenue with new street trees, improved, wider sidewalks, street lighting, and street furniture. The Project will also provide a new through-block pedestrian connection, as recommended by the Sector Plan. 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 March 10, 2020 (Attachment B). The Applicant proposes to meet stormwater management requirements through the use of green roof and micro-bioretenement planter boxes. Due

to site limitations and an existing shallow storm drain, full treatment cannot be provided and therefore a partial waiver was granted by MCDPS.

ii. *Chapter 22A, Forest Conservation.*

There are no environmentally sensitive features, such as streams, wetlands floodplains or associated buffers, associated with the site. This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. Staff confirmed Forest Conservation Exemption 42019148E on April 1, 2019 (Attachment C).

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the garage and loading entrances on the public alley to limit impacts to both the pedestrian environment and Wisconsin Avenue corridor. Additionally, the Project improves public streetscape along its three frontages. The building provides entrances along each of its Wisconsin Avenue, through-block pedestrian connection, and public alley facades to contribute to an active streetscape. The Project provides a safe and well-integrated building and site amenities. The Project architectural massing presents as a high-rise building above an articulated base that conforms with existing and anticipated development within the Wisconsin Avenue Corridor District and provides amenities for the residents of the Project internal to the building and on the rooftop.

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 120200090 findings of this Staff Report, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a residential development with up to 200 multifamily residential dwelling units with a minimum of 17.6% MPDUs, up to 10,000 square feet of non-residential uses, as well as underground parking and on-site amenities for the residents.

Further, the Applicant will provide a minimum of 35% of the Site Area (7,017 square feet) of Green Cover to meet the 35% Green Cover requirement set forth in Section 2.4.1 of the Sector Plan and Section 2.3.2 of the associated Design Guidelines. In response to this requirement, the Application proposes an intensive green roof, with a minimum depth of 6-inches, on portions of the building.

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. 120200090 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 Project includes a mix of residential and retail uses that are appropriate for this area of Downtown Bethesda. The redevelopment of an underutilized commercial site with surface parking with multifamily dwelling units and ground-floor retail is compatible with the adjacent residential, office, and retail uses. The Project will construct a building of up to 122 feet in height through the provision of greater than 17.5% MPDUs, with building heights stepping up to over 200 feet in the urban core of Downtown Bethesda just several blocks to the north. The combination of multifamily dwelling units, ground floor retail uses, and amenities proposed for the Project will create an appropriate transition between the Wisconsin Avenue Corridor district and the South Bethesda district south west of the Property.

- 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 a pre-submittal public meeting at the Bethesda Chevy Chase Regional Services Center on August 28, 2019. Additionally, Staff visited the Adagio Condominium to meet with residents, at their request, on February 26, 2020. Primary topics of conversation at the Adagio meeting centered on the development review process, technical elements of the preliminary and Site Plan review, and how to get involved in the process.

The main concern articulated by Adagio residents at the February 26, 2020 meeting, and in emails and phone calls to Staff during the course of this review, dealt with the proposed access concept for 7000 Wisconsin and the anticipated negative impacts that access configuration would have on the alley. At that meeting and in response to those emails and phone calls, Staff explained that the alley access concept was supported by Planning Staff in accordance with design criteria set forth in the Zoning Ordinance and a technical review of alley operations by both MCDOT and Planning Staff.

With regard to the first point, Section 59.6.1.3.C. of the Zoning Ordinance, “Site Access,” states, “*if on-site parking is accessible from an improved alley with a right-of-way of at least 20 feet... access must be from the alley.*” And Section 59.6.1.3.A.2., which seeks to minimize impacts to both the pedestrian and vehicular traffic on Wisconsin Avenue. The second point, a technical review of alley operations, utilized standard engineering criteria (an Auto CAD autoturn turning analysis) to demonstrate that the alley width and geometry are adequate to support the proposed use of the alley for primary access. In addition to this analysis, the Applicant will be required to underground utilities within the alley, along the site frontage, and reconstruct the alley in accordance with MCDOT’s approval letter.

Staff has reviewed technical information submitted with the Application and determined, in coordination with the County Department of Transportation, that primary access from the public alley is safe, adequate, and efficient to serve the Subject Property and existing adjacent development.

For Consideration: Alternative Alley Configuration

Although staff’s analysis supports primary use of the alley in its current two-way configuration, Staff evaluated a potential alternative alley configuration that makes the alley operate as a one-way northbound roadway in response to concerns raised by the community.

As designed today, the public alley is built to the public standard (20 foot) width and permits two-way travel. Staff notes that the placement of raised concrete median islands on Woodmont Avenue and Bradley Boulevard restrict motorists from making left turns both into and out of the public alley. As a function of the existing operation of the alley and the location of dumpsters, utility poles, and other encumbrances, the alley operates in a “yield condition” in certain places when two vehicles must pass in opposite directions. Although typical of alley operations, the yield condition may frustrate some motorists. To address this issue, MCDOT may consider limiting the operations of the alley way to one-way in the northbound direction, which could improve accessibility within the alleyway. Limiting the direction of travel within the alley would likely further discourage some non-local use of the public alley.

While the study of the alley’s current operation and forecasted trips concluded that the alley could accommodate the proposed future development, Staff would support MCDOT should they decide to study and implement a one-way travel operation of the public alley in the northbound direction.

Correspondence received as of the date of this Staff Report is included in Attachment D.

CONCLUSION

The Project 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 Project satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2017 *Bethesda Downtown Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan No. 120200090 and Site Plan No. 820200090 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Design Advisory Panel Memoranda
- B. Agency Letters
- C. Forest Conservation Exemption 42019148E
- D. Correspondence