



## 4824 Edgemoor Lane, Site Plan No. 820210040

 Matthew Folden, AICP, Planner Coordinator, DownCounty Planning, [matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org), 301.495.4539

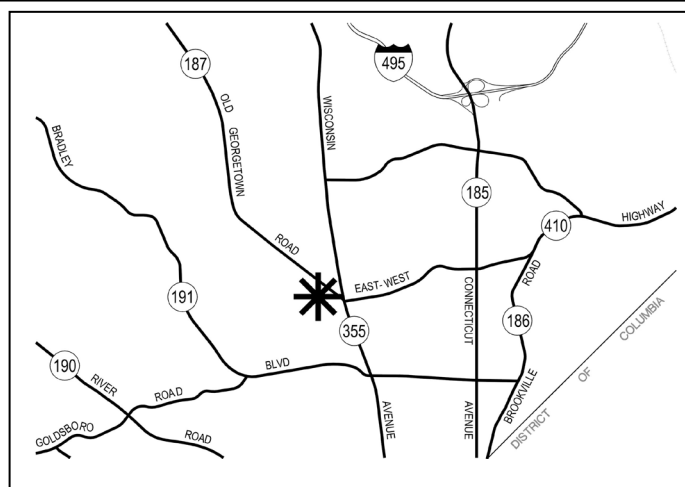
 Stephanie Dickel, Supervisor, DownCounty Planning, [stephanie.dickel@montgomeryplanning.org](mailto:stephanie.dickel@montgomeryplanning.org), 301.495.4527

 Elza Hisel-McCoy, Chief, DownCounty Planning, [elza.hisel-mccoy@montgomeryplanning.org](mailto:elza.hisel-mccoy@montgomeryplanning.org), 301.495.2115

### Description

Completed: 3.12.21

- Site Plan: Construction of a residential project of up to 89,000 total square feet with up to 76 multifamily dwelling units; project includes an allocation of Bethesda Overlay Zone density;
- Current use(s): single-family dwelling serving a professional office use;
- Located on Edgemoor Lane at the corner of Woodmont Avenue;
- 0.20 acres or 8,659 gross square feet of tract area zoned CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: Edgemoor 48, LLC c/o Acumen Companies;
- Acceptance date: November 2, 2020.



### Summary

- Staff recommends approval of the Site Plan, with conditions.
- In 2020, the Planning Board approved Sketch Plan 320200020 and Preliminary Plan 120200070 to create 1 lot for a residential project of up to 92,000 square feet.
- The Project includes an allocation of Bethesda Overlay Zone density of up to 67,353 square feet. Based on this amount of BOZ density, the corresponding future Park Impact Payment is estimated to be \$746,272. For one additional public benefit point, this payment will be increased by \$7,463 (1%), to \$753,735.
- The proposal will redevelop the site with a residential building and will include the following public benefits: a park impact payment, minimum parking, structured parking, exceptional design, architectural elevations, public art, building lot terminations, a cool roof, and a recycling facility plan.
- The Applicant will satisfy the Project's 15% MPDU requirement by making an Alternative Payment Agreement into the County's Housing Initiative Fund or other mechanism approved by DHCA, in accordance with Chapter 25A of the County Code.
- The Applicant received one 30-day extension from the Planning Director, extending the 120-day review period from March 2, 2021 to April 1, 2021. This extension was in accordance with Section 59.7.3.4.C of the Zoning Ordinance, regarding the Site Plan hearing date.
- Staff has received correspondence raising concerns about architecture and site design, transportation, and parking. Each of these concerns have been addressed in the staff report.

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## SECTION 1: RECOMMENDATION AND CONDITIONS

### Site Plan No. 820210040

Staff recommends approval of Site Plan No. 820210040. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320200020 and Preliminary Plan No. 120200070. The Project density includes an allocation of up to 67,353 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. Density

The Site Plan is limited to a maximum of 89,000 square feet of residential development on the Subject Property, for up to 76 dwelling units, including 15% MPDUs.

2. Height

The development is limited to a maximum height of 119 feet, as measured from the building height measuring point, illustrated on the Certified Site Plan.

3. Bethesda Overlay Zone Density

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

4. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide a minimum of 15 percent MPDUs, or a Department of Housing and Community Affairs (DHCA) approved equivalent, consistent with the requirements of Chapter 25A.
- b. Before issuance of any building permit for any residential unit, an MPDU agreement between the Applicant and DHCA that satisfies the requirements of Chapter 25A must be executed.

5. Public Benefits

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

a. Major Public Facilities

- i. Park Impact Payment (PIP) – the Applicant must increase the Project’s PIP, \$746,272, by 1%, (\$7,463) to a total PIP of \$753,735, for one public benefit point. The final PIP payment will be determined in accordance with Site Plan Condition 3.b.

b. Connectivity between Uses, Activities, and Mobility Options

- i. Minimum Parking – The Applicant must provide no more than 65 parking spaces.

c. Quality Building and Site Design

- i. Architectural Elevations – The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan, as determined by Staff.

- ii. Exceptional Design – 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 Staff.
  - iii. Public Art – The Planning Board has reviewed and accepts the recommendations of the Art Review Panel as described in its memorandum dated February 8, 2021 and incorporates them as conditions of approval. The Applicant must provide for and install the public art, “Macaw 2,” designed by artist Jeff Huntington, as presented to the Planning Board’s Art Review Panel on January 13, 2021 and illustrated in the Certified Site Plan. Any significant changes to the concept must be presented to the Art Review Panel and approved by M-NCPPC Staff and significant changes to the concept may require a Site Plan Amendment.
  - iv. Structured Parking – The Applicant must provide all parking spaces within the structured parking garage.
- d. Protection and Enhancement of the Natural Environment
  - i. Building Lot Termination – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.1880 BLTs to MCDPS.
  - ii. Cool Roof – The Applicant must install a cool roof having a minimum solar reflectance index (SRI) of 75 on all roof areas not covered by green roof or mechanical equipment, as shown on the Certified Site Plan.
  - iii. Recycling Facility Plan – The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Environmental Protection (“MCDEP”), Waste Reduction and Recycling Section in its memorandum dated March 8, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the MCDEP – Waste Reduction and Recycling Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

#### 6. Recreation Facilities

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

#### 7. Public Amenities

- a. Prior to the issuance of the final use and occupancy certificate, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property’s frontage on Edgemoor Lane and Woodmont Avenue, consistent with the 2020 Bethesda Downtown Streetscape Standards.
- b. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to streetscape improvements.

### Site Plan

#### 8. Landscaping

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

#### 9. Lighting

- a. Prior to Certified Site Plan approval, 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 or BUG-equivalent fixtures.
  - c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
  - d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
  - e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
  - f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
10. 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 December 24, 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**

### **11. Noise Attenuation**

- a. Prior to Certification of the Site Plan, the Applicant must provide certification to M-NCPPC Staff, from an engineer who specializes in acoustical treatments, that noise levels will be attenuated to no more than 65 dBA Ldn in areas of common and individual outdoor activity. The location and details for any necessary noise mitigation techniques must be approved by Staff.
- b. The Applicant must provide a signed commitment to construct the units in accordance with the noise mitigation design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. If the Site 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. Noise impacted units must be identified on the Site Plan and the certification must be based on the testing of at least five representative residential units.

### **12. Green Cover**

- a. The Applicant must provide a Green Cover exhibit prior to Certified Site Plan showing compliance with the Bethesda Downtown Sector Plan Green Cover requirement. The Project must provide a minimum of 35% of Green Cover on the Site comprised of intensive green roof, plantings and/or planter boxes, as shown on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of eight inches or Staff approved equivalent.

### **13. Tree Save Plan (TSP)**

- a. The Applicant must provide a Tree Save Plan with the Certified Site Plan.

- b. As required by Chapter 22A-6(b), the Tree Save Plan must show mitigation planting consisting of two 4-inch caliper shade trees to be planted as shown on the TSP or as approved by Staff. The mitigation plantings must be installed prior to the issuance of final use and occupancy permit.
- c. The Applicant must schedule the required site inspections by M-NCPPC Inspection Staff per section 22A.00.01.10 of the Forest Conservation Regulations.

## **Transportation**

### **14. 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 towards the Sector Plan goal of 55 percent Non-Auto Driver Mode Share (NADMS).

### **15. Pedestrian & Bicycle Circulation**

- a. The Applicant must provide 38 long-term and 4 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room on the ground floor, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's frontage and in a location convenient to the main residential entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must provide:
  - i. 9-foot wide sidewalks with 6-foot planting/ furnishing panels along Woodmont Avenue, and
  - ii. 10-foot sidewalks and 6-foot planting/ furnishing panels along Edgemoor Lane.

### **16. Department of Permitting Services-Right-of-Way**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memorandum dated January 22, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by the DPS-ROW Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

### **17. Stormwater Management**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its Site Development Stormwater Management Plan letter dated January 7, 2021 and hereby 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 the MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

### **18. 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.

### **19. 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, storm drainage facilities, street trees and street lights. 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.

## 20. 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. Include all applicable agency approval letters, development program, and the Site Plan resolution and other applicable resolution(s) on the cover sheets;
- b. Include the Loading Management Plan as reviewed and approved with the following adjustment: Trash collection, routine deliveries, and resident move-in/ move-out will be scheduled to occur outside peak travel periods (i.e. weekends; Monday – Friday, between 9:30 AM and 4:00 PM, and after 7:00 PM) to minimize disruption on Woodmont Avenue.
- c. The Certified Site Plan must contain site details for the Public Art that clearly indicate the overall dimensions, prescribed materials, and any lighting fixtures.
- d. The Certified Site Plan must contain notes describing the Bird-Safe design principles to be incorporated into the building architecture.
- e. Show the trash and recycling receptacles along the Site frontage in accordance with the Bethesda Streetscape Standards.
- f. Revise short-term bicycle parking racks to conform with Montgomery County Bicycle Design Guidelines.
- g. 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;”
- h. Ensure consistency of all details and layout between Site and Landscape plans.



## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

#### *Subject Property*

The subject site (Subject Property or Property) consists of a single property, located at 4824 Edgemoor Lane, in the Arlington North District of the Bethesda Downtown area. The Property is comprised of 0.20 acres or 8,659 gross square feet of tract area. As a result of Preliminary Plan No. 120200070, the Site was subdivided into 1 lot, comprised of approximately 7,700 square feet of Site Area.



Figure 1 – Vicinity Map

The Property is within the area encompassed by the 2017 *Bethesda Downtown Sector Plan* (Sector Plan). The Property is located within a  $\frac{1}{4}$  mile of the Bethesda Metro Station and falls within the area identified for future expansion of the Bethesda Parking Lot District (PLD); however, the Site is not currently within the PLD.

#### *Site Analysis*

The Property is zoned CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone and is currently improved with a detached house serving as a professional office use that will be removed from the Site to accommodate the Project. The Site is within the Edgemoor subdivision and was consolidated into a single lot as part of Preliminary Plan No. 120200070. There are no known rare, threatened, or endangered species on-site; there are no 100-year floodplains, stream buffers, or wetlands on-site. There are no known historic properties on-site.





*Figure 2 – Site Aerial*

#### *Surrounding Uses*

The Property is surrounded by a mix of residential and non-residential uses. Abutting the Property to the south is the 13-story Chase Condominium; abutting the western side of the Site is the Chase's one-story parking entrance and pool. Further west along Edgemoor Lane, are the Villages of Bethesda townhomes. On the north side of Edgemoor Lane, from the west, is the recently approved and under construction ZOM Bethesda project (Site Plan No. 820180120), existing Edgemont at Bethesda I apartment building, and recently approved and under construction Edgemont at Bethesda II apartment building (Site Plan No. 82018017A). To the east, across Woodmont Avenue is the Metropolitan (a 14-story multi-family residential building) and Public Parking Garage No. 49. The Site's relationship with the adjacent Chase Condominium is illustrated in Figures 3 and 4, below.





Figure 3 – Edgemoor Lane Frontage  
(Looking South)

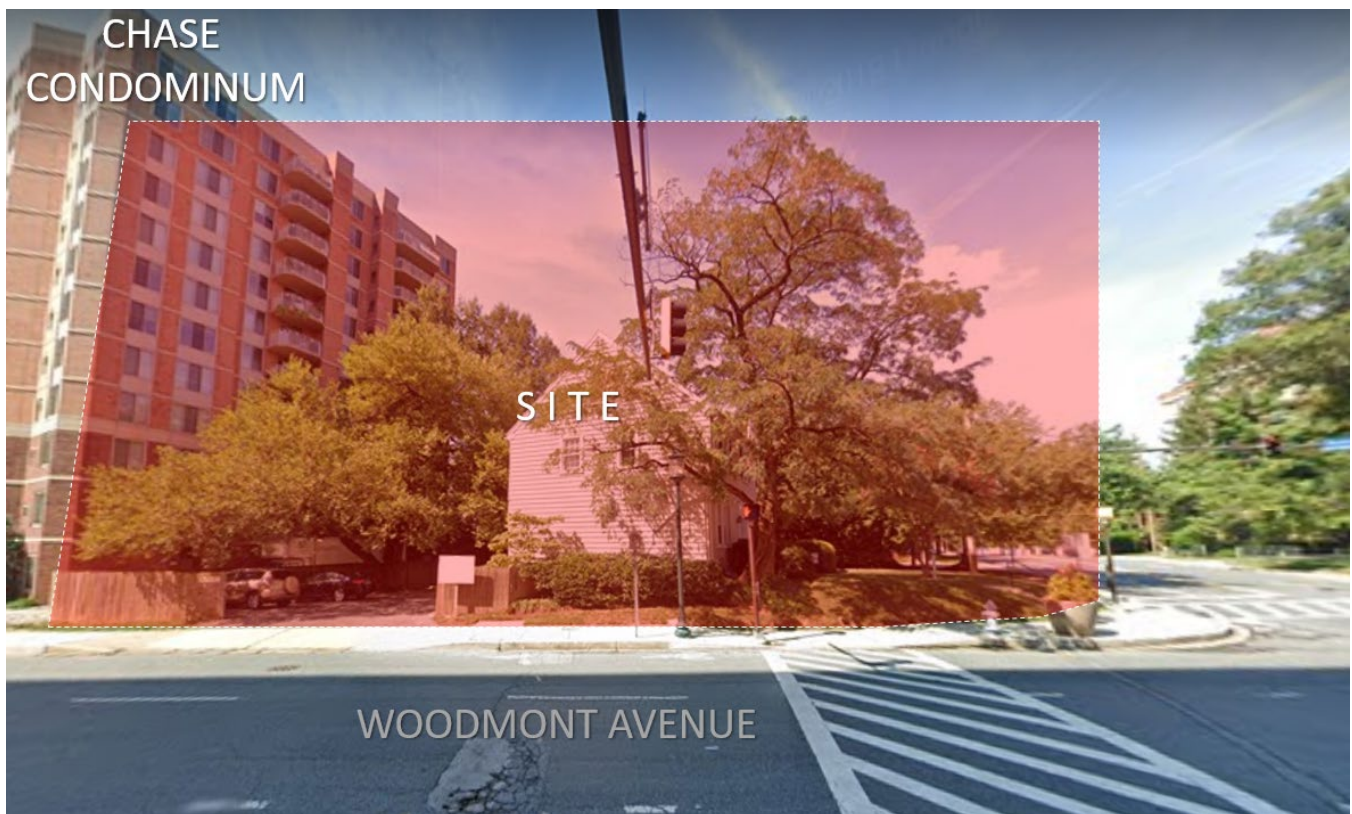


Figure 4 – Woodmont Avenue Frontage  
(Looking West)



### SECTION 3: PROJECT DESCRIPTION

#### Previous Approvals

On May 14, 2020, the Planning Board approved Sketch Plan No. 320200020 (MCPB Corrected Resolution No. 20-019) and Preliminary Plan No. 120200070 (MCPB Corrected Resolution No. 20-018) for the creation of one (1) lot for up to 92,000 square feet of residential uses (up to 77 multifamily dwelling units) and a future Bethesda Overlay Zone (BOZ) density allocation of up to 70,353 square feet.

#### Proposal

The Project, as proposed through Site Plan Application No. 820210040, represents a refinement of the Project density approved through the Sketch Plan No. 320200020 and Preliminary Plan No. 120200070. The Project will provide a residential building with a maximum density of up to 89,000 square feet of development, utilizing 21,647 square feet of Mapped Density (2.5 FAR<sup>1</sup>) and 67,353 square feet of BOZ density, in a building up to 119 feet in height.

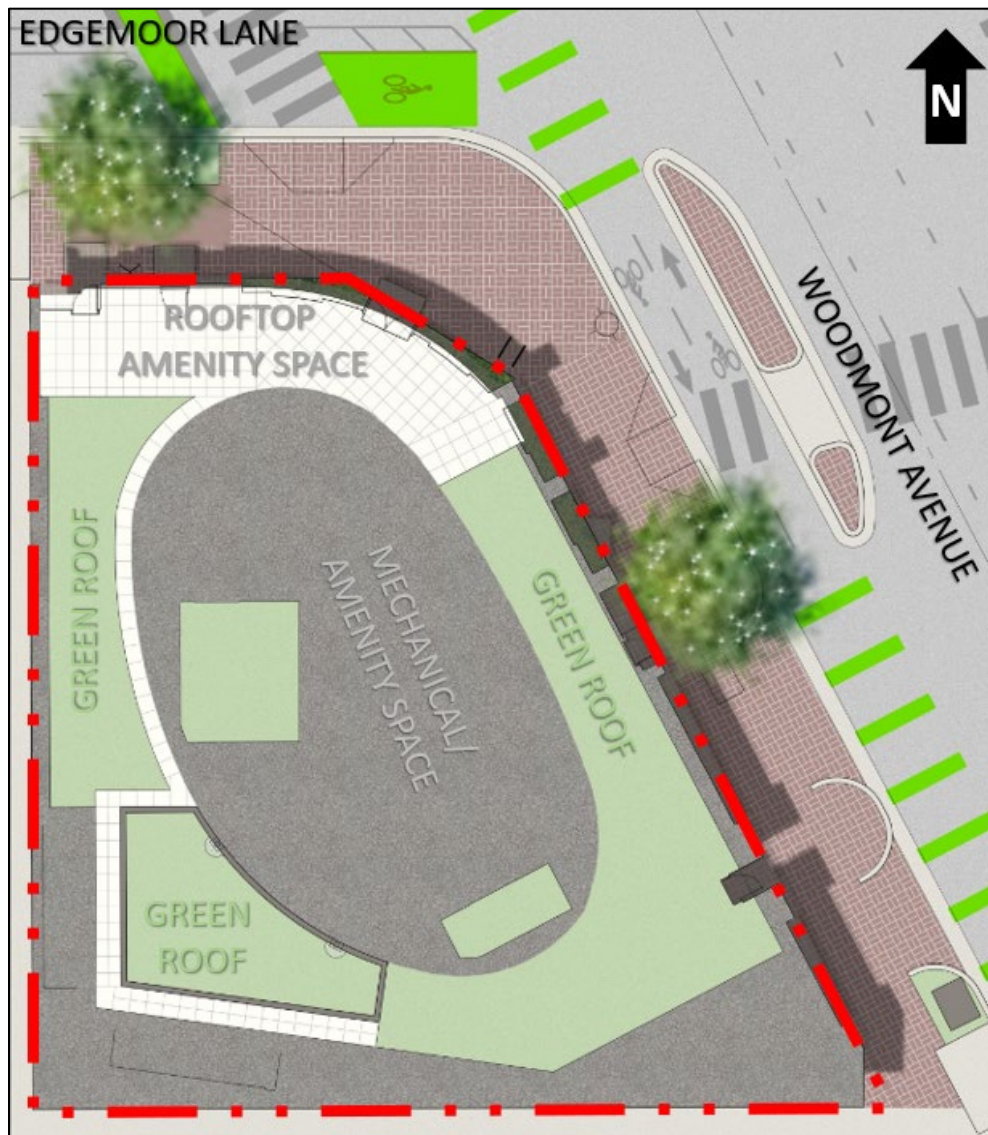


Figure 5 – Illustrative Site Plan

<sup>1</sup> The Project maximizes the use of the 2.5 FAR mapped density on the site.

### Building Design

The proposed building occupies the entire southwest corner of the intersection of Edgemoor Lane and Woodmont Avenue. The building's main pedestrian entrance is proposed at that intersection and the vehicular entrance is proposed on Woodmont Avenue at the southern corner of the Site. As stated in the Applicant's Exceptional Design Narrative:

The 4824 Edgemoor Lane project proposes a modern residential building in downtown Bethesda. The 12-story project is composed of a wrapped façade that turns the corner of Edgemoor Lane and Woodmont Avenue, acting as a transition from the neighborhood to the urban core. The building is grounded by a continuous base that wraps around the entire building and relates to the neighborhood scale. The architectural concept includes inoperable windows along the property line to enhance the party wall elevation along the western façade and reinforce the reading of the project as a four-sided building. This contemporary building design will soon become a quiet contributor to the existing urban condition.

The building's Woodmont Avenue and Edgemoor Lane façades will enhance the Woodmont Avenue streetscape through the use of balconies<sup>1</sup> projecting from the building and increasing interaction between the building and the street.



Figure 6 – Northern and Eastern Façades  
(looking southwest)

<sup>1</sup> The use of upper floor balconies projecting into the right-of-way was endorsed by the Montgomery County Department of Permitting Services via email on December 8, 2020 in accordance with Section 3202.3.2 of the International Building Code. The Balconies must be at least 8-feet above the ROW grade and for every 1-inch above the minimum 8-feet above the ROW, the balcony may extend 1-inch into the ROW. Maximum encroachment into the ROW is 4-feet.



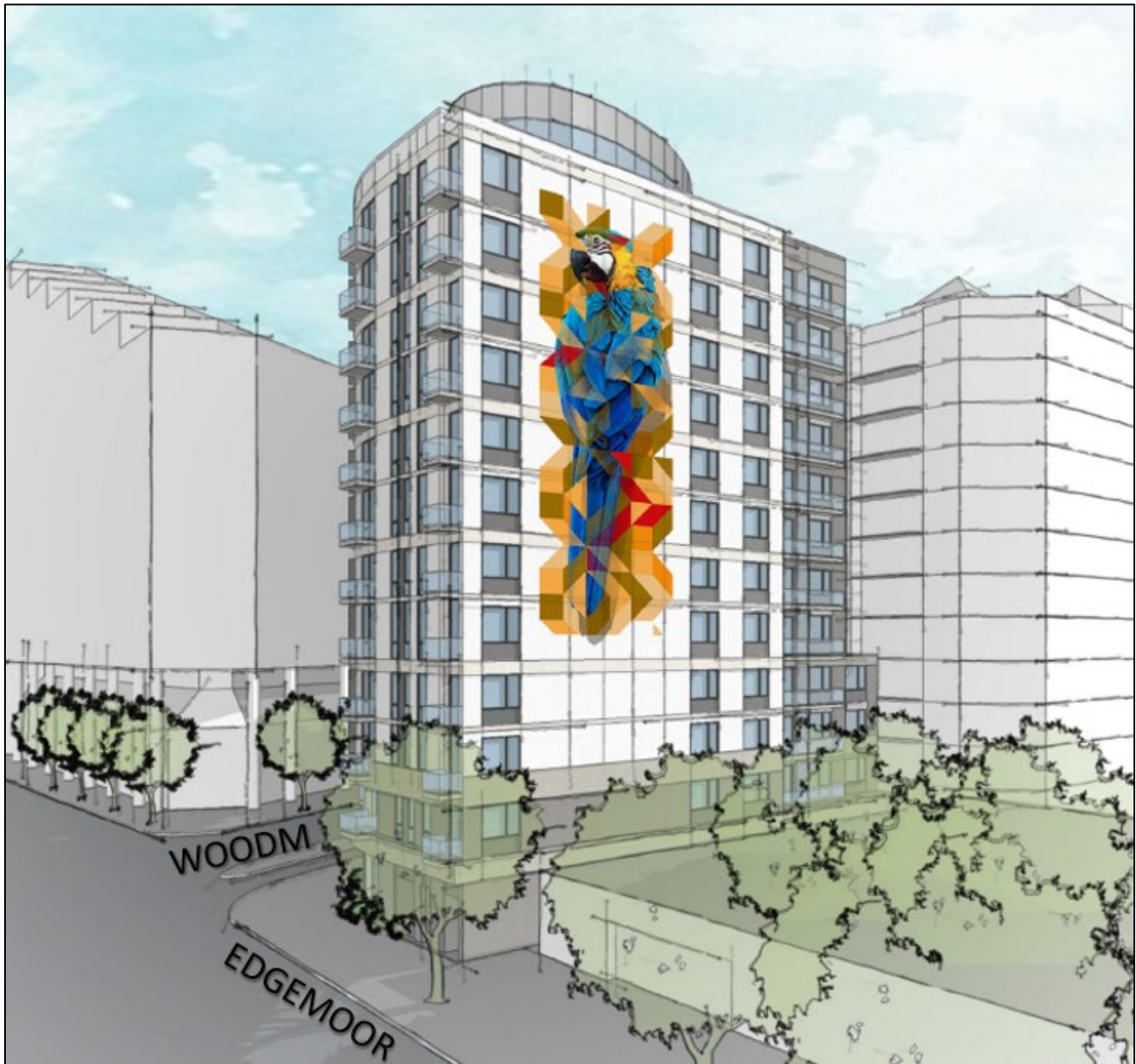


Figure 7 –Western Façade  
(looking southeast)

Since the Sketch Plan approval, the Applicant has worked with the Design Advisory Panel to refine the building's southern façade along the Chase Condominium property line and satisfy Sketch Plan Condition No. 4, which stated:

4. Bethesda Downtown Plan Design Guidelines

*At the time of Site Plan submission, the Applicant must explore methods to increase the tower separation, along the south façade, to the existing Chase Condominium building. Above the base (i.e., four stories) the Applicant must endeavor to achieve a minimum separation of 30 feet and an average separation of 40 feet, consistent with the DAP's February 26, 2020 meeting minutes.*

The architecture now reflects a façade with chamfered corners and an upper-floor step-back that mitigates the building's impact on the Chase Condominium building, to the south, and creates visual interest. As proposed, the Project satisfies the design requirements set forth as part of the Sketch Plan approval. Visual representations of the upper-floor step-back along the southern façade are shown in Figures 8 and 9.

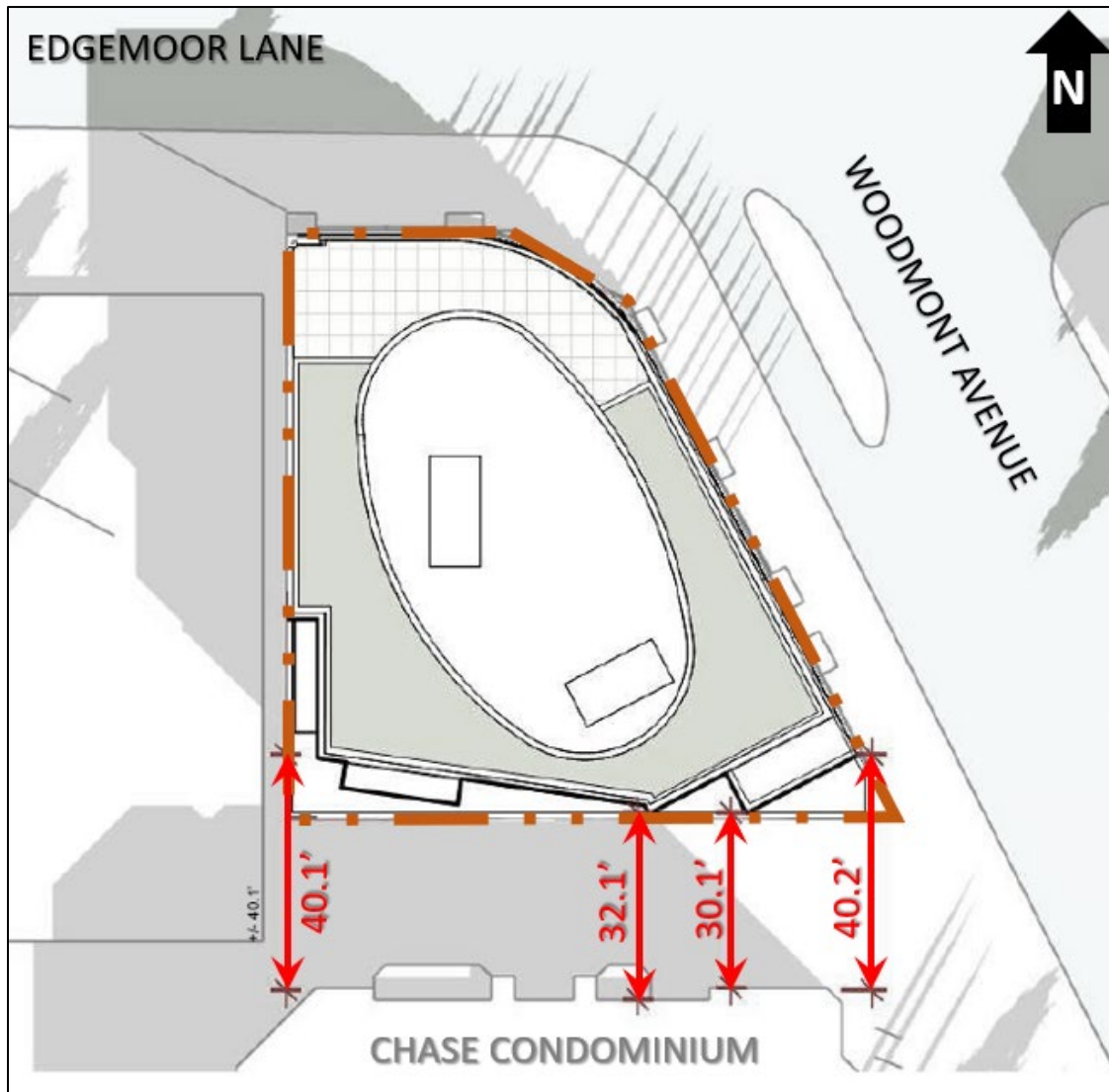


Figure 8 – Southern and Eastern Façades  
(looking northwest)

The Bethesda Downtown Plan Design Guidelines specifically exclude projects such as this one from the tower separation requirement because the proposed building is under the 120-foot threshold and because the Site has limited size, width, and depth (Guidelines, p. 74). Furthermore, the Guidelines recognize that tower separation is one possible approach to reducing the perceived bulk of a building and should be considered among other approaches set forth in Section 2.4.8. of the Design Guidelines (“Tower: Menu of Methods to Reduce Bulk”).

As proposed, the building satisfies the Design Guidelines through the alternative treatment provisions of Section 2.4.6, “Tower: Separation Distance,” and Section 2.4.8, “Tower: Menu of Methods to Reduce Bulk,” by providing varied geometry in the building’s upper floors to increase the perception of tower separation (Guidelines, p. 76).

During their June 24, 2020 meeting, the Design Advisory Panel (DAP) endorsed the architect's revised approach to design of the southern façade and determined that the Applicant's revised architecture met the intent of the Design Guidelines and satisfied the direction provided by the DAP at the time of Sketch Plan. As a result, the DAP voted to support the project and declined to review the building design again. Additional details for the architectural concept and context of the DAP's discussion are included in the June 24, 2020 DAP meeting summary (Attachment B).



*Figure 9 – Southern Façade Upper Floor Step-back  
(Average Separation 35.05')*

#### Public Art

The Project includes a mural on the building's western façade (Figure 7) measuring approximately 33 feet wide by 90 feet tall (approximately 2,970 square feet). The Applicant presented the Project's art piece, a mural by Jeff Huntington called "Macaw 2," to the Art Review Panel as part of the Panel's July 8, 2020 and January 13, 2021 meetings. Additional information on the Project's Public Art and the Art Review Panel discussion is provided in Attachment D. The Art Preview Panel endorsed the Applicant's request for 12 public benefit points and Staff supports the Applicant's request.



### Open Space

As a Site within the CR Zone with a Site Area less than 0.50 acres (7,700 sf; 0.18 ac) and two right-of-way frontages, the Applicant is not required to provide any public open space.

### Environment

The Subject Property is located within the Willett Branch watershed, which is a tributary to Little Falls Branch Stream, a Use I-P watershed. The Site does not contain any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes. An existing specimen tree, a 30" Black Locust, is located on the Property line of the site to the north east.

### *Forest Conservation*

This Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2). Forest Conservation Exemption 42020018E was confirmed for the Subject Property on August 26, 2019. The Project meets the particular requirements of the exemption because the proposed activity occurs on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and will not result in reforestation requirements more than 10,000 square feet.

Although this Application qualifies for a Forest Conservation Exemption under 22A-5(s)(2), the proposed removal of one specimen tree on-site triggers the requirement for a Tree Save Plan under Section 22A-6(b) of the Forest Conservation Law. The removal of the specimen tree, a 30" diameter at breast height (DBH) Black Locust, will be mitigated with the planting of two 4" caliper canopy trees. Staff supports the mitigation plantings as shown on the Tree Save Plan provided with the Site Plan application.

### *Green Cover*

The Subject Property consists of a site area of 7,700 square feet which results in a green cover requirement, per Section 2.4.1(B) of the *Bethesda Downtown Sector Plan*, of at least 2,695 square feet (35% of site area). This requirement may be met through green roof, native canopy cover, or a combination thereof. The Green Cover Exhibit provided with this Application shows that the Applicant has proposed 2,716 square feet of 8" depth green roof, which exceeds the Sector Plan recommendations for green roof depth. Staff supports the green cover exhibit as currently proposed and conditioned in this Staff Report.

### *Noise*

The Subject Application provides residential units fronting on an arterial roadway and is therefore subject to the noise regulations associated with residential development. To address development standards regarding noise mitigation, the Applicant coordinated with Phoenix Noise & Vibration, LLC, an engineer specializing in acoustics. The analysis shows that noise levels upon the proposed building facades and within the roof terrace are appropriately mitigated by the existing topography, surrounding buildings, and the future building structure itself.

Phoenix Noise & Vibration, LLC further states that of the 76 proposed living units within the building, 55 will be exposed to future roadway noise levels above 65 dBA Ldn. This includes units located on levels 2-12 of the north and east building elevations, which face Edgemoor Lane and Woodmont Avenue, respectively. Phoenix also notes that a maximum noise impact of 69 dBA Ldn is expected upon lower level units facing Woodmont Avenue. These units require further analysis to determine whether the proposed building architecture will be capable of maintaining interior noise levels below 45 dBA Ldn. If necessary, interior noise levels can be maintained below 45 dBA Ldn by increasing the STC ratings of the exterior building components such as windows and doors. As conditioned in this Staff Report, this future analysis will be conducted on-site in coordination with the M-NCPPC Inspector. The remaining residential units will not be exposed to significant transportation noise levels and do not require mitigation as currently proposed.

As conditioned, the Project will adequately mitigate interior and exterior noise for the proposed residential units.

#### *Stormwater Management (SWM)*

MCDPS Stormwater Management Section approved the Site Development Stormwater Management Plan on January 7, 2021 (Attachment C). Per the approval letter, the Project meets stormwater management requirements via Environmental Site Design to the Maximum Extent Practicable (“ESD to the MEP”) via the use of green roof and a partial quantity waiver.

#### Transportation

##### *Access and Circulation*

Pedestrian access to the Site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Bethesda Streetscape Standards. As conditioned through Preliminary Plan No. 120200070, the Applicant will contribute \$33,000 toward the master-planned separated bike lanes along Edgemoor Lane and Woodmont Avenue.

Vehicular access to the Site will occur via a consolidated curb cut on Woodmont Avenue on the southeastern corner of the Site. This access configuration is appropriate given the Site’s limited frontage on Edgemoor Lane and proximity to both the existing Chase garage entrance and Woodmont Avenue intersection along that street. The consolidated curb cut on Woodmont Avenue limits interruption of the pedestrian and bicycle routes and promotes the County’s Vision Zero policy.

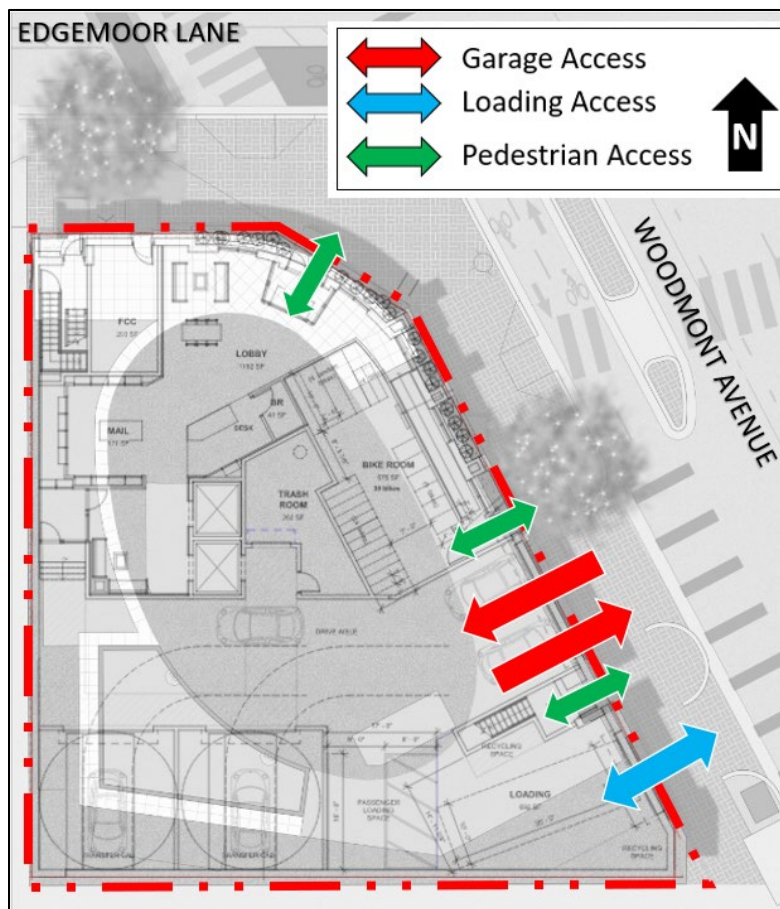


Figure 10 – Pedestrian and Vehicular Circulation

### *Automated Parking Garage*

Due to the constrained nature of the Site, the garage will not have a conventional circulation pattern and will instead be served by an automated garage system with two elevator carriages that will convey cars between the ground level and subterranean garage. This configuration eliminates garage inefficiencies dedicated to drive aisle and ramps and improves parking operations on the constrained Site.

During the morning and evening peak hours, when the majority of the trips are in the same direction, both elevators will serve vehicles in the peak direction. For queuing purposes, the interior of the parking garage at-grade can accommodate four returning vehicles plus one vehicle in each of the two elevators. In order to ensure that residents are ready to receive their cars when their car arrives from the elevator system, residents will not be able to call for their cars from their units but instead will call from the lobby area near the elevators. The Applicant proposes a television in the lobby showing the vehicle elevators and the queue.

### *Loading and Curbside Management*

As a multi-unit residential project with more than 50 units, the Project proposes an on-site loading facility within the building. As described previously, the loading space is accessed from the consolidated curb cut along the southeastern portion of the Site. The loading space is designed to accommodate SU-30 vehicles and will be used for deliveries, trash collection and by residents moving in and out of the building. The Applicant will be subject to a loading management plan that minimizes disruptions to Woodmont Avenue during peak travel periods<sup>1</sup>. Key elements of the loading management plan include the following:

1. The loading space will be accessed by a roll-up exterior door which will be open at times of use only and will remain closed at all other times.
2. Trash collection and routine deliveries will occur outside peak travel periods on Monday-Friday, 9:30 AM to 4:00 PM.
3. Carriers will be given a fob that provides access to the loading area only (and not to the front door to the lobby) to discourage queuing on Woodmont Avenue.
4. The management company will oversee loading, trash collection and deliveries. A staff person will be present on-site to manage the loading area when activities are scheduled and can be requested to be on-site by residents or carriers when necessary.
5. The management company will coordinate the scheduling of deliveries to avoid exceeding the loading area's capacity. In the event that an unscheduled delivery arrives when the loading dock is at capacity, signage will be posted instructing drivers on Woodmont Avenue to return later so as not to compromise safety or impede street or intersection function. Signage will be posted in the loading dock notifying users that truck idling is restricted on Woodmont Avenue.
6. The management company will direct residents to utilize the loading area for ride-sharing pick-ups and drop-offs.

In response to the limited street frontage available for conventional pick-up and drop-off operations along the curb, the building will provide a short-term pick-up and drop-off area within the ground floor of the building's parking garage. This short-term pick-up and drop-off area will be conveniently located less than fifty feet from the lobby entrance to the parking garage. The space is designed to accommodate wheelchair accessible vans as well as Sprinter delivery vehicles (base, XL, and extended models). While the doors to the garage and loading area will be closed when not in use, they will automatically open upon the approach of a vehicle in order to allow unhindered access to the loading area and garage.

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<sup>1</sup> As conditioned, the Loading Management Plan will be finalized to reflect the conditions of approval in the staff report and will be included with Certified Site Plan submittal.

In addition to the internal short-term pick-up and drop-off area discussed above, Planning staff coordinated with MCDOT to identify a common curbside loading area on the north side of Edgemoor Lane (Figure 11). This common on-street loading space would help accommodate short-term loading and delivery operations for all buildings within the vicinity once the two-way separated bicycle lanes are installed on Woodmont Avenue and Edgemoor Lane. Final determination of the common loading area will be made by the Department of Transportation and Department of Permitting Services at the time the Signing and Marking Plan is approved, though MCDOT has endorsed the common loading space concept at this time (Attachment C).

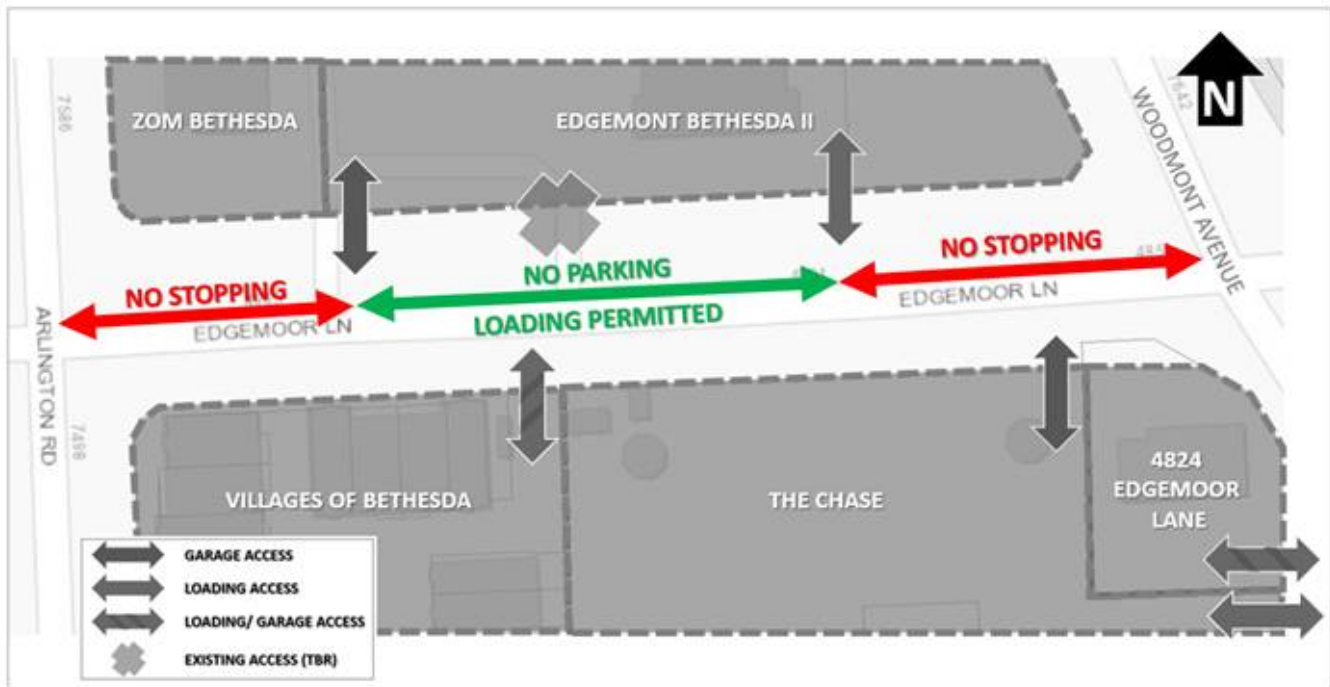


Figure 11 – Common Loading Zone

#### Transit Connectivity

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located across Woodmont Avenue from the Site), Metrobus, RideOn, the Bethesda Circulator and future Purple Line.

#### Separated Bicycle Lanes

The sector-planned two-way separated bicycle lanes on the south side of Edgemoor Lane and the west side of Woodmont Avenue (the Subject Property frontages) is proposed pursuant to the latest design available from the Montgomery County Department of Transportation. The design of these bicycle lanes may be changed by MCDOT as that agency's project progresses, however, the current design satisfies the master plan requirement and, as conditioned through Preliminary Plan No. 120200070, the Applicant will participate in the implementation of the bicycle lanes.

## SECTION 4: SITE PLAN ANALYSIS AND FINDINGS

### ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
  - a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all binding elements of Sketch Plan No. 320200020 and Preliminary Plan No. 120200070.

- 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 0.20 acres or 8,659 gross square feet, zoned CR 2.5 C 0.5 R 2.5 H120' and is within Bethesda Overlay Zone. The following Data Table shows the Application's conformance to the development standards of the zone.

**Table 1: Site Plan Data Table**

<b>Section 59.4</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
	<b>Tract Area</b> CR 2.5 C 0.5 R 2.5 H120	n/a	<b>8,659 sf (0.20 ac)</b>
	Prior Dedication Proposed Dedication	n/a	653 sf (0.015 ac) 306 sf (0.007 ac)
	<b>Site Area</b>		<b>7,700 sf (0.18 ac)</b>
	<b>Residential Density (GFA/ FAR)<sup>1</sup></b> CR 2.5 C 0.5 R 2.5 H120 Maximum Dwelling Units Maximum Square Footage	n/a 21,647 sf (2.5)	Up to 76 Dwelling Units 89,000 sf (10.28 FAR) (21,647 SF Mapped Density)
	<b>MPDU Density</b>	15%	15% <sup>2</sup>
	<b>Commercial Density (GFA/ FAR)<sup>1</sup></b> CR 2.5 C 0.5 R 2.5 H120	4,329 sf (0.5)	0 (0.00 FAR)
	<b>Bethesda Overlay Zone Density</b>	n/a	67,353 (7.78 Total Tract FAR)
	<b>Total Maximum GFA/ FAR<sup>1</sup></b>	21,647 sf (2.5)	89,000 sf (10.28 FAR)
	<b>Building Height (max)</b>	120 feet	119 feet
	<b>Public Open Space (min)</b>	0%	0%
	<b>Green Cover</b>	35%	35% (2,695 sf)
	<b>Minimum Setbacks</b>	0	0
<b>Section 59.6.2</b>	<b>Parking<sup>3</sup></b>	<b>Permitted/ Required</b>	<b>Proposed</b>
	Vehicle Parking 1 Bedroom (57 units) 2 Bedroom (19 units) Total (76 units) <b>Vehicle Parking Total</b>	46 minimum/ 71 maximum 15 minimum/ 29 maximum -- <b>61 minimum/ 100 maximum</b>	-- -- -- <b>65</b>
	Bicycle Parking (Long Term/ Short Term)	(37/1) 38	(38/4) 42
	Loading Spaces	1	1

<sup>1</sup> Density must not exceed maximum approval.

<sup>2</sup> The development must provide 15 percent Moderately Priced Dwelling Units (MPDUs), which may include an Alternative Payment Agreement into the County's Housing Initiative Fund or other mechanism approved by DHCA, in accordance with Chapter 25A of the County Code.

<sup>3</sup> Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units. Parking calculations account for 20% Bethesda Overlay Zone parking reduction in accordance with Section 59.4.9.2.C.6.

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. To qualify for BOZ density per Section 59.4.9.2.C.2.ii of the Zoning Ordinance, the Project must use all gross floor area allowed by the mapped CR FAR. The Subject Property is zoned CR 2.5 C 0.5 R 2.5 H120, which permits up to 21,647 square feet of total mapped density, comprised of any combination of up to 4,329 square feet of commercial density and up to 21,647 square feet of residential density. Since the Project proposes to maximize the total mapped density of 21,647 square feet and incorporates an additional 67,353 square feet of Bethesda Overlay Zone density, this qualification has been met. The Applicant is subject to a park impact payment valued at \$11.08/ square foot based upon the density requested and facilitates acquisition of parkland in the downtown Bethesda area. Based on the requested 67,353 square feet of BOZ density, the Applicant is required to make a Park Impact Payment of \$746,272. The Applicant is increasing the PIP by 1% (\$7,463), for one public benefit point, to a total PIP of \$753,735. The amount of density allocated from the BOZ for the Subject Application is deducted from the 32.4 million cap.

#### Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including a residential lobby along Edgemoor Lane and Woodmont Avenue. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

#### *ii. Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the requirements: Major Public Facilities, Connectivity and Mobility, 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
<b>59.4.9.2.C.4.B.ii: Major Public Facilities</b>		
Park Impact Payment	40	1
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking <sup>1</sup>	20	9
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Architectural Elevations	30	25
Exceptional Design <sup>1</sup>	30	15
Public Art	20	12
Structured Parking	20	20
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
BLTs	30	1.69
Cool Roof	15	10
Recycling Facility Plan	10	10
<b>TOTAL</b>		<b>103</b>

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

#### Major Public Facilities

*Park Impact Payment:* The Applicant requests 1 point for increasing the required Park Impact Payment by 1% in accordance with Section 59.4.9.2.C.4.B.ii, which allows up to 30 points for projects exceeding the minimum required payment. Based on the Project's requested BOZ density allocation of 67,353 square feet and associated Park Impact Payment valued at \$11.08 per square foot, the resulting Park Impact Payment is \$746,272. The additional Park Impact Payment for public benefit points, \$7,463, exceeds the required payment by 1% and is therefore eligible for 1 public benefit point. As a result of the 1% increase in Park Impact Payment, the total PIP will be \$753,735.

$$\begin{aligned}
 &67,353 \text{ SF BOZ Density} * \$11.08 \text{ per SF} = \$746,272 \text{ PIP Payment} \\
 &\$746,272 \text{ Base PIP Payment} * 0.01 = \$7,463 \text{ Major Public Facilities PIP Payment} \\
 &\$746,272 \text{ Base PIP} + \$7,463 \text{ Major Public Facilities PIP} = \$753,735 \text{ Total PIP} \\
 &1\% \text{ increase in PIP Payment} = 1 \text{ Public Benefit Point}
 \end{aligned}$$

Staff supports the Applicant's request.

#### Connectivity and Mobility

*Minimum Parking:* The Applicant requests 9 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum number of spaces on site. The Applicant

is proposing between 62 and 65 parking spaces for 76 units<sup>1</sup> (final unit count to be determined with the Certified Site Plan)<sup>2</sup> and is therefore eligible for 9 benefit points.

$$\begin{aligned} & [((\text{Maximum Allowed Parking}) - (\text{Parking Provided})) / \\ & ((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))] * 10 \\ & (100 - 65) / (100 - 61) * 10 = 9 \text{ points} \end{aligned}$$

Staff supports the Applicant's request.

#### Quality of Building and Site Design

*Architectural Elevations:* The Applicant requests 25 points for adhering to architectural elevations, included in the certified site plan, showing particular elements in the façade including a minimum amount of transparency on the first floor, minimal spacing between operable doors, and design priorities of the applicable master plan or implementing design guidelines. Staff supports the Applicant's request.

*Exceptional Design:* The Applicant requested 15 points for exceptional design and that request was endorsed by the Design Advisory Panel during its June 24, 2020 meeting. As a site receiving an allocation of Bethesda Overlay Zone density, the Project is required to achieve at least 10 exceptional design points, as determined by the Design Advisory Panel.

The Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way; and integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

- **Provides innovative solutions to the immediate context;**

The Subject Property is located at a prominent corner within the immediate vicinity of the Bethesda Metro Station. As proposed, the Project places infill development on an underutilized site. In response to the Site constraints, the Project includes an innovative and space-saving automated parking garage. This automated garage allows for more transparency at the ground level than could be achieved by a convention garage with circulation ramps.

- **Creates a sense of place and serves as a landmark;**

The building will add a new presence in downtown Bethesda that will gracefully turn the corner between Edgemoor Lane and Woodmont Avenue and contribute to the fabric of Bethesda. Design elements, such as balconies roof terraces, and street-level planters will enhance the building's sense of place and help establish the building as a landmark on a prominent corner.

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<sup>1</sup> 76 multifamily dwelling units comprised of: 57 one-bedroom units and 19 two-bedroom units. Parking calculations require a minimum of 61 parking spaces and a maximum of 100 parking spaces.

<sup>2</sup> For the purposes of the Public Benefit Point calculations, Staff evaluated 65 on-site parking spaces would be provided with the Project.

- Enhances the public realm in a distinct and original manner;**  
 The building's continuous masonry base reinforces the street edge along both Edgemoor Lane and Woodmont Avenue. Planters and canopies along the façades provide visual interest and vegetation on a constrained site. Above the street level, the western façade includes a mural that will serve as a landmark and gateway for the western edge of downtown Bethesda and will include the public art associated with the Project, "Macaw 2."
- Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way;**  
 The Project responds to the unique and constrained nature of the Subject Property by proposing a fan-shaped building that accentuates the intersection of Edgemoor Lane and Woodmont Avenue on the northeast façade. Along the southern façade, the building employs a massing with chamfered corners and an upper-floor step-back to maximize light and air for the adjacent Chase Condominium and mitigate the building's proximity to the existing building.
- Integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.**  
 The building will incorporate low impact development methods, such as high-performance concrete panels and recycled plastic/ wood exterior panels. The automated parking system will reduce the amount of excavation required for the project, when compared to conventional below-grade garage designs, and the rooftop will include both vegetated and cool-roof elements.

The Applicant worked closely with the Design Advisory Panel as part of both the Sketch Plan and Site Plan processes. Of specific concern to DAP members throughout their review was the treatment of the building's southern façade and the methods employed to achieve compatibility with the adjacent Chase Condominium building. As a result of the Applicant's coordination with the DAP, the final building design reflects chamfered corners and an upper-floor step-back to maximize light and air for the adjacent Chase Condominium and mitigate the building's proximity to the existing building.

The DAP endorsed the Applicant's design and steps to mitigate impacts to the Chase Condominium during their June 24, 2020 meeting and recommended that the Project be awarded 15 exceptional design points (Attachment B). Staff supports the Applicant's request.

*Public Art:* The Applicant requests 12 points for providing a mural on the building's western façade measuring approximately 33 feet wide by 90 feet tall (approximately 2,970 square feet). The Applicant presented the Project's art piece, a mural by Jeff Huntington called "Macaw 2," to the Art Review Panel as part of the Panel's July 8, 2020 and January 13, 2021 meetings. Additional information on the Project's Public Art and the Art Review Panel discussion is provided in Attachment D. The Art Review Panel endorsed the Applicant's request for 12 public benefit points and Staff supports the Applicant's request.

*Structured Parking:* The Applicant requests 20 points for providing all parking within a below-grade parking structure.

$$[(\text{Above Grade Parking}) / (\text{Total Parking Provided}) * 10] +$$

$$[(\text{Below Grade Parking}) / (\text{Total Parking Provided}) * 20]$$

$$[(0/65)*10] + [(65/65)*20] = 20 \text{ points}$$

Staff supports the Applicant's request.

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 1 point for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance.

$$(((\text{Project Density} - \text{Standard Method Density}) * 7.5\%) / 31,500) * 9 =$$

$$(((89,000 \text{ sf}) - (10,000 \text{ sf})) * 7.5\%) / 31,500 * 9 =$$

$$5,925 \text{ sf} / 31,500 = 0.1880 \text{ BLTs} * 9 =$$

$$1.69 \text{ points}$$

Staff supports the Applicant's request.

*Cool Roof:* The Applicant requests 10 points for the provision of cool roof elements, including a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) or 75, on roof areas not covered by a green roof or mechanical equipment. Staff supports the Applicant's request.

*Recycling Facility Plan:* The Applicant requests 10 points for providing a recycling facility plan that exceeds the minimum requirements set forth in the Zoning Ordinance. In accordance with the approval memorandum from the Montgomery County Department of Environmental Protection (MCDEP) Waste Reduction and Recycling Section memorandum, dated March 8, 2021, the Applicant will provide recycling collection for food scraps, batteries, plastic (bags, film, and shrink wrap), and through the provision of a commercial paper shredder. Staff supports the Applicant's request for public benefit points based on MCDEP's approval memorandum.

#### *iii. Division 6.1. Site Access*

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. As conditioned through Preliminary Plan No. 120200070, the Applicant will contribute \$33,000 toward the master-planned separated bike lanes along Edgemoor Lane and Woodmont Avenue.

Vehicular access to the Site will occur via a consolidated curb cut on Woodmont Avenue on the southeastern corner of the Site. This access configuration is appropriate given the Site's limited frontage on Edgemoor Lane and proximity to both the existing Chase garage entrance and Woodmont Avenue intersection along that street. The consolidated curb cut on Woodmont Avenue limits interruption of the pedestrian and bicycle routes and promotes the County's Vision Zero policy.

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

Due to the constrained nature of the Site, the garage will not have a conventional circulation pattern and will instead be served by an automated garage system with two elevator carriages that will convey cars between the ground level and subterranean garage. This configuration eliminates garage inefficiencies dedicated to drive aisle and ramps and improves parking operations on the constrained Site.

During the morning and evening peak hours, when the majority of the trips are in the same direction, both elevators will serve vehicles in the peak direction. For queuing purposes, the interior of the parking garage at-grade can accommodate four returning vehicles plus one vehicle in each of the two elevators. In order to ensure that residents are ready to receive their cars when their car arrives from the elevator system, residents will not be able to call for their cars from their units but instead will call from the lobby area near the elevators. The Applicant proposes a television in the lobby showing the vehicle elevators and the queue.

Loading and Curbside Management

As a multi-unit residential project with more than 50 units, the Project proposes an on-site loading facility within the building. As described previously, the loading space is accessed from the consolidated curb cut along the southeastern portion of the Site. The loading space is designed to accommodate SU-30 vehicles and will be used for deliveries, trash collection and by residents moving in and out of the building. The Applicant will be subject to a loading management plan that minimizes disruptions to Woodmont Avenue during peak travel periods. Key elements of the loading management plan include the following:

1. The loading space will be accessed by a roll-up exterior door which will be open at times of use only and will remain closed at all other times.
2. Trash collection and routine deliveries will occur outside peak travel periods on Monday-Friday, 9:30 AM to 4:00 PM.
3. Carriers will be given a fob that provides access to the loading area only (and not to the front door to the lobby) to discourage queuing on Woodmont Avenue.
4. The management company will oversee loading, trash collection and deliveries. A staff person will be present on-site to manage the loading area when activities are scheduled and can be requested to be on-site by residents or carriers when necessary.
5. The management company will coordinate the scheduling of deliveries to avoid exceeding the loading area's capacity. In the event that an unscheduled delivery arrives when the loading dock is at capacity, signage will be posted instructing drivers on Woodmont Avenue to return later so as not to compromise safety or impede street or intersection function. Signage will be posted in the loading dock notifying users that truck idling is restricted on Woodmont Avenue.
6. The management company will direct residents to utilize the loading area for ride-sharing pick-ups and drop-offs.

In response to the limited street frontage available for conventional pick-up and drop-off operations along the curb, the building will provide a short-term pick-up and drop-off area within the ground floor of the building's parking garage. This short-term pick-up and drop-off area will be conveniently located less than fifty feet from the lobby entrance to the parking garage. The space is designed to accommodate wheelchair accessible vans as well as Sprinter delivery vehicles (base, XL, and extended models). While the doors to the garage and loading

area will be closed when not in use, they will automatically open upon the approach of a vehicle in order to allow unhindered access to the loading area and garage.

In addition to the internal short-term pick-up and drop-off area, discussed above, Planning Staff coordinated with MCDOT to identify a common curbside loading area on the north side of Edgemoor Lane. This common on-street loading space would help accommodate short-term loading and delivery operations for all buildings within the vicinity once the two-way separated bicycle lanes are installed on Woodmont Avenue and Edgemoor Lane. Final determination of the common loading area will be made by the Department of Transportation and Department of Permitting Services at the time the Signing and Marking Plan is approved, though MCDOT has endorsed the common loading space concept at this time.

v. *Division 6.3. Open Space and Recreation*

As a Site within the CR Zone with an area less than 0.50 acres (7,700 sf; 0.18 ac) and two right-of-way frontages, the Applicant is not required to provide any public open space.

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 both the Edgemoor Lane and Woodmont Avenue frontages with new street trees, wider sidewalks, and street lighting. 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 59.4.5 of the Zoning Ordinance, the optional method public benefits provisions of Section 59.4.7, and the general development requirements of Section 59.6.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

MCDPS Stormwater Management Section approved the Site Development Stormwater Management Plan on January 7, 2021. Per the approval letter, the Project meets stormwater management requirements via Environmental Site Design to the Maximum Extent Practicable ("ESD to the MEP") via the use of green roof and a partial quantity waiver.

ii. *Chapter 22A, Forest Conservation.*

The Application meets the requirements of Chapter 22A of the Montgomery County Code. A Forest Conservation Exemption request, designated Plan No. 42020018E, was confirmed on August 26, 2019. The Site is exempt from Article II of the Forest Conservation Law because the Project Site is less than 1 acre and the proposed development will not result in the clearing of more than a total of 20,000 square feet of existing forest, and will not result in reforestation requirements of more than 10,000 square feet.

As development proposes the removal of one specimen tree (a 30" DBH Black Locust), this Application is subject to the Tree Save Provision under Forest Conservation Law section 22A-6(b). The Applicant has provided a Tree Save Plan which shows mitigation for this removal in the form of two 4" caliper canopy trees. As conditioned, this Application satisfies all requirements of Chapter 22A, Forest Conservation.

- 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. Vehicular access to the Site will occur via Woodmont Avenue through a consolidated access point at the southeastern corner of the Site. This access point will feature an automated garage and space for a loading vehicle, and the Project will be further regulated through the use of a loading management plan to limit disruptions caused by loading operations. The building's main pedestrian entrance is proposed at the corner of Edgemoor Lane and Woodmont Avenue

The Project provides a safe and well-integrated building and site amenities. The Project presents as a 119-foot tall building along Edgemoor Lane and Woodmont Avenue and includes building massing and articulation elements endorsed by the Bethesda Design Advisory Panel to mitigate the building's impact on the adjacent Chase Condominium building, to the south, and create visual interest.

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

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

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

The Property is designated as Site 133 on page 145 of the Sector Plan. The Property is located in the area of the Sector Plan designated as the "Arlington North District," which is described as a transitional zone between the urban core and single-family neighborhoods to the west of the Sector Plan area. Specifically, the Project addresses the following goals as outlined in the Arlington Road District section of the Sector Plan:

- *Retain the residential scale along Arlington Road as a transition between the urban core and suburban neighborhoods.*

The Project is located in closer proximity to the downtown core of Bethesda than the lower scale residential uses on the west side of Arlington Road. The Site does not front on



Arlington Road and serves as the beginning of a gradual transition from the higher heights of the core to lower heights along Arlington Road, as recommended in the Sector Plan.

The Project will provide up to 76 residential dwelling units, with a maximum height of 119 feet. The Property serves as a transitional site between the more intensive uses of the CBD, across Woodmont Avenue, and more moderate densities along Edgemoor Lane to the west. In accordance with the Sector Plan, higher heights recommended within the Arlington North District are located along Woodmont Avenue. As conditioned, the Application complies with the Design Advisory Panel's recommendations to achieve compatibility with the adjacent Chase Condominium building.

- *Improve access, mobility, and pedestrian safety along Arlington Road.*

As previously stated, the Site does not front on Arlington Road and therefore contributes indirectly to the Sector Plan's vision of improved access, mobility, and pedestrian safety along Arlington Road.

The Project provides adequate, safe, and efficient parking and circulation patterns. Vehicular access to the Site will occur via Woodmont Avenue through a consolidated access point at the southeastern corner of the Site. This access point will feature an automated garage and space for a loading vehicle, and the Project will be further regulated through the use of a loading management plan to limit disruptions caused by loading operations. The building's main pedestrian entrance is proposed at the corner of Edgemoor Lane and Woodmont Avenue.

- *Promote redevelopment opportunities for under-utilized sites such as single-unit homes.*

The Property, prominently located at the intersection of Woodmont Avenue and Edgemoor Lane, directly across the street from the Bethesda Metrorail, is currently under-utilized and is improved with a detached house serving a commercial use. The Project proposes to replace the detached house with a multifamily residential building of up to 119-feet in height that is more appropriately suited for a property located in such close proximity to the Bethesda Metrorail Station. As recommended on page 144 of the Sector Plan, the Project (designated as Site #133) takes advantage of the approved CR 2.5 C 0.5 R 2.5 H120 and Bethesda Overlay Zone to implement a residential project that relates to the heights and density near the core of downtown Bethesda.

- *Limit commercial and retail uses to preserve residential urban village character.*

The Sector Plan recommends that commercial and retail uses be limited to the ground floor of buildings along Woodmont Avenue. The Project proposes a purely residential building.

- *Create a new neighborhood park adjacent to Bethesda Elementary School.*

The Sector Plan identifies a potential area for a new neighborhood park on the west side of the Bethesda Elementary School playing fields. Although the potential future park location is within the Arlington North District, it is not directly adjacent to the Subject Property and will therefore not be implemented as part of the Project. The Applicant is required to pay the Park Impact Payment, and is, in fact, exceeding the minimum required payment as part

of its public benefit package. As a result, these funds could be directed toward this future improvement or other sites within downtown Bethesda.

The Project is in general conformance with the 2017 *Bethesda Downtown Sector Plan*.

- 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 associated Preliminary Plan approval (MCPB No. 20-018), 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 is compatible in height and scale with the existing and pending nearby development in the Arlington North District. The building design contributes to the Project's compatibility with adjacent buildings by setting back the upper floors, above the fourth floor, and chamfering the corners of the southern façade, closest to the existing Chase Condominium. These design elements were endorsed by the Design Advisory Panel (DAP) during their June 24, 2020 meeting as a means of minimizing impacts to the Chase Condominium and complying with the DAP's recommendations at the time of Sketch Plan. As a building with a height below 120-feet, the Project is not subject to the tower separation requirements set forth in the *Bethesda Downtown Plan Design Guidelines*. As a result of the Applicant's coordination with the DAP, the final building design mitigates the building's proximity to the existing building, resulting in a building that is compatible with adjacent development and endorsed for 15 exceptional design points by the DAP.

- 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.

## SECTION 5: CONCLUSION

### Community Outreach

The Applicant held a pre-submittal public meeting on June 11, 2021 at 7:00 PM. This meeting was held in a virtual format due to the COVID-19 Pandemic. The Applicant has complied with all submittal and noticing requirements.

As of the date of this Staff Report, Staff received numerous letters from the community raising concerns about elements of the Subject Application, such as architecture and site design, transportation, and parking. These concerns are briefly summarized below and are provided in their original format in Attachment E.

- Architecture

Correspondence expressed concern that the proposed building is too large for the Site and is not compatible with the adjacent Chase Condominium development.

*Staff response: Compatibility between the proposed building and existing Chase Condominium has been a critical element of the Project since the time of Sketch Plan. During Sketch Plan review, Staff and the DAP focused primarily on the urban design and building massing elements of the Design Guidelines. For this project, the primary concern was the building separation from the adjacent Chase Condominium. After several sessions with the DAP, panel members and Staff still had significant reservations about the building setback and were only able to reach agreement for the project to move forward with explicit direction, included in Sketch Plan Condition No. 4:*

*At the time of Site Plan submission, the Applicant must explore methods to increase the tower separation, along the south façade, to the existing Chase Condominium building. Above the base (i.e., four stories) the Applicant must endeavor to achieve a minimum separation of 30 feet and an average separation of 40 feet, consistent with the DAP's February 26, 2020 meeting minutes.*

*In response to Sketch Plan Condition No. 4, the Applicant refined the project architecture to reflect a façade with chamfered corners and an upper-floor step-back that mitigates the building's impact on the Chase Condominium building, to the south, and create visual interest. As proposed, the Project satisfies the design requirements set forth as part of the Sketch Plan approval and, with an average building separation of 35.05 feet, was endorsed by the Design Advisory Panel as part of the DAP's Site Plan review on June 24, 2020.*

- Public Art

Correspondence expressed concern that the public art was not a benefit to the future residents on the Subject Property and that the art would detract from the value of the Chase Condominium. Additionally, the letter stated that installation and maintenance would require use of the Chase Condominium's air rights and that future maintenance should be conditioned to ensure that the mural does not become an eyesore.

*Staff response: The Public Art component of the project, a mural entitled "Macaw 2" by Jeff Huntington, was evaluated by the Art Review Panel and determined to meet criteria included in the CR Zone Incentive Density Implementation Guidelines, including achieving aesthetic excellence and contributing to a positive community identity. As conditioned, the Developer and Artist will execute a maintenance agreement and*

*show proof of secured funds in escrow account for annual maintenance. This will ensure the longevity of the mural for not less than 10 years. The secured funds will also ensure that when the property changes hands that the necessary funds are passed along to the future residents / owners of the public artwork. The maintenance agreement and escrow funds will be documented and shared with DPS and Montgomery County Planning Department prior to the issuance of the first building permit.*

*Regarding the concerns raised about the use of the adjacent Chase Condominium air rights for the mural installation and maintenance: the use of an adjacent property's air rights is a civil matter outside the Planning Board's jurisdiction, which in the event of a dispute, should be resolved within the bounds of the legal system.*

- Garage Access

Correspondence expressed concern that the Site's small size, future construction of separated bicycle lanes by MCDOT on Edgemoor Lane and Woodmont Avenue along the Site frontage, and proximity to both the Chase garage and signalized intersection of Woodmont Avenue and Edgemoor Lane create unsafe traffic conditions related to sight distance exiting the proposed garage onto Woodmont Avenue and the stopping distance for vehicles approaching the garage on Woodmont Avenue.

*Staff response: The design of both Woodmont Avenue and the Woodmont Avenue and Edgemoor Lane intersection encourage safe vehicular maneuvers. The posted speed limits on Woodmont Avenue is 30 mph and Edgemoor Lane is 25 mph, which are appropriate for Business District Streets and Arterials in urban environments. The location of the proposed driveway is located in close proximity to both an existing driveway for the Chase as well as the existing driveway for the Subject Property which based on our analysis of crash data along this corridor, operates safely and efficiently today. Safety has been further maximized by locating the driveway on the Subject Property as far as possible from the Edgemoor Lane intersection.*

*With regard to the sight distance analysis: MCDOT reviewed and approved the site access point, considering the sight distance and access point design in accordance with the County's standards for a proposed driveway with access to an Arterial roadway. This was approved by the Planning Board and MCDOT at the time of Preliminary Plan. Planning Staff reached out to MCDOT in light of the resident concerns and MCDOT staff confirmed that agency's previous access approval.*

*With regard to concerns about traffic congestion on Woodmont Avenue: The Subject Application will generate fewer than 50 peak hour person trips and therefore satisfied the Local Area Transportation Review at the time of Preliminary Plan with a traffic statement. No further transportation analysis is necessary based on the Project size and location within Downtown Bethesda.*

- Loading Access

Correspondence expressed concern that the Site's small size, future construction of separated bicycle lanes on Edgemoor Lane and Woodmont Avenue along the Site frontage, and proximity to both the Chase garage and signalized intersection of Woodmont Avenue and Edgemoor Lane will preclude curbside loading operations and will cause unacceptable roadway conditions. The letters also raised concern that the absence of a full-time loading manager would negate the terms of the loading management plan and would disrupt adjacent street traffic.

*Staff response: Due to the smaller size of this building (76 residential dwelling units), the building will not have full-time front desk staff and will therefore also not have a full-time loading manager. Planning Staff coordinated with the Montgomery County Department of Transportation who confirmed that having a*

*loading manager on-site during scheduled loading activities satisfies the requirements of that agency's preliminary plan approval letter. As conditioned, the Project will be subject to a loading management plan, which will minimize potential disruptions to the public right-of-way.*

*In response to concerns raised about unscheduled deliveries, ride hailing, and other curbside activities that will not be possible along the Site Frontage, Planning Staff coordinated with the Montgomery County Department of Transportation to develop a loading zone concept along the north side of Edgemoor Lane. This common on-street loading space would help accommodate short-term loading and delivery operations for all buildings within the vicinity once the two-way separated bicycle lanes are installed on Woodmont Avenue and Edgemoor Lane. Final determination of the common loading area will be made by the Department of Transportation and Department of Permitting Services at the time the Signing and Marking Plan is approved, though MCDOT has endorsed the common loading space concept at this time.*

- **Parking**

Correspondence expressed concern that the Site does not provide enough parking to accommodate the needs of the proposed residential use and a concern that the automated garage will cause disruptions to the adjacent public street. This concern stated that the Subject Application and nearby residential buildings will overburden Public Garage No. 49, located across Woodmont Avenue from the Subject Property.

*Staff response: The Subject Application proposes 65 parking spaces in a below-grade garage. This parking quantity is within the range of parking requirements set forth in the Zoning Ordinance, supports the Bethesda Downtown Plan's recommendation to constrain parking, and makes the project eligible for 9 Public Benefit points for providing fewer than the maximum number of parking spaces. As discussed in this Staff Report, Staff supports the Applicant's proposed parking quantity.*

*In response to the concern that parking demand generated by the Subject Application would overburden Garage 49, Planning Staff coordinated with the Montgomery County Department of Transportation Division of Parking Management (MCDOT – Parking). MCDOT – Parking Staff stated that between June 2019 and March 2020 (the last period for which data was available prior to parking and commuting disruptions associated with the COVID-19 Pandemic), Garage 49 had a utilization rate of 62%, leaving an average of 38% of the spaces in the garage available for additional parking demand<sup>1</sup>. The MCDOT parking utilization data also indicated a 26% availability rate (when excluding Garage 11<sup>2</sup>) across the entire Bethesda Downtown area.*

*In response to concerns about disruption caused by the automated garage when the car elevators are inoperable for maintenance reasons: on-site traffic control measures would be necessary in the event of a maintenance issue with the car elevators. Additionally, any scheduled maintenance will come with prior notification of building tenants, so alternative parking arrangements can be made. In the event of emergency maintenance, each of the elevators can operate independently such that if one elevator is inoperable, the second will work to maintain garage operations.*

## **Conclusion**

As conditioned, the Site Plan application satisfies the findings under Section 59.4.5.4 of the Zoning Ordinance and substantially conforms to the recommendations of the 2017 *Bethesda Downtown Sector Plan* and *Bethesda*

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<sup>1</sup> Based on an available quantity of 936 parking spaces, 38% represents approximately 355 spaces.

<sup>2</sup> Garage 11 will be dedicated to the use of the new Marriott International Headquarters beginning in 2022.

*Downtown Design Guidelines*. Therefore, Staff recommends approval of the Site Plan with the conditions specified at the beginning of this report.

## **ATTACHMENTS**

- A. Previous Approvals
- B. Design Advisory Panel Memorandum
- C. Agency Letters
- D. Art Review Panel
- E. Correspondence